



# Construction NEWS



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## Deck Replacement A ‘Historic’ Milestone

The Newburgh-Beacon Bridge redecking project was a major undertaking for the New York State Bridge Authority. First opened in 1963, the north span deck was last replaced in the early 1980s. In addition to its base bid of \$95 million for the project, Yonkers Contracting performed an additional \$6.8 million of work installing structural elements for the bridge’s conversion to cashless tolling. See story, page 3.

## Thruway Authority’s Driscoll Unveils \$1.7B Capital Plan

By JOHN JORDAN

TARRYTOWN, NY—Representatives of the Hudson Valley region’s building and construction contracting community and union trades recently received a lengthy presentation from New York State Thruway Authority Executive Director Matthew J. Driscoll on the agency’s ongoing \$1.9-billion capital program of projects to be let in the coming years.

As a keynote speaker at the 2022 Fall Membership Meeting on Oct. 6 of two leading trade associations in the downstate region, Mr. Driscoll painted a detailed picture of the challenges the authority faces in an economy racked by inflation and supply chain shortages. The sponsors of the meeting, the Construction Industry Council of Westchester & Hudson Valley, Inc., and the Building Contractors Association of Westchester & the Mid-Hudson Region, staged the meeting at the Westchester Marriott Hotel here near its Tarrytown, NY headquarters.

Adam Bosch, president and CEO of Hudson Valley Pattern for Progress, was the second keynote speaker of the evening. He highlighted the key recommendations of a recently released

major study commissioned by the CIC entitled “The Hudson Valley Infrastructure Gap.”

CIC Executive Director John Cooney, Jr., launched the program on an upbeat note, commenting that although there are economic and regulatory headwinds facing the construction industry and the threat of a looming recession in 2023, he believes the strength of the construction industry will prevail.

“We are living through interesting times, but I believe that the construction industry has and will weather these interesting times in great fashion,” Mr. Cooney said. “I think we have an exciting future to look forward to between the IIJA (Infrastructure Investment and Jobs Act) investments and the green energy investments...”

He continued, “I do believe that in the next two to three years the (strong forecasts in construction) will be borne out in a way that will be truly exciting for New York State, the United States, but really for our industry.”

Mr. Driscoll chronicled some of the recent Thruway Authority accomplishments, highlighted by the seven-year completion of the new

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## Biden Touts \$120 Billion Spend In NY Spurred Federal CHIPS Act

By JOHN JORDAN

POUGHKEEPSIE—Two major companies’ combined promised \$120 billion in investments in New York State prompted President Joe Biden to visit the Hudson Valley earlier this month to tout the legislation that is driving this historic infusion of private capital—the \$100-billion CHIPS and Science Act, which was passed by Congress earlier this year.

On Oct. 4, in what is believed to be one of the largest economic development projects in the nation’s history, Micron announced it is investing up to \$100 billion over the next 20-plus

years to construct a semiconductor manufacturing campus in Onondaga County, NY.

The project is to be built in Clay, a suburb of Syracuse. Micron’s first phase investment of \$20 billion planned by the end of this decade, will create nearly 50,000 jobs statewide—9,000 new high-paying Micron jobs with an average annual salary of more than \$100,000 and more than 40,000 community jobs—and create thousands of prevailing wage construction jobs. When complete, the complex will include the nation’s largest clean room space at approximately 2.4 million

square feet, the size of nearly 40 football fields.

“Micron’s \$100-billion investment in New York marks the start of something transformative in scale and possibility for our state’s economic future,” commented New York Gov. Kathy Hochul.

Two days later, President Biden visited IBM’s Poughkeepsie operations to tout the CHIPS and Science Act’s impact on IBM’s decision to invest \$20 billion across the Hudson Valley region over the next 10 years. IBM’s investment will be centered on advancing its R&D and manufacturing of semiconductors, mainframe technology, artificial intelligence and quantum computing.

Also in New York State, Qualcomm and GlobalFoundries recently announced a new partnership that includes \$4.2 billion in funding to manufacture chips in an expansion of GlobalFoundries’ upstate New York facility.

President Biden noted that

although outside New York State, Intel announced last month that it was spending \$20 billion to build two semiconductor plants in the state of Ohio.

He told the crowd at the IBM facility that “the Hudson Valley could become the epicenter of the future of quantum computing, the most advanced and fastest computing ever, ever seen in the world.”

President Biden later added, “Where is it written that we can’t lead manufacturing in the world? I don’t know where that’s written. And that’s one of the things the CHIPS Act is going to change. A law that’s going to build the future and a proud, proud legacy not only for IBM, but for the country—a legacy of innovation and manufacturing that exists in this region of New York.”

IBM stated that the goal of its investments, which it said will be strengthened by close collaboration with New York State, is “to expand the vibrant

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President Joe Biden visited IBM facilities in Poughkeepsie on Oct. 6.

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# \$95 Million Newburgh-Beacon Bridge Project To Replace Deck Reaches 'Historic' Milestone

NEWBURGH—The New York State Bridge Authority announced on Sept. 30 the construction work that affected travelers crossing the Newburgh-Beacon Bridge finished early—nine months ahead of schedule. The \$95 million re-decking project, which began in late 2020, is now being celebrated by state and regional officials as the largest bridge project of its kind in the history of the New York State Bridge Authority.

The north span of the Newburgh-Beacon Bridge is the older of the dual spans and carries westbound I-84 traffic across the Hudson River. The crossing is operated by the New York State Bridge Authority, which oversaw and funded the project through its capital improvement program. The work delivered a new road surface to the north deck span to improve safety and driving conditions.

First opened in 1963, the last deck replacement on the north span took place in the early 1980s, shortly after the south span of the Newburgh-Beacon was opened. The south span of the Newburgh-Beacon had its deck replaced between 2012 and 2014. Since the start of the re-decking project in December 2020, most traffic was routed onto the wider south span, apart from some westbound traffic coming from Route 9D. Originally scheduled for completion in summer 2023, the construction timeline was moved up to allow for traffic to fully return to the north span months ahead of schedule. Some residual work, mainly below the deck, will take place through June 2023.

The work is being completed by CIC-member Yonkers Contracting Co. In addition to the base bid of \$95 million for deck replacement, Yonkers Contracting did an additional \$6.8 million project to install structural elements for the bridge's conversion to cashless tolling, which took place in July 2021. In total, the \$101.8-million contract with Yonkers Contracting is the largest capital contract in the Bridge Authority's history. While the project was underway, concrete was poured in place on the bridge, rather than having the contractor install pre-poured panels of concrete on the bridge, which eliminates joints between panels and ensures a better finished product. The new deck was topped with an asphalt overlay to help maximize the life of the new deck. The deck replacement of the Newburgh-Beacon north span caps off a decade-long period of multiple, significant improvements to the Bridge Authority's most traveled crossing.

In addition to the south span deck replacement between 2012 and 2014, the Bridge Au-

thority completed a rehabilitation of the I-84 overpass over Route 9W in 2019 and the implementation of cashless tolling in 2021. New York State Bridge Authority Executive Director Dr. Minosca-Alcantara said, "As a once-in-a-generation project, these new bridge decks will continue to faithfully serve commuters, drivers and truckers in the Hudson Valley for the next 30 to 40 years."

New York State Bridge Authority Board of Commissioners Chair Joan McDonald said, "The Newburgh-Beacon Bridge re-decking project has been a signature undertaking for the New York State Bridge Authority. The Bridge Authority's staff and contractors have risen to the challenge of completing the project."

The New York State Bridge Authority operates the Bear



Yonkers Contracting Co. completed the \$95-million re-decking of the Newburgh-Beacon Bridge nine months ahead of schedule.

PHOTO COURTESY OF NEW YORK BRIDGE AUTHORITY

Mountain, Newburgh-Beacon, Mid-Hudson, Kingston-Rhinecliff and Rip Van Winkle bridges. It also owns and

maintains the structure of the Walkway Over the Hudson pedestrian bridge. The Authority is funded principally from

bridge tolls and receives no state or federal tax monies for bridge maintenance and operation.

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## VIEWPOINT

# Yes to the Environmental Bond Act on Nov. 8

## Voters Must Approve The \$4.2B in Borrowing

By JOHN T. COONEY, JR.

For the life of all New Yorkers, we must approve the \$4.2 billion in bonds to fund projects to improve water infrastructure, mitigate climate-change and to make other environmental improvements. New statistics show our health may even depend on it.

It's no secret among insurance industry professionals that New York State now claims the dubious distinction of having the biggest decline of life expectancy at birth over a year-to-year period to 2020. According to the latest findings published by the National Center for Health



Statistics, in 2019 life expectancy for newborns in New York was 80.7 years. In 2020 that time span dropped to 77.7 years—a nation-leading 3-year decline.

To what should we apportion blame? Is it poorer air and water quality? Increase in stress, crime, or the effects of climate change? Perhaps a drop in education and preventative screening and testing? The ravages of the pandemic? (Remember southern Westchester County and New York City became ground zero in the nation for the spread of Covid-19.)

Whatever the causes, the steps we must take walking into the future are clearly marked.



With passage of the Environmental Bond Act on Nov. 8, New York State can finally embark on previously unaffordable measures to reduce flood risk as well as hit ambitious targets for the reduction of greenhouse gas emissions. Municipalities will be in a position to upgrade aging pumps, plants and pipes that make up sewage facilities. County and local officials can finally install new safeguards for clean drinking water.

The investments will pay lasting dividends in safer and healthier neighborhoods and a more economically robust New York. By one estimate, the Bond Act will create nearly 100,000 high-quality jobs.

“Environmental bond issues allow state and local govern-

ments to implement important environmental projects on a multi-year basis that could not be accomplished through annual operating budgets,” commented State Assemblyman Steve Otis (D-91). “As with major capital projects, it is always sound financial practice to spread the cost over the useful life of projects through the bond issue process.”

Rep. Otis pointed to the new stormwater grant program, which was a provision he initiated and was included with the support of the State Assembly. “Local governments and property taxpayers cannot afford to pay to correct damaged or inadequately sized stormwater systems alone. New state funding is needed to help repair these

systems and support other flood resiliency projects,” he noted.

It's been more than a quarter-century since voters last approved such borrowing authority in 1996 under then-Gov. George Pataki. Dating back to the turn of the 20<sup>th</sup> century, New Yorkers have approved virtually all of them and there is much in the way of public infrastructure improvements that we can be thankful for. Among the countless advances are widespread cleanup of hazardous waste in our lakes, rivers and streams as well as the scores of improvements to the critical yet unseen underground network of pipes to control pollution and deliver clean water to more than 20 million New Yorkers.

Environmental bond acts improve the health of communities across the state, and in doing so they can have a direct effect on our longevity.

*About the author: Mr. Cooney, who has enjoyed a 40-year career in the transportation construction industry, serves as executive director of the Construction Industry Council of Westchester & Hudson Valley, Inc.*

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## Westchester's Exec. Latimer Unveils \$662.5M Capital Budget Plan for '23

By JOHN JORDAN

WHITE PLAINS, NY—Westchester County Executive George Latimer released on Oct. 13 a \$662.5-million proposed Capital Budget, which includes \$448.8 million for general county purposes, \$200 million for the Refuse, Sewer and Water districts and \$13.7 million for the Westchester County Airport.

County Executive Latimer submitted his 2023 Capital Budget to the Westchester County Board of Legislators for its review and consideration. The budget includes investments in affordable housing, electric vehicles and charging infrastructure, recreational facilities such as Hilltop Hanover Farm & Environmental Center, Playland and Memorial Field, flood mitigation projects, including the Mamaroneck and Sheldrake River project, numerous sewer and water projects and the paving of the Bronx River Parkway.

“This Capital Budget continues the strategic investment in our county infrastructure. The overarching goal of this investment is to maintain our assets in a state of good repair, while at the same time supporting thousands of jobs within the county,” Mr. Latimer said. “Many of the projects in this budget focus on the environment and sustainability including the investment in electric vehicle infrastructure, purchase of hybrid and electric buses, flood mitigation funding and incorporation of energy efficiency goals. I made a promise to the people of this county years ago, that I would invest in our infrastructure, take care of our people, help the environment, raise the county's bond rating and cut taxes responsibly—we have done all of this and more.”

The County Executive noted that the proposed capital budget calls for approximately \$50 million



**Westchester County Executive George Latimer unveiled his administration's proposed \$662.5-million capital budget for 2023 at a press conference on Oct. 13.**

for roads and bridges. Among the projects and locations listed were:

- Significant work on Central Park Avenue;
- The Austin Avenue Bridge over I-87 in Yonkers;
- Continued resurfacing of sections of the Bronx River Parkway;
- The Gallows Hill Road Bridge in the Town of Cortlandt;
- Route 22 Bridge in the Town of North Castle;
- Park Avenue Bridge at the Harrison-Rye border over the Beaver Swamp Brook;
- Bryant Avenue in White Plains;
- Virginia Road in Mount Pleasant and New Castle;
- Pearl Street in Port Chester;
- East and West Main Street and Division Street in Peekskill.

The capital budget also appropriates \$125 million for environmental conservation and flood mitigation efforts.

A total of \$95 million in appropriations are earmarked for the purchase of hybrid buses for the county's Bee-Line Bus System, \$18 million for electric vehicle charging infrastructure at

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# Next Gen Leaders



## Profiles of the Industry’s New Generation



# Kevin Sheerin

**AGE**  
34

**ACHIEVEMENT AND YEAR**  
Louis G. Nappi Scholarship 2013

**CURRENT EMPLOYMENT**  
Project Manager, NE Structural Steel,  
Pelham Manor, NY

**ON THE CHOICE OF PROFESSION**  
My strengths were in math and science. The job allows me to move from project to project, and I get to work outside instead of at an office job, in a cubicle.

**BIGGEST CHALLENGES TO JOB**  
Logistics. Syncing material and manpower takes time and planning. At times you have to get creative, plan long term and be flexible. Dealing with the various public agencies can be a challenge as each has different rules and requirements.

**EDUCATION**  
BS Civil Engineering 2014, Manhattan College,  
Bronx, NY.

**FAVORITE COURSE**  
Construction Law

**INSPIRATION**  
My parents.

**WORDS OF WISDOM**  
Engineering is a great field if you are willing to work hard and deal with some frustrations. It rewards you based on how hard you work.

**GREATEST ACCOMPLISHMENT**  
Six years ago we built grandstands at one of the smaller practice stadiums in the complex where they play the US Open in Flushing, Queens. It was my first experience with building-type steel. I learned a lot.

**GOALS**  
I would like to have my Professional Engineering license. After that I’m open to new options.

**HOW HAS COVID AFFECTED YOUR WORK**  
As infrastructure work was considered essential, my day-to-day experience didn’t change much. For a lot of that time, I worked in Times Square in the subway, which was empty.

**OUTSIDE INTERESTS**  
As a young dad, I currently have a two-month old and a two and a half year old—so my interests are primarily with them.

—Alan Kennedy, Researcher and Writer

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

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

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

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## Attorney's Column

# Court Permits Arbitration to Proceed Against Both Owner and Owner's Disclosed Agent

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

On a construction project, the term “general contractor” is often thrown around rather loosely to refer to the one contractor at the top of the contractor pyramid; the contractor working most closely with the owner. However, those familiar with the industry know that construction managers often sit on top of that pyramid.

The chief difference is that construction managers typically work closely with the owner



have their own obligations to the owner above and beyond the build obligation.

On a related note, there are generally two types of CM arrangements, the “CM at Risk”

(and other contractual) responsibilities to those subcontractors. A CM as Agent, on the other hand, enters into contracts with subcontractors as agent for the owner, and it is the owner, and not the CM, who has the payment and other contractual obligations towards the subcontractors.

However, as an appellate court found in *Matter of Sciame Construction, LLC v Accurate Specialty Metal Fabricators, Inc.*, the fact that a CM entered

***The CM at Risk resembles a typical owner/GC arrangement in that the CM hires the subcontractors, or “trade contractors,” directly, and assumes payment (and other contractual) responsibilities to those subcontractors.***

***The appellate court held that the language of the contract documents evinced Sciame’s intent that all disputes arising out of Accurate Specialty’s subcontract, including those involving Sciame itself, would be resolved through arbitration.***

from the design stage, where general contractors are brought in after the project is more or less fully designed. While there are other differences, it is generally acknowledged that CMs

and the “CM as Agent.” The CM at Risk resembles a typical owner/GC arrangement in that the CM hires the subcontractors, or “trade contractors,” directly, and assumes payment

into a contract as a disclosed agent for an owner may not prevent that CM from itself being brought into an arbitration proceeding relating to the project.



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### Background

In September of 2014, Sciame entered into a construction management agreement with the owner of a construction project within Hudson Yards in Manhattan for the construction of a culture center. In April of 2017, Sciame, as disclosed agent for that owner, entered into a subcontract with Accurate Specialty whereby Accurate Specialty was to perform the ornamental steel work on the project for \$2,709,298, which was subsequently increased to \$4,455,458. This contract provided for dispute resolution by arbitration.

Disputes arose regarding the quality and timeliness of Accurate Specialty’s work. Sciame, as agent for the owner, ultimately commenced an arbitration proceeding against Accurate Specialty to recover damages on behalf of the owner. Accurate Specialty filed an answer in the arbitration denying those allegations, and also filed a claim in the arbitration proceeding directly against Sciame itself, alleging that Sciame undertook obligations to Accurate Specialty to maintain and facilitate the progress of the project and its schedule, and that Sciame’s stacking of trades, dilution of supervision, chaotic work site, failure to timely approve change orders, and interference with Accurate Specialty’s remediation efforts proximately caused it to incur damages in the performance of its work.

Sciame commenced a proceeding to permanently stay Accurate Specialty’s arbitration claim, arguing that as there was no contract between Sciame and Accurate Specialty, Sciame could not be compelled to submit to arbitration. Accurate Specialty noted that although its subcontract was ostensibly between it and the owner, Sciame undertook numerous obligations directly to Accurate Specialty, and Accurate Specialty could assert claims against Sciame for its breach of these obligations.

### Decision

The motion court denied Sciame’s application to stay Ac-

curate Specialty’s arbitration, holding that even if Sciame was not in privity with Accurate Specialty due to its having entered into the subcontract as an agent of the owner, Sciame received direct benefits from the contract. Citing well settled case law holding that where a party benefits from a contract, which contains an arbitration agreement, it may be held to that arbitration agreement itself, the motion court held that Sciame was estopped to deny that it was bound by the arbitration agreement. Accordingly, the court held that Sciame was compelled to utilize arbitration as the method of dispute resolution.

Sciame appealed, but fared no better before the appellate court. Although noting that generally an agent who signs a contract on behalf of a known principal does not bind itself individually, the appellate court held that the language of the contract documents evinced Sciame’s intent that all disputes arising out of Accurate Specialty’s subcontract, including those involving Sciame itself, would be resolved through arbitration. In that regard, the appellate court affirmed the motion court’s direction that Sciame proceed to arbitrate Accurate Specialty’s claims.

### Comment

Although arbitration is generally faster (you can easily have a decision in under a year from commencement), better (you can have a knowledgeable construction professional as your decision maker), and cheaper way (discovery, the expensive part of a lawsuit, is curtailed in an arbitration proceeding) to resolve disputes, it is technically a denial of one’s right to a trial by jury, as enshrined in the Sixth Amendment to the U.S. Constitution. Accordingly, before a party will be compelled to arbitrate, a court must find that the party either explicitly, or implicitly, consented to forego its constitutional right to a trial by jury, and affirmatively opted for the arbitration proceeding. Explicit consent is easy to de-

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# \$138M Joint Water Works Project Advances

HARRISON, NY—A project to build a new \$138-million drinking water filtration plant on Westchester County-owned land at Westchester County Airport here has cleared a significant regulatory hurdle.

The Westchester Joint Water Works, a nonprofit public benefit corporation responsible for maintaining a drinking water system for up to 100,000 Westchester County residents, has issued a findings statement certifying that all New York State Environmental Quality Review Act, or SEQRA, requirements and regulations have been met for its proposed drinking water filtration plant to be built at Westchester County Airport. At its Oct. 12 board meeting, WJWW, as lead agency, adopted the findings statement. This is the final step in the lead agency's SEQRA review for the project.

"This has been a long and thorough process, and Westchester Joint Water Works is pleased to share these important findings that conclude that the Westchester County Airport site planned for the water filtration plant is superior to alternative locations," said Thomas Murphy, chairperson of the WJWW Board of Trustees and Mamaroneck Village Mayor. "The building of the water filtration plant will enable a diverse population to receive clean drinking water for generations. We look forward to moving this crucial project forward."

The project calls for a 30-million-gallon per day Dissolved Air Flotation/Filtration plant to be built at Westchester County Airport in the Town/Village of Harrison on 13.4 acres of land. The land, currently owned by Westchester County, is planned to be apportioned from the Westchester County Airport property in exchange for a deed from WJWW for an equivalent 13.4-acre parcel it owns nearby. The exchange will result in no net acreage loss or gain to Westchester County Airport or WJWW.

The issuance of the findings statement is the final step in the lead agency's SEQRA review and moves forward efforts aimed at meeting legal obligations for the filtration of WJWW's raw water source at Rye Lake. In accordance with orders issued by New York State Supreme Court and the U.S. EPA, the plant is mandatory for WJWW's system to meet surface water treatment requirements, including the control of harmful levels of disinfection by-products such as haloacetic acids, or HAA5. The filtration plant would have the capacity to filter the maximum daily water supply demand of WJWW's entire water distribution system.

Traces of HAA5 have been detected in the Rye Lake water supply system. HAA5 compounds are a common by-product of the water disinfection process, as they form when

chlorine reacts with naturally occurring organic matter in untreated surface water from the Rye Lake source. Chlorine is the most commonly used disinfectant among public water suppliers to kill bacteria and viruses that could cause serious illnesses. Filtering the water is a proven treatment to remove organic matter and thereby reduce the formation of HAA5 compounds, WJWW officials stated. Long-term exposure to high levels of HAA5 has been linked to an increased risk for cancer.

The SEQRA findings statement concludes that the Westchester County Airport site planned for the water filtration plant is superior to alternative locations, most notably "Alternative 2 – WJWW Owned Exchange Parcel" because (among other reasons):

- The airport site is located within an existing business zoning district. Unlike Alternative 2, which is in a residential



An aerial view of where the filtration plant will be sited adjacent to Westchester County Airport.

zoning district.

- The airport site is fronted by NYS Route 120 (Purchase Street) with direct access to Purchase Street; whereas Alternative 2 is fronted by a pres-

ently undeveloped residential subdivision with access to Purchase Street only through this residential subdivision.

- Building the water filtration plant at the airport site will

not result in any disturbance to wetlands, unlike Alternative 2, which would require disturbance of regulated freshwater wetlands.

- The airport site is fronted by an existing WJWW water transmission main and existing Con Edison electric transmission line. As compared to Alternative 2, the airport site reduces the scope and cost of construction and associated environmental impacts of the new infrastructure required to connect the water filtration plant to WJWW's existing water main system and Con Edison's electric grid.

- The water filtration plant is a permitted use on the county land and the project is consistent with the Town/Village zoning and Harrison's Comprehensive Plan.

- To be consistent with the residential character of the Purchase Street neighborhoods, the water filtration plant building

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## Roads, bridges keep us moving



# Route 17 Project's Environmental Review To Proceed, Funding Committed: Gov.

By JOHN JORDAN

ALBANY—For those who were wondering if construction on a third lane on Route 17 in Orange and Sullivan counties would come—sooner or later—the answer is later.

New York Gov. Kathy Hochul confirmed on Oct. 5 previous published reports that the study of the \$1-billion Route 17 expansion will take another three years to complete and that construction on the expansion project could not begin at least until then.

In an announcement marking what the governor called a “Major Milestone on Transformative Conversion of State Route 17 into Interstate 86,” she stated that the environmental review process on the project has begun. Much later in the announcement, she did state that the New York State Department



The project cost of the addition of a third lane on Route 17 in Orange and Sullivan counties could exceed \$1 billion.

of Transportation expects to publish a final Environmental Impact Statement for the project in 2025.

In a recent interview, Orange County Executive Steve Neuhaus complained that state officials had told him the environmental review would take three years to complete. Mr. Neuhaus' comments, published

in the Labor Update edition of CONSTRUCTION NEWS, said, “I want to see asphalt being put down. I don't want to see studies. That road has been studied for 60 years.” He later added, “This thing is like ‘Sasquatch,’ it's like urban folklore that there is going to be a third lane on Route 17,” he said.

Project advocates had hoped

that the environmental review would be expedited since the New York State Department of Transportation had conducted an extensive Planning and Environmental Linkage (PEL) study on Route 17 and recommended the state move forward with environmental reviews on one of two options to build a third lane from Harriman in Orange

County to Monticello in Sullivan County. The PEL report was released in November 2021 and in April 2022, Gov. Hochul announced her commitment to fund up to \$1 billion towards the Route 17 expansion project.

The governor announced work has begun on a Draft Environmental Impact Statement for the upgrade of the roadway to interstate standards, with public outreach and involvement efforts expected to begin in early 2023. The launch of the environmental review process follows the inclusion of up to \$1 billion in the recently adopted State Capital plan to accelerate the conversion of the highway to interstate standards and add a third lane.

“As we continue to improve our infrastructure across the Empire State, we are laser-focused on delivering smart projects like this monumental investment in the Mid-Hudson region that maximize impact on regional economies,” Gov. Hochul said. “The Route 17 Draft Environmental Impact Statement kicks off this transformative project, which will enhance tourism, economic competitiveness and quality of life for residents and visitors alike. The Mid-Hudson region is a jewel of New York State and with this project we are helping this region not only meet, but also exceed its future potential.”

The DEIS will involve a full federal NEPA environmental assessment of alternatives starting with those identified as reasonable in the Final PEL Report, looking at issues such as air quality, wetland impacts, and environmental justice. Among the alternatives to be screened will be the inclusion of such features as the addition of a third lane, interchange improvements, bridge replacements and enhanced park-n-ride facilities, including expanded capacity and EV charging.

The governor reported that NYS DOT is also progressing contract plans to complete Stage II of the Exit 122 interchange project in the Town of Wallkill in Orange County to enhance the westbound ramp system.

The project, which will complete the westbound portion of the interchange in the Town of Wallkill and also reconstruct a portion of eastbound State Route 17, is expected to be let in January 2024. The scope of the work includes the widening of the bridge over the Wallkill River to allow for full acceleration/deceleration lanes and the possible addition of a third lane to the highway. NYS DOT said in a prepared statement that the project is still in the design phase and it is premature to discuss costs.

New York State Department of Transportation Commissioner Marie Therese Domin-  
**Please turn to page 15**

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# Construction NEWS

## PHOTO GALLERY



Far right, Ray Cholewka, P.E.



From left, guest presenters Thomas Welby, Esq., PE, and Anthony Carlucci, Jr., Esq., of the law firm WB&G, LLP.

# Continuing Ed Seminar for PEs

## Earning 6 PDH (HSW) Credits

TARRYTOWN, NY—Some 30 Professional Engineers attended the Construction Advancement Institute of Westchester & Mid-Hudson’s annual continuing education seminar on Oct. 19 at the Tappan Hill Mansion for a series of presentations under the banner of “Engineering–Knowledge, Innovation, Inspiration.”

The day-long program featured lectures by a panel of industry experts on subjects: These were: Concrete’s evolution to being sustainable, Managing your engineering practice to reduce liability, Innovations in our Industry, Geotechnical Engineering – building on and with earth materials, Geotechnical grouting: Introduction and Building compartmentalization utilizing fire-resistant materials.

Matthew Pepe, executive director of the BCA, served as program moderator, introducing seven guest speakers: William Lyons, III, FACI National Business Development Manager, Northeast & Mid-Atlantic Region, of The Euclid Chemical Company; Thomas H. Welby, Esq.,



Seminar participants at the Tappan Hill Manor in Tarrytown, NY

PE and Anthony P. Carlucci, Esq. of the law firm Welby, Brady & Greenblatt LLP; Michael J. Squarzini, P.E., Co-CEO of Thornton Tomasetti; Alfred H. Brand, PE, D.GE, Technical Specialist consultant to Mueser Rutledge Consulting Engineers; Matthew Cichetti, PE, Principal, Cichetti Engineering/Earth Construction Services and Jonathan B. Wohl, President, Wohl Diversified Services. Since it was established in 2010, CAI’s continuing education program for P.E.s has attracted 480 New York State-licensed engineers who have earned a total of 2,880 PDHs (Professional Development Hours/HSW) toward license renewals.



From left, Matthew Cichetti, PE, Principal Cichetti Engineering/Earth Construction Svcs.; Anthony P. Carlucci, Esq., Welby, Brady & Greenblatt, LLP; Alfred H. Brand, PE, D.GE, Technical Specialist Consultant, Mueser Rutledge Consulting Engineers; Matthew Pepe, Executive Director, Building Contractors Association, Ross J. Pepe, Executive Director, Construction Advancement Institute; Laurel A. Brunelle, Program Coordinator, Construction Advancement Institute; Thomas H. Welby, Esq., PE, Welby, Brady & Greenblatt, LLP; Michael J. Squarzini, PE Co-CEO, Thornton Tomasetti; William Lyons, FACI National Business Development Manager, Northeast Mid-Atlantic Region, The Euclid Chemical Company.



From left, guest speakers and BCA board member Jon Wohl of Wohl Diversified Services and William Lyons, III, of the Euclid Chemical Company.

Photos: Margaret Fox Photography



# Regional Bid Alert

## NYSDOT Region 8

**Bid Letting Date:**  
**Nov. 17, 2022**

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

Contract# D264906  
PIN# 881505  
FA Proj.# Z24E-8815-053

Project Description: Dutchess, Orange, Rockland, Ulster, Westchester Cos., landscape improvements contract, various locations.

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

Goals: DBE: 3.00%

**Bid Letting Date:**  
**Nov. 17, 2022**

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

Contract# D264907  
PIN# 881357  
FA Proj.# Y001-8813-573

Project Description: Dutchess, Orange, Rockland, Westchester Cos., bridge painting, various locations.

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

Goals: DBE: 1.00%

## NYSDOT Region 9

**Bid Letting Date:**  
**Nov. 3, 2022**

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

Contract# D264696  
PIN# 975486

Project Description: Otsego Co., culvert replacement: Main Street Over Glenwood Creek, City of Oneonta.

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

Goals: MBE: 8.00%, WBE: 15.00%, SDVOB: 6.00%

**Bid Letting Date:**  
**Nov. 3, 2022**

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

Contract# D264809  
PIN# 901656  
F.A.Proj. # Y236-9016-563

Project Description: Chenango Co., resurfacing and signal improvements, Routes 12 & 990L, City of Norwich.

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

Goals: DBE: 6.00%

## NYSDOT Region 10

**Bid Letting Date:**  
**Nov. 3, 2022**

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

Contract# D264855  
PIN# 081030  
FA Proj.# Y001-0810-303

Project Description: Nassau Co., preventive maintenance bridge repairs, Towns of Hempstead and North Hempstead.

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

Goals: DBE: 9.00%

## NYSDOT Region 11

**Bid Letting Date:**  
**Nov. 3, 2022**

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

Contract# D264748  
PIN# XM2202  
FA Proj.# Y001-XM22-023

Project Description: Bronx, Kings, New York, Queens, Richmond Cos., bridge washing contract: various bridges.

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

Goals: DBE: 3.00%

## New York State Thruway Authority

**Bid Letting Date:**  
**Nov. 2, 2022**

Contract TANE 22-29/D214898

Project Description: resurfacing a Portion of the New England Thruway (I-95) from milepost NE 0.0 to milepost NE 4.0 NB and SB including the rehabilitation of 13 bridges in Bronx and Westchester counties in accordance with the Plans and Specifications.

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

Bid Deposit: \$2,750,000.00

## Westchester County DPW

**Bid Due Date:**  
**October 26, 2022**  
**(Date Change)**

Contract: 16-512 (\$100.)

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 washdown, 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.

SECOND MANDATORY PRE-BID INSPECTION: Held Sept. 22, 2022. The Sept. 22, 2022 Pre-Bid Site Inspection at 10:00 AM was MANDATORY for any new Contractors. Contractors who attended the September 7, 2022 Pre-Bid Site Inspection were not required to attend this second site inspection. Bids will be rejected from Contractors not in attendance at either the Sept. 7, 2022 or Sept. 22, 2022 meetings, or those who failed to sign the attendance sheet.

Contact: John Coelho, 914-995-5144

**Bid Due Date:**  
**October 26, 2022**

Contract: 19-510 (\$100)

Title: Rehabilitation of Main Street Bridge over Bronx River Parkway and Bronx River (BIN 3348690), City of White Plains, NY (Federal Aid Project – PIN 8762.18).

Description: The work under this contract consists of providing all labor, material and equipment required for the rehabilitation of the Main Street Bridge over the Bronx River Parkway and Bronx River including, but not limited to, removal and replacement of the existing asphalt wearing surface, excavation, backfill and waterproofing, concrete and masonry repairs, subsurface drainage repairs, replacement of stone parapet walls, ADA ramps, traffic signal modifications, work zone traffic control guiderail, and fencing.

Bid Estimate Range: \$5.9 million to \$6.4 million

Pre-Bid Inspection: None scheduled.

Contact Jennifer Sicuranzo, 914-995-1998

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



# Lawsuit Prompts Town to Spend \$36 Million on Sewer Repairs

HARRISON, NY—The Save the Sound environmental advocacy group and the Town/Village of Harrison have reached a collaborative agreement that would resolve Save the Sound's Clean Water Act enforcement action filed in 2015 that stemmed from discharges of sewage from the municipality's sanitary sewers due to deteriorating pipes.

The proposed agreement announced on Oct. 18 was filed by Save the Sound and Harrison with the Federal District Court for the Southern District of New York and is subject to a 45-day review period by the U.S. Department of Justice and Environmental Protection Agency. The agreement calls for Harrison to spend \$36 million on sewer repairs, according to a report in the *Westchester County Business Journal*.

The agreement requires Harrison to repair its approximately 64 miles of wastewater collection pipe, fixing approximately 6,000 inflow- and infiltration-related defects and over 9,600 total defects. Harrison will also contribute \$60,000 to the Westchester Soil and Water Conservation District for an Environmental Benefit Project that will address water quality in the Westchester Long Island Sound watershed area.

"We're pleased that Harrison is taking this very necessary action to protect its residents' health and Long Island Sound ecosystems," said Roger Reynolds, chief legal counsel at Save the Sound. "The work is extensive and spread out over several years. There are firm enforceable milestones and

deadlines attached, and we will be diligent in monitoring and enforcing those deadlines as we have in our previous Westchester settlements."

In 2015, Save the Sound brought suit

bacteria levels and long-term harm to Long Island Sound. Poorly maintained sewer pipes are an important reason that beaches are closed after rain, and harvesting clams or oysters in local bays

necessary repairs, keep their systems in a state of good repair going forward, and perform \$225,000 worth of environmental benefit projects to restore water quality in their local waterways.

The settlement with Harrison would be the sixth and would require extensive repairs, and bring the running total in Environmental Benefit Payments for the Westchester case to \$285,000. Save the Sound has been active in Connecticut as well, reaching settlements this fall in its stormwater pollution lawsuits against the municipalities of Ridgefield and Redding with \$140,000 going in Environmental Benefit Projects for the Norwalk River.

Importantly, Harrison has also agreed to create an "insurance" program where residents can contribute to a common fund that will be used to repair private laterals unless they opt out. Private laterals are sewage pipes that go from residents' houses to the main town sewer line and are also in need of periodic repair and maintenance to protect water quality.

"Our legal team takes action across the region to systematically address problems facing Long Island Sound to make it safer for fishing and swimming," said Mr. Reynolds. "The agreement with Harrison, and other recent actions in New York and Connecticut, illustrate anew how relevant and powerful the 50-year-old federal Clean Water Act continues to be in protecting our Sound, our rivers, and our people from water pollution."

*For decades, the deteriorating sewer lines that ran under the streets and lawns of these towns had been overwhelmed during rainstorms and leaking sewage into our waterways, causing low oxygen, high bacteria levels, and long-term harm to Long Island Sound.*

against Westchester County and the municipalities of Rye, Rye Brook, Harrison, Scarsdale, Larchmont, Town of Mamaroneck, Village of Mamaroneck, New Rochelle, Pelham Manor, Port Chester and White Plains. For decades, the deteriorating sewer lines that ran under the streets and lawns of these towns had been overwhelmed during rainstorms and leaking sewage into our waterways, causing low oxygen, high

and harbors is prohibited. As a result of Save the Sound's ongoing lawsuit, the county and municipalities have been studying their systems and making repairs necessary to protect Long Island Sound.

Save the Sound has reached final resolutions with five other Westchester municipalities (Port Chester, Village of Mamaroneck, White Plains, Rye Brook and Rye), which have agreed to make



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## NEW YORK CITY UPDATE

### NYC Construction Spending at All-Time High of \$86B in 2022

NEW YORK—New York City construction spending will reach \$86 billion in 2022, up \$38 billion from last year and marking an all-time high, according to a new report released by the New York Building Congress on Oct. 19.

In its “2022-2024 New York City Construction Outlook,” the NYBC found that construction spending in New York City is 19% higher in 2022 than the previous pre-pandemic high in 2019, and is projected to reach \$270 billion in nominal dollars over a three-year period.

“Our report showcases an optimistic future for New York City’s building and construction industry, highlighting a roaring recovery over the past year and signaling a promising outlook for the next three years,” said Carlo A. Scissura, President & CEO of the New York Building Congress. “The New York Building Congress has witnessed the industry’s resilience throughout the uncertainty of the past few years firsthand, and we firmly believe in its ability to drive economic growth across the New York region. We are eager to see what the next few years will bring—aided by the federal infrastructure investment—and remain committed to leading the charge on development that will benefit all New Yorkers.”

The Building Congress’ annual Construction Outlook examines key construction spending, employment, floorspace and investment data across sectors to both provide updates on the state of the industry and make projections for the coming years. This year’s report found that despite numerous obstacles from the pandemic and economic uncertainty, the city’s construction spending and investment in building infrastructure is rapidly increasing, with even more growth expected following the historic Infrastructure Investment and Jobs Act.

Key insights from the report include:

- 71.5 million square feet of residential floorspace is expected to be built in 2022. Permits for residential projects peaked from May through July, with much of the activity likely aimed at getting ahead of the expiration of the 421-a tax exemption program. NYBC estimates that 30,000 units of housing will be built annually over the next three years, which, while impressive, remains insufficient against a projected gap of over 560,000 units by 2030.

While the projected new square footage of residential construction is significant, it remains a small fraction of the total housing stock.

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# 2023 Annual Mid-Winter Meeting

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## Safety Watch

# Operating Powered Industrial Trucks? Units Vary, Requiring Ongoing Training

By COSTAS CYPRUS, ESQ.

**S**ecretary of Labor v. Huen Electric, Inc. demonstrates the need for construction workers to be properly trained and competent when operating a powered industrial truck (PIT), such as forklifts, lift trucks, stacker trucks/pallet stackers, etc. Some of these PITs have a cabin for the operator, while in others the operator walks and controls from behind.

On Sept. 30, 2019, Huen Electric, Inc., an electrical contractor, was removing an electrical splice box from a vault approximately three feet below the floor of the Chicago Museum of Science and Industry. Huen's foreman used a stacker truck he had borrowed from the museum to lift the splice box. During the process the splice box and stacker truck fell in the vault pinning one of the other workers and leading to serious injury.

As a result of the incident, OSHA cited Huen for two violations, although we shall limit our discussion to the violation pertaining to the lack of ade-



The underlying incident occurred when Huen's crew attempted to remove the largest splice box. Although the foreman and the crew were to use the same process as they had to remove the four prior splice boxes, there were some substantial differences with the operation starting with the fact that they did not have their rental stacker available and asked for and obtained permission from the museum to use its Toyota stacker truck ("stacker truck"), which is a hand-operated truck with an

mal training mostly on forklifts where the operator sits in a cab. He had also received training on "walk-behind" stacker trucks in a previous job. The foreman's prior work history and training were recapped, but it also became evident during testimony that he had not received recent training on stacker trucks/pallet stackers in the past seven years from his last employer, nor current employer, Huen. Although Huen, through counsel attempted to emphasize the similarities between forklifts and pallet stackers, during the foreman's testimony, he admitted that the "biggest difference" was the steering, braking and throttle. The foreman spent about an hour reviewing the operator's manual on the Friday prior to the lift, but had never previously operated the Toyota pallet stacker; although he had maneuvered it from the second floor of the museum down to the location of the splice box.

To prove a violation, the Secretary of Labor 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

***The foreman then rotated the throttle to move the stacker truck away from the vault when he felt it move forward, towards the vault pit, tumbling into the vault and causing serious injuries to a crew member.***

violative condition, and (4) the cited employer either knew or should have known of the condition with the exercise of reasonable diligence.

Here, the PIT standard which "contains safety requirements relating to fire protection, design, maintenance and use of the fork truck, tractors, platform lift trucks, motor-

ized hand trucks, and other specialized industrial trucks powered by electric motors or internal combustion engines" clearly applied to the pallet stacker at issue. As to the second element, the Secretary of Labor claimed that Huen had failed to provide the foreman with training specific to this walk-behind stacker truck and had thus failed to ensure that he was a competent operator. Huen, countered with the foreman's extensive history to show that the standard was not violated. However, the ALJ agreed with the Secretary since it found that Huen failed to provide training compliant with the standard or otherwise evaluate that its foreman was competent to operate this stacker truck.

Irrespective of "whether the training is an employee's initial training on a PIT or refresher training on a related yet different, PIT, such training must meet certain minimum requirements, including a combination of: (1) formal instruction such as lecture, discussion...written material; (2) practical train-

**Please turn to page 22**

***The foreman's prior work history and training were recapped, but it also became evident during testimony that he had not received recent training on stacker trucks/pallet stackers in the past seven years from his last employer, nor current employer, Huen.***

quate training. According to the citation, Huen had not ensured that the PIT operator was competent to operate the PIT, here a Toyota 6BWC15 Electric Counter Balanced Stacker Truck, by the successful completion of training and evaluation as specified in the regulation, including but not limited to formal instruction, practical training and evaluation of the operator's performance thereby exposing employees to struck by and crushing hazards.

Huen had been hired to upgrade the electrical system to the museum, which required the removal of splice boxes located below the floor of the museum. Huen's crew had previously removed four splice boxes by removing two-foot by three-foot concrete floor panels initially by hand and then by using a rented pallet stacker/forklift operated by the foreman to remove the covers from the vault. Once the covers were removed, the crew wrapped straps around splice boxes and removed them from the vaults using the rented forklift.

electric motor. Moreover, given that there was very limited space for maneuvering and the large size of the splice box, the foreman and crew engaged in significant planning for this removal, and he also reviewed the stacker truck's manual for about an hour. They would also use straps wrapped around the splice box and then loop around the forks to raise it up from the vault. As the foreman attempted to raise the box from above the threshold, he briefly paused before releasing the parking brake by pressing down on the handle. At that point, the stacker truck did not appear unstable. The foreman then rotated the throttle to move the stacker truck away from the vault when he felt it move forward, towards the vault pit, tumbling into the vault and causing serious injuries to a crew member.

The foreman had approximately 30 years' experience operating PITs and had no prior accidents until the subject incident. In each of his many jobs he had received some form of for-

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Route 17 Project’s Environmental Review To Proceed, Funding Committed: Gov.

Continued from page 8  
guezsaid,“Thisenvironmental review process for the Route 17 conversion is an important step forward that will help us improve one of the busiest travel corridors in the state and bolster an economic lifeline for the surrounding communities.”

Orange County Executive Neuhaus in a prepared statement included in the governor’s announcement, stated: “Improving Route 17 is important to the economy of our region, and I look forward to seeing continued state investment in our region’s transportation network. The expansion of State Route 17 into Interstate 86 will allow us to continue to market this economically vital corridor for growth and sustainable development.”

Sullivan County Manager Josh Potossek said, “Route 17 has long been the backbone of Sullivan County and our primary connection to the rest of New York State. I thank Governor Hochul and the State Legislature for devoting funds and attention to completing the long-awaited conversion to Interstate 86. We are a growing

county in a fast-growing part of New York, and the state’s enormous investment in Route 17 will ensure that growth is not strangled by inadequate

study of interchange upgrades be undertaken at exits in Orange and Sullivan counties and that improvements be made in the region to improve connectivity

“We thank Gov. Kathy Hochul and New York State for making Route 17 a priority for investment,” said 17-Forward-86 Coalition co-chair

this year hosted a rally in Middletown with local, state and federal representatives to urge Gov. Hochul and state legislators to commit construction funding as part of the New York State Department of Transportation’s capital plan by using some of the more than \$5 billion in additional funding earmarked for New York under the federal Infrastructure Investment and Jobs Act. Shortly thereafter, Gov. Hochul announced the state’s commitment of up to \$1 billion for the Route 17 expansion project.

“Our region is growing, and we must ensure our roads can handle the added capacity now, and in the future,” said 17-Forward-86 Coalition co-chair Marc Baez, president and CEO of the Sullivan County Partnership. “This is an important step forward in our efforts to enhance mobility on Route 17 and, in turn, improve safety for residents, first responders, businesses, visitors and all of those who travel this corridor. We’re grateful to our thousands of supporters and our elected officials who have been working to make this project a reality.”

*NYS DOT is progressing contract plans to complete Stage II of the Exit 122 interchange project in the Town of Wallkill in Orange County to enhance the westbound ramp system. The project is expected to be let in January 2024.*

infrastructure.”

The PEL report released last November recommended the state move forward with an environmental review of a General Use Third Lane in each direction on Route 17 in Orange and Sullivan counties that could if built as one major project cost anywhere from \$650 million to \$1.27 billion. The PEL Study Group also called for a

to existing transit.

Representatives of the 17-Forward-86 coalition, which has been advocating for the construction of a third lane on Route 17, did not address the three-year environmental review, but instead hailed the news that the environmental review process had begun and that public outreach and involvement efforts are expected to begin in early 2023.

Maureen Halahan, President and CEO of the Orange County Partnership. “We’re so encouraged to see the environmental review get underway, which will move this crucial project forward. These much-needed upgrades will improve mobility and safety in our region, and lay the groundwork for building a sustainable future.”

The 17-Forward-86 earlier



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# Thruway Authority’s Driscoll Unviels \$1.7 Billion Capital Plan

Continued from page 1

Mario M. Cuomo Bridge. He admitted, however, that since the onset of the coronavirus, the job of managing and maintaining the 570-mile road network has been challenging. He specifically cited supply chain issues as a significant problem.

“Every project we do has its own set of challenges, including cost increases related to steel, asphalt and fuel that are impacting our remaining projects in 2022 that are under construction by as much as \$9 million this year alone,” he told the gathering.

He related that during COVID the authority completed work to convert to Cashless Tolling systemwide and noted that when completed 23 of the 27 service areas will be rebuilt or upgraded as part of a \$450-billion private investment. The Thruway Authority is in the process of installing 140 EV (electronic vehicle) charging stations at service areas systemwide.

The Thruway Authority is responsible for 2,800 lane miles, 815 bridges, 118 interchanges, 27 service areas and three welcome centers. He added that in an average year, more than 250 million drivers travel more than eight billion vehicle miles on the Thruway, which calculates out to approximately 23 million vehicle miles per day.

Mr. Driscoll then noted the New York State Thruway was built during the Eisenhower Administration and was not designed to accommodate today’s traffic demands, volume and vehicle weights. He noted only 15% of the original New York State Thruway has been fully reconstructed, and that eight of every 10 Thruway bridges are nearing the end of their useful service life.

In 2021, the New York State Thruway spent \$317 million for infrastructure improvements to the system that involved 67-lane miles reconstructed or resurfaced, nine bridges replaced, 42 bridges reconstructed or rehabilitated and 52 interchanges modified or upgraded as part of the authority’s Cashless Tolling project.

Stating that the capital planning process is more important than ever, he said this year the Thruway Authority has redesigned and redeveloped its capital program. “Our goal is to have greater certainty and deliverability of projects in our capital plan,” he said.

Mr. Driscoll reported that as part of that effort, the Thruway Authority is re-focusing on “more robust, long-term projects that will help ensure a truly viable highway for future generations.” This new effort will result in less “mill and fill” projects, he noted.

Mr. Driscoll announced that beginning in 2025 the Thruway Authority’s capital program will include at a minimum \$50 million in lettings every year going forward as part of a man-



**New York State Thruway Authority Executive Director Matthew J. Driscoll detailed the authority’s \$1.9-billion capital program over the next five years, which includes \$1.7 billion for system-wide projects. A total of 85% of the program’s funding will be dedicated to highway and bridge repair, he told the CIC/BCA gathering.**

date to create a “dedicated and disciplined approach to rebuilding the entire New York State Thruway end-to-end.”

“Obviously this is a monumental endeavor and it

*Mr. Driscoll announced that beginning in 2025 the Thruway Authority’s capital program will include at a minimum \$50 million in lettings every year going forward as part of a mandate to create a “dedicated and disciplined approach to rebuilding the entire New York State Thruway end-to-end.”*

is not going to happen overnight,” he said. “But it is a commitment we must make and must keep.” He said that it is estimated it will cost \$3 million per-lane mile to reconstruct the entire New York State Thruway.

While noting the Thruway Authority is aggressively seeking federal funding for projects, he said the Thruway Authority has let \$1.6 billion in projects over the last five years, including the completed \$138-million last mile of I-95 (New England Thruway) project in Westchester County.

In 2022, the New York Division of the New York State Thruway let \$135 million so far, with another \$56 million in estimated work to be let in November. Among some recent and ongoing projects include significant work in Rockland County involving the \$30-million replacement of three bridges along I-87 and repaving work from the Mario M. Cuomo Bridge to just past Spring Valley. There is further repaving work planned for a stretch in Rockland County extending into Orange County and at the Garden State Parkway connector.

The \$1.9-billion capital program over the next five years includes \$1.7 billion for system-wide projects. A total of 85% of the program’s funding will be dedicated to highway and bridge repair, Mr. Driscoll said. He also said that the authority will seek to strengthen its MWBE program going forward. In the past three years, the Thruway Authority has increased its MWBE participation rate, thanks to cooperation from the construction industry, from 16% in 2019 to 24% in 2022.

Among the notable projects to be let as part of that capital program in 2023 include:

- Replacement of the North Avenue Bridge in New Rochelle, NY.
- Addition of a pedestrian bridge on South Broadway over the New York State Thruway in Tarrytown, NY.

Mr. Driscoll concluded his remarks by saying that the Thruway Authority’s goal to modernize the system can only succeed with the help from the construction industry.

“The Thruway Authority, CIC and BCA have enjoyed a strong and long-standing partnership,” he said, “It is unique because we largely rely on private sector funds to perform a majority of our capital projects and so, consequently we share many of the same goals and challenges that you do.”

Mr. Bosch of Pattern for Progress then spoke about the hundreds of millions of dollars in state and federal funds for infrastructure that are going unspent as the condition of Hudson Valley roads, bridges, sewers, and other critically important infrastructure continues to worsen.

One of the more 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.

Some of the other key report findings include:

- Many municipalities do not have the staffing and expertise to apply for grants and other federal funding programs, so they don’t apply.
- A total of 250 counties, towns, villages and cities in the Hudson Valley are responsible for repairing most of the local roadways, yet 73% of local roads in the Hudson Valley are ineligible for federal funds.
- State funds for road, bridge, sewer and water projects declined 11% between 2019 and 2020, aggravated by a halt in spending during the COVID-19 pandemic. Spending on infrastructure has been flat over the past decade.
- 411 or 17% of bridges in the Hudson Valley have been rated in “poor” condition by the Federal Highway Administration. It would take an estimated \$671 million to improve municipal bridges and \$1.8 billion to improve county bridges, yet only \$28.4 million has been allotted by Bridge-NY (the major source of funding) over the past two years.

tion by the Federal Highway Administration. It would take an estimated \$671 million to improve municipal bridges and \$1.8 billion to improve 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 full report, including recommendations for helping bridge the infrastructure gap, is available at: <https://cicbca.org/news/#HudsonValleyInfrastructureGapReport>

Also part of the Fall Meeting, Rev. Kiril Angelov, pastor of St. Michael’s Ukrainian Catholic Church in Yonkers, thanked the CIC/BCA for organizing a benefit softball game in July that raised some \$25,000 to help fund food relief efforts in Ukraine.

## 2022 CIC & BCA Fall Membership Meeting Corporate Sponsorships

CIC and BCA officials acknowledged the 13 corporate sponsors that supported the Fall Membership Meeting:

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# NYC Construction Spending at All-Time High of \$86B in 2022

Continued from page 12

tion built over the next two years is two times higher than projected non-residential construction, with the absence of the 421-a program or an alternative, this report sends up a red flag that the number of residential projects is likely to decrease without intervention from New York City and state-elected officials to incentivize building.

“We need to find a suitable replacement for the expired 421-a program, streamline the land use review process, and increase as-of-right zoning capacity,” Mr. Scissura said. “Not only does the city’s economic recovery depend on it, our current housing crisis demands

it. The city’s population has increased by more than 625,000 in the previous decade, while we have added only 206,000 units. That is not only unsustainable, it’s alarming—and justifies a swift and decisive response.”

• Non-residential growth over the next three years will be driven by large investments in new offices and health-care facilities, as opposed to hotels and retail. Looking forward, three megatowers with nearly 6 million gross square feet are scheduled for completion in 2022, while five large skyscrapers will deliver 10 million square feet of new office space over the 2023-24 period.

• The Building Congress predicts 105.1 million gross square feet built in 2022, surpassing pre-COVID levels. This figure is forecasted to increase further over the next two years, to 110.8 million in 2023 and 118.2 million in 2024.

• Government spending under current conditions and adjusted to inflation is expected to increase to almost \$21 billion in 2022, \$23.6 billion in 2023 and \$26.9 billion in 2024, significantly higher than pre-pandemic spending.

• During the peak of the COVID-19 pandemic, government investment in construction and development exceeded one-third of total construction invest-

ment in New York City—a high proportion given the prior five years — an indication that government spending did not decline as rapidly as private construction investment.

The Building Congress anticipates employment in the construction of buildings, heavy and civil engineering and specialty trades to reach 139,000 jobs in 2022, a decrease from 161,183 jobs in 2019. Employment data highlights the need for a robust investment in training, workforce development and apprenticeship programs to adequately prepare for increased construction activity in the coming years.



## Financial Management

# Impact of Inflation on the Construction Industry— How Did We Get Here?

By PHILLIP ROSS, CPA, CGMA, PARTNER

**I**nflation can generally be defined as the increase in prices for goods and services within an economy. When prices rise, it's also true that the purchasing power of the currency also declines. Over the last year, inflation has risen appreciably where the average consumer and business have been impacted in numerous ways.

Today, the annual inflation rate for the United States stands at 8.3% for the 12 months ended August 2022, after rising 8.5% previously. As policymakers and other experts insisted that the rise in prices seen over 2021 would be transitory, the rate has climbed to the highest recorded number since the 1980s.

The impact and aftermath of COVID created limited supply in pandemic restrictions, such that the current inflationary economy was initially created as demand outpaced the supply of goods. Overall, supply chain disruptions have been assigned much of the blame for the supply and demand dynamics of the current inflationary economy. Rising interest rates have served to aggravate existing conditions where consumers and businesses have all felt the pinch of additional rising prices. Interest rates were hiked more abruptly than anticipated,



between January 2021 and January 2022, CBRE's new Construction Cost Index forecasts a 14.1% year-over-year increase in construction costs by year-end 2022 as labor and material costs continue to rise.

Margins have been significantly negatively impacted industry-wide as contractors have been working with projects that were negotiated some time ago and are now dealing with costs that are much higher than originally negotiated. The costs related to these bids have increased more than anyone ever imagined possible in a short period of time.

Rising inflation has a unique way of increasing materials and other costs through time, which threatens both existing projects as well as costs for new

### Supply Chain Disruptions, Increased Borrowing Costs

Overall, the supply chain has been a gift that keeps on giving, where delays, prolonged delivery of construction materials, and other obstacles act to increase the price of construction, such that initial and final costs of projects may differ and thereby have a significant impact on the contractor's bottom line.

Effectively, supply chain partners are likely to pass the burden of inflation on to the contractor, which can strain trusted relationships between the contractors and the supply chain partners they work with. Manufacturers of construction equipment are also affected, and this too factors into the makeup of a project's cost structure. Rising interest rates now also serve to impact both the costs of borrowing and therefore the timeline for completion, which can ultimately lead to significant increases in overall costs per project. Overall, inflationary pressures have had a

broad material impact on each entity within the construction process, including owners, con-

tractors and subcontractors. industry vary, as results are based on numerous factors that impact materials and labor costs together. Firms that have managed cash flow and have reserves and other financial resources due to good cash management planning are best equipped to manage through the present inflationary economy. Efficient planning and careful project management will need to be the cornerstone as inflationary pressures continue to mount throughout the economy, and especially in the construction industry.

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

***Margins have been significantly negatively impacted industry-wide as contractors have been working with projects that were negotiated some time ago and are now dealing with costs that are much higher than originally negotiated. The costs related to these bids have increased more than anyone ever imagined possible in a short period of time.***

**Moving Forward in An Inflationary Economy**  
Altogether, the effects of inflation in the construction

***According to the Associated Builders and Contractors, the industry will need to attract approximately 650,000 workers on top of the normal pace of hiring to meet the current demand for labor in construction.***

where the Fed has raised rates in five straight meetings this year, as the most aggressive activity for US central bankers since 2005. In September, as inflation remained stubbornly high, the federal funds target rate was increased another 0.75% to a range of 3%-3.25%, with a projected further increase to 4.4% by the end of 2022.

### Construction is Uniquely Impacted Among U.S. Industries

Construction, as an industry, is uniquely impacted as both skilled labor and various conditions affecting materials pricing are especially vulnerable in the current economic environment.

Prices of materials, such as lumber, steel and even transport costs for these items in the supply chain have increased substantially. The Associated General Contractors of America recorded a 20% increase in construction material prices

bids. Specifically, materials can range anywhere from 35% to 65% of the overall construction costs. Manufacturers of construction equipment are also affected, and this too factors into the makeup when determining the new project's cost structure. Finding skilled labor amid a workforce shortage has also been a daunting challenge and one of the most pressing problems in the industry as the pandemic significantly reduced the workforce.

According to the Associated Builders and Contractors, the industry will need to attract approximately 650,000 workers on top of the normal pace of hiring to meet the current demand for labor in construction. The industry-wide scarcity of qualified workers places additional pressure on overhead costs and margins as managers and contractors will need to pay higher wages as the competition for all labor increases.

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## Biden Touts \$120 Billion Spend In NY Spurred Federal CHIPS Act

Continued from page 1

technology ecosystem in New York to unlock new discoveries and opportunities in semiconductors, computers, hybrid cloud, artificial intelligence and quantum computers.” It did not supply further specifics on its planned investments.

The company and its businesses support more than 7,500 jobs across the Hudson Valley. This region has been a hub of innovation and manufacturing for decades—from Westchester County to Poughkeepsie to Albany.

“IBM is deeply honored to host President Biden at our Poughkeepsie site today and we look forward to highlighting our commitments to the innovations that advance America’s economy,” Arvind Krishna, Chairman and CEO of IBM, said. “As we tackle large-scale technological challenges in climate, energy, transportation and more, we must continue to invest in innovation and discovery—because advanced technologies are key to solving



From left, Arvind Krishna, Chairman and CEO of IBM, greets President Biden.

these problems and driving economic prosperity, including better jobs, for millions of Americans.”

A host of other state and

federal representatives were on hand for the IBM announcement, including New York Gov. Kathy Hochul and U.S. Rep. Sean Patrick Maloney, who

said, “Millions of good-paying jobs in American manufacturing are coming back to our communities, and we can see that investment happening right here in the Hudson Valley. Thanks to the CHIPS and Science Act, which I was proud to help pass this year, we are creating an economy that works for all Americans today and ensures our competitiveness for generations to come.”

The CHIPS and Science Act will invest \$54.2 billion for chip manufacturing and public wireless supply chain innovation, including:

- \$39 billion in financial assistance for domestic semiconductor fabrication, assembly, testing, packaging and more.

- \$11 billion for research and development through the National Semiconductor Technology Center, the National Advanced Packaging Manufacturing Program, and the Manufacturing USA Semiconductor Institute.

- \$200 million to develop a domestic semiconductor work-

force in partnership with the National Science Foundation.

- \$81 billion for the National Science Foundation to reinvest in American education and research, including: \$20 billion for a new Directorate for Technology, Innovation, and Partnerships to develop critical technologies such as AI, quantum computing, and materials sciences; \$13 billion to support growing the STEM workforce and \$11 billion for the Department of Commerce to establish regional innovation hubs.

The new law also provides a 25% investment tax credit for investments in semiconductor manufacturing. The credit covers both manufacturing equipment and the construction of facilities.

Economic development agencies throughout the state will be looking to take advantage of the funding from the CHIPS and Science Act.

For example, the Orange County Partnership is hoping that its Site Inventory Program (SIP), which was launched earlier this year, will uncover some suitable shovel-ready sites for projects that could benefit from CHIPS and Science Act funding.

“Projects such as Micron highlight the importance of getting sites shovel ready. Shovel-ready sites are no longer a luxury, they’re a necessity,” said Conor Eckert, senior development officer and vice president of Business Attraction for the Goshen-based Orange County Partnership. “In order to compete for mega-projects in Orange County, we need site readiness, predictability, and speed. As we work to attract the advanced manufacturing and life science sectors, developing new shovel-ready sites will be at the center of our economic development efforts at the Orange County Partnership.”

The organization’s SIP goal is to meet with municipal governments across Orange County to determine all the available properties that could be developed in their respective jurisdictions, their infrastructure needs, regulatory approval requirements and what industries would be best suited for those parcels. The SIP seeks to take advantage of some of Orange County’s key growth industries—food & beverage processing, advanced manufacturing, clean energy and life sciences—that the Partnership believes will be investing and creating jobs in the county over the next two decades.

Since its launch, Mr. Eckert and Kaitlynn Lancellotti, director of Business Retention and Expansion for the Orange County Partnership, have met with a host of localities and have further sessions planned in order to create a comprehensive list of properties that could be made available to growth companies such as Micron or IBM or Intel that are investing billions because of the CHIPS and Science Act.



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## NEW YORK CITY UPDATE

# New York City, State to Partner on \$1.6B Science and Research Park in Kips Bay

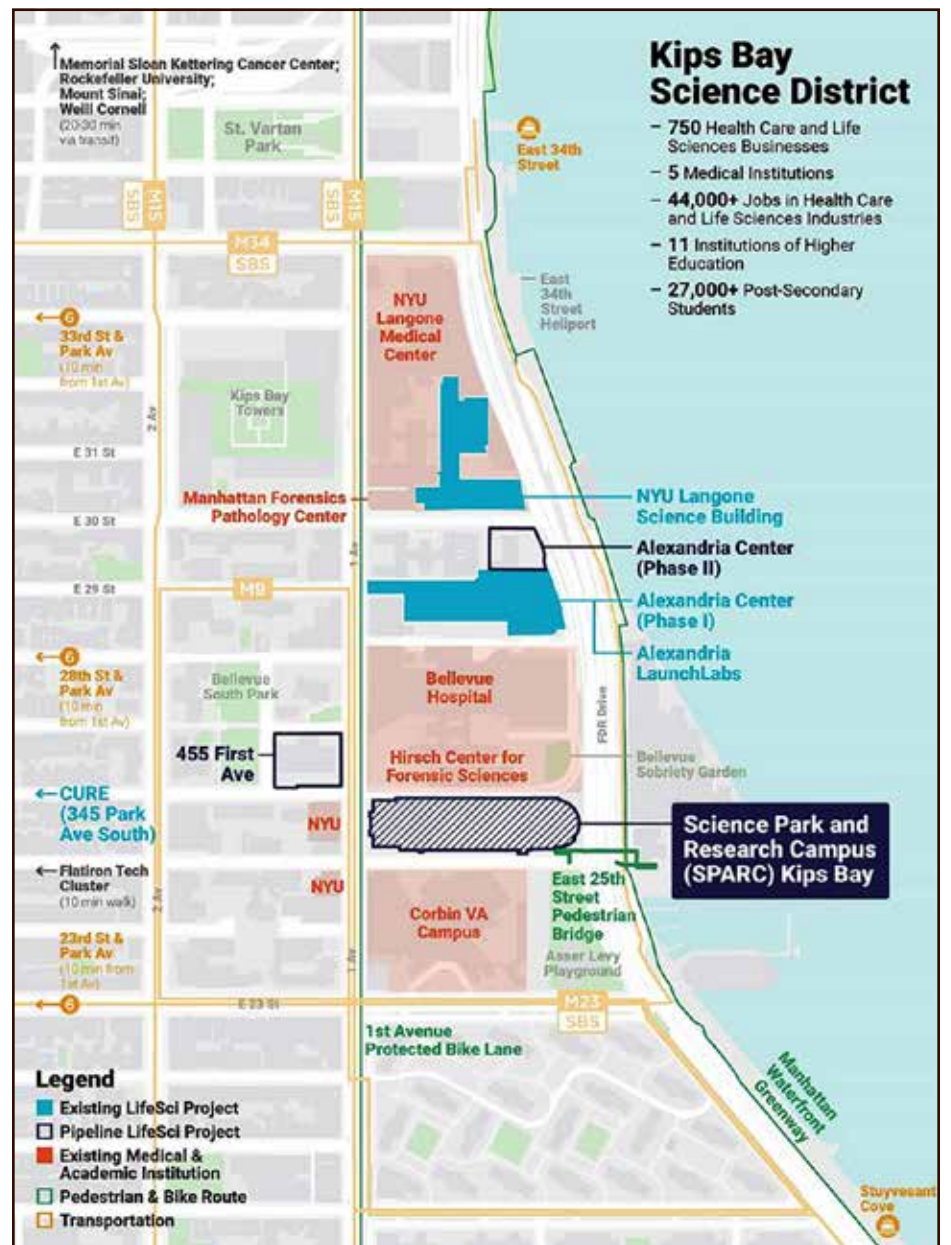
NEW YORK—A \$1.6-billion public-private partnership with The City University of New York to build a new science and research park at Hunter College's Brookdale Campus on East 25<sup>th</sup> Street and First Avenue in the Kips Bay section of Manhattan was announced in early October.

"SPARC Kips Bay" is projected to generate some \$25 billion in economic impact to New York City over the next 30 years and create 10,000 jobs, including 2,000 permanent jobs on the Brookdale Campus. The commercial and teaching facility is also expected to impact an entire city block with more than 1.5 million square feet of academic, public health and life sciences space, more than doubling the life sciences footprint in Kips Bay. The project would also rebuild a new accessible pedestrian bridge on East 25<sup>th</sup> street connecting to the East River and Manhattan Waterfront Greenway.

The city estimates the project will create about 2,000 good-paying, quality jobs in the campus' new commercial lab space, which will attract new companies and startups, leading to additional good-paying jobs in the health care and life sciences fields. Construction of the campus will create an additional 8,000 construction jobs.

"This new Science Park and Research Campus in Kips Bay will be not only a hub for the life sciences industry and an anchor for the neighborhood, but also a bridge to the future for our city's young people," said Mayor Adams. "SPARC Kips Bay will transform an entire city block into a state-of-the-art destination for the life sciences industry and be a place where workforce development, economic opportunity, and public health come together seamlessly—attracting businesses and uplifting New Yorkers to

Please turn to page 21



Map of the Kips Bay Science District, including the SPARC Kips Bay campus. COURTESY: NYC EDC.



A conceptual rendering of the SPARC Kips Bay campus. COURTESY: NYC EDC.

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Economic Outlook

Taming Inflation Will Take Longer Than Expected

By MICHAEL J. PATON

A recent report by the Brookings Organization, a Washington, D.C. think tank, indicated that the Federal Reserve likely would need to push unemployment far higher than originally thought (4.1%) if it is to succeed in bringing inflation down to its 2% target by the end of 2024. Federal Reserve policymakers as well as most economists had expected that the upturn in inflation that began in March 2021 would prove transitory. They were wrong.

The paper cited several reasons why those expectations proved to be optimistic. For



invasion of Ukraine and its effects on global energy prices. Then there's the persistence

consumer goods. Also, there's the failure to account for the pass-through of specific price shocks (such as energy and auto prices) into the core or underlying rate of inflation. Finally, there has been a misunderstanding of the strength of the job market.

Inflation is defined as a rise in prices, which can be translated as the decline in purchasing power over time. The rate at which purchasing power drops can be reflected in the average price increase of a basket of selected goods and services over a defined period of time (the Consumer Price Index for example). The rise in prices, which is often expressed as a percentage, means that a unit of currency (say the dollar) effectively buys less than it did in prior periods. Inflation can be contrasted with deflation, which occurs when prices decline and purchasing power increases. A price rise means that one unit of money buys fewer goods and services. This loss of purchasing power

impacts the cost of living for the public, which ultimately leads to a deceleration in economic growth. In short, the consensus view among economists is that

*Hopes that inflation would start to decline have been dashed by recent monthly reports by the U.S. Bureau of Labor Statistics, which show that the Consumer Price Index was significantly higher than expected.*

Inflation has been the Federal Reserve's number one enemy in 2022. The Federal Open Market Committee has made aggressive changes to U.S. monetary policy to bring inflation down to its long-term target of around 2%. Tackling inflation, however, may bring harm to the U.S. economy. Rising interest rates increase borrowing costs for companies and consumers, weighing on economic activity.

Up to this point, the U.S. labor market has been solid, but the S&P 500's year-to-date weakness reflects concerns on Wall Street that the economy may not take spiking interest rates in stride. In addition, growth stocks are particularly sensitive to rising interest rates because fund managers typically use discounted cash flow models to determine their price targets for growth stocks. Future cash flows are considered less valuable when the discounted rate is higher.

Although recent inflation reports have been disappointing, there are some positive developments as well. First, gas prices have continued to fall and will continue to push down headline inflation. Second, inflation expectations have dropped recently, and falling gas prices should also help that continue. Third, wage growth isn't taking off too much, staving off some concerns about a wage-price spiral. Finally, global supply chain pressures (although still very much concerning) continue to unwind.

Nonetheless, there is clearly a way to go before inflation is tamed.

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

*Although recent inflation reports have been disappointing, there are some positive developments as well. First, gas prices have continued to fall and will continue to push down headline inflation.*

starters, unforeseeable events occurred, namely Russia's of pandemic supply-chain disruptions, driving up prices for



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

## LeChase Hires Germano As Project Manager

ARMONK, NY—A leading building contractor in the region, LeChase Construction Services, LLC, announced this month that Abe Germano has joined the company as a project manager in the New York Metro office.

In this role, Mr. Germano will manage, develop, maintain and oversee all functions of assigned projects in the preconstruction, construction and post-construction phases. Those functions include, but are not limited to, safety, construction planning and cost-control procedures.

Mr. Germano has more than 20 years of construction experience. Prior to joining LeChase, he held various roles in the construction industry, including carpenter, estimator and project manager on many multi-million-dollar projects. He received an A.S. in engineering from Full Sail University, and currently resides in Poughkeepsie, NY.



Abe Germano

## Poll Says Voters Overwhelmingly Support New York Green Bond Act

LOUDONVILLE, NY—Support for the \$4.2-billion 2022 Clean Water, Clean Air, Green Jobs Bond Act remains strong, 54-26%, compared to 55-26% in September, according to a new Siena College Poll of likely New York State voters released on Oct. 18.

“By a 54-26% margin, voters say they intend to vote yes on the \$4.2-billion environmental bond act on November’s ballot. That is virtually unchanged from 55-26% support last month,” said Siena College Pollster Steven Greenberg.

If it passes on Nov. 8, the funding measure will include monies for projects designed to protect clean drinking water, modernize New York’s outdated water infrastructure, improve public health and safety, and conserve New York’s natural resources. Some of the capital improvement projects are identified and have been designed while other projects have yet to receive authorization and allocations for design.

## Skanska Selected for \$200M Flushing Line Improvements

NEW YORK—Skanska, a leading global construction and development firm, and its joint venture partner, New Jersey-based Railroad Construction Company, have been selected by the Metropolitan Transportation Authority to make improvements on the Flushing Line in New York City for \$200 million. AECOM serves as the project’s engineer.

“As one of the most well-travelled train lines across the greater New York City region, we’re proud to be providing the needed infrastructure improvements to the Flushing Line that will positively impact and increase efficiency for riders during their daily commute,” said Keith Chouinard, senior vice president and general manager for Skanska USA Civil.

The project consists of repair improvements at the 61<sup>st</sup> Street-Woodside Station, replacement of the existing escalators at the 61<sup>st</sup> Street-Woodside Station and the 74<sup>th</sup> Street Broadway Station and striping, painting and additional repairs between 48<sup>th</sup> Street and 72<sup>nd</sup> Street in the borough of Queens.

The work is already underway and is expected to be completed May 2025.

## Greater H.V. Council of Scouts To Honor CIC’s Pepe Nov. 9

NYACK, NY—The Greater Hudson Valley Council of the Scouts of America have selected Matt Pepe of the Construction Industry Council of Westchester & Hudson Valley, Inc., to receive its Rockland County District Distinguished Citizen Award at a fundraising event at the Nyack Seaport on Wed., Nov. 9, with the reception beginning at 6:00 pm.

Mr. Pepe, who serves as director of government relations, is also the executive director of the Building Contractors Association of Westchester & The Mid-Hudson Region, Inc.

The CIC and its more than 500-member companies and affiliated Union organizations have long supported scouting and worked to advance its many programs and campaigns that have had a positive impact on thousands of scouts. In fact,



Matt Pepe of CIC.

many CIC members have themselves volunteered in the scouting movement to make improvements at the local campsites.

The outstanding training in ethics, service to the community and life skills made scouting an important and positive activity for today’s youth, the organization noted in announcing the CIC as the recipient of the award. “The Scouts need our community’s support,” Mr. Pepe said, himself a scout in his youth.

Proceeds from this event will support the Greater Hudson Valley Council’s efforts to expand their services to youth in Westchester and the Hudson Valley. To help support the organization and the event through sponsorship, a journal ad or dinner ticket, please visit: <http://www.ghvbsa.org/rocklandaward>.



The Grand Reception honorees were on campus to meet with students and to look over plans for the future of the university with President Sr. Mary Eileen O’Brien.

## Dominican to Honor CCA’s Alan Seidman, Beckerle Family At Grand Reception Oct. 30

ORANGEBURG, NY—Dominican University New York will honor Alan Seidman, executive director of the Construction Contractors Association of the Hudson Valley, and the Beckerle family of Beckerle Lumber Supply Co. at the institution’s 49<sup>th</sup> Annual Grand Reception on Sun., Oct. 30, at the Old Tappan Manor in Tappan, NJ. The reception begins at 12:30 pm.

The honorees were chosen for their outstanding professional leadership, community involvement, and philanthropic works, Dominican University announced. In addition to serving as executive director of the CCA, Mr. Seidman leads the Sheet Metal and Air Conditioning Association of Southeastern NY. As a lifelong Hudson Valley resident, he has been involved in many community activities. These include his posts as past chair of the Orange County Legislature and past president of Temple Beth Jacob in Newburgh, NY. He was also an officer of the Cornwall Volunteer Ambulance Corps,

Highland Engine Co #1, and a first responder with American Red Cross on 9-11.

The Beckerle Family operates four branches of Beckerle Lumber Supply Co.: in Spring Valley, Congers, Orangeburg and Haverstraw, the most of any building materials supplier in Rockland County. Over the past 80 years—and now into its third generation of leadership—the Beckerle has built a successful business by providing quality products, knowledgeable advice and attentive services. Since its founding, the family has been involved in the community with a legacy of service and philanthropy. Among them, company owners and employees have regularly volunteered for Meals on Wheels for more than 20 years.

Dominican University New York invites all community members to join the university in celebrating the honorees and thanking them for their service. Tickets and sponsorships can be purchased at [www.duny.edu/grandreception2022](http://www.duny.edu/grandreception2022)

## New York City, State to Partner on \$1.6B Science and Research Park in Kips Bay

Continued from page 19

bring our city back stronger than ever with \$25 billion in new economic activity for our city over the next three decades. Thank you to all our partners for the vision and teamwork to ‘Get Stuff Done.’”

SPARC Kips Bay will cultivate the next generation of the scientific research and health care workforce, creating a single campus with space for the New York City Department of Education, CUNY, health and biotech companies,

and public health institutions—providing pathways to good-paying careers for New York City high school, undergraduate and postgraduate students.

SPARC Kips Bay will be funded jointly by the city and state with additional in-

vestment from the private sector in life sciences. SPARC Kips Bay is expected to break ground in 2026 and be completed by the end of 2031. The announcement did not include any development firm connected with the project.



LOW BIDS

Adirondack Tree Surgeons, Elderlee Secure NYS DOT Project Jobs

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

**Adirondack Tree Surgeons Inc.** of Gansevoort, NY was the lowest of three bidders at \$1,205,499.19 for hazardous tree removal con-

tract at various locations in Dutchess, Orange, Putnam and Westchester counties.

**Elderlee Inc.** of Oaks Corners, NY was the lower of two bidders at \$2,940,656.30 for median barrier installation NYS Route 17 (Future I-86), Towns of Thompson and Mamakating) in Sullivan County.

Laura Li Industries, Johnson Controls, Alfa Laval Wins West. DPW Bids

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

**Laura Li Industries LLC** of Purchase, NY was the lowest of seven bidders at \$1,595,511.00 for roadway resurfacing and related improvements, Woods Road (C.R. #300) and Hammond House Road/Sunshine Cottage Road (C.R. #301), a total distance of 2.25 miles, Town of Mount Pleasant, NY.

**Alfa Laval Inc.** of Richmond, VA was the lowest of two bidders at \$543,400.00 for annual inspection and repair of centrifuges (rotating assemblies) including gearboxes at the Yonkers Joint Water Resource Recovery Facility, Yonkers, NY.

**Johnson Controls Inc.** of Hawthorne, NY was the sole bidder at \$3,496,527.00 for county-wide maintenance service, large air conditioning systems (50 tons and above), at various locations, Westchester County.

Attorney's Column Continued from page 6

termine; either a party signed an agreement to arbitrate, or it did not. Implicit consent, on the other hand, will ultimately require a court to determine what the parties' intent was at the time the contract was signed. Contractors and others who are parties to construction contracts would be well advised to consult with experienced construction counsel to determine what provisions

can be put into contracts to clarify parties' desires as to arbitration (and other subjects) so that courts do not ultimately err in setting forth what the parties may, or may not, have intended.

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

*Westchester and the Hudson Valley, and is the Founder of, and Senior Counsel to the law firm of Welby, Brady & Greenblatt, LLP, with offices located throughout the Tri-State/Greater Metropolitan Region. Gregory J. Spaun, 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.*

\$138M Joint Water Works Project

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will include architectural elements such as stone veneer matching the stone walls along Purchase Street, and a gabled roof line with building height meeting residential zoning requirements.

- The water filtration plant building will be located behind a 100-foot buffer of existing mature trees along Pur-

chase Street to be enhanced by landscaping with views from Purchase Street largely obstructed.

An existing buffer of mature trees and vegetation to be enhanced by landscaping will provide an effective visual screen between the water filtration plant and a house of worship, which property abuts the airport site.

Safety Watch

Continued from page 13

ing... and (3) an evaluation of the trainee's performance in the workplace." The standards state who may provide the training, when additional training is necessary and requires the employer to certify that the operator is trained and evaluated. Here, the foreman's own testimony indicated he did not have formal or practical training on stacker trucks and Huen had an obligation to ensure that he was in fact competent to operate the pallet stacker safely.

Although Huen provided Class IV Forklift training, it had an obligation to provide training where forklifts and pallet stackers differed such as those that related to throttle, steering and braking, and there was no evidence that Huen provided same either as an initial or refresher training. The ALJ also clarified that an employer need not duplicate training already received by the operator in a prior training program, but rather offer additional training based on the differences

between the two PITs.

The ALJ found Huen's employees were exposed to a hazard because they were working in proximity to the foreman who had not been properly trained and in fact one employee was seriously injured. Given that Huen had rented a different model stacker truck for the four previous lifts over the past six months, the ALJ found it reasonable to infer that Huen was aware that the foreman was using stacker trucks on multiple occasions and therefore was aware of its obligations to train and evaluate him. A penalty of \$11,934 was assessed for this violation.

*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.*

\$662.5M Capital Budget Plan for '23

Continued from page 4

county and municipal locations, including \$5 million for a county/municipal fund for electric charging stations, with an additional \$12 million earmarked for other flood mitigation efforts.

The plan calls for a total of \$41.1 million for capital projects related to the Westchester County Parks System. A combined \$28 million has been slated for structural improvements at the Ice Casino and Playland Amusement Park. Another \$7 million has been allocated for Hilltop Hanover Farm and Environmental Center, and \$3.3 million for Cranberry Lake Preserve improvements.

The proposed capital plan earmarks a total of \$198 million for county environmental facilities, including \$25.5 million for continuing the improvements to the Mamaroneck wastewater recovery facility in 2023. Some \$20 million is included for the New Rochelle Water Resource Recovery Facility and a total of \$46.1 million is directed for improvements to the Yonkers Joint Water Resource Recovery Facility.

Commissioner of Environmental Facilities Vincent Kopicki said, "The Department of Environmental Facilities, working with our leadership team, is continuing to upgrade, improve and modernize all of

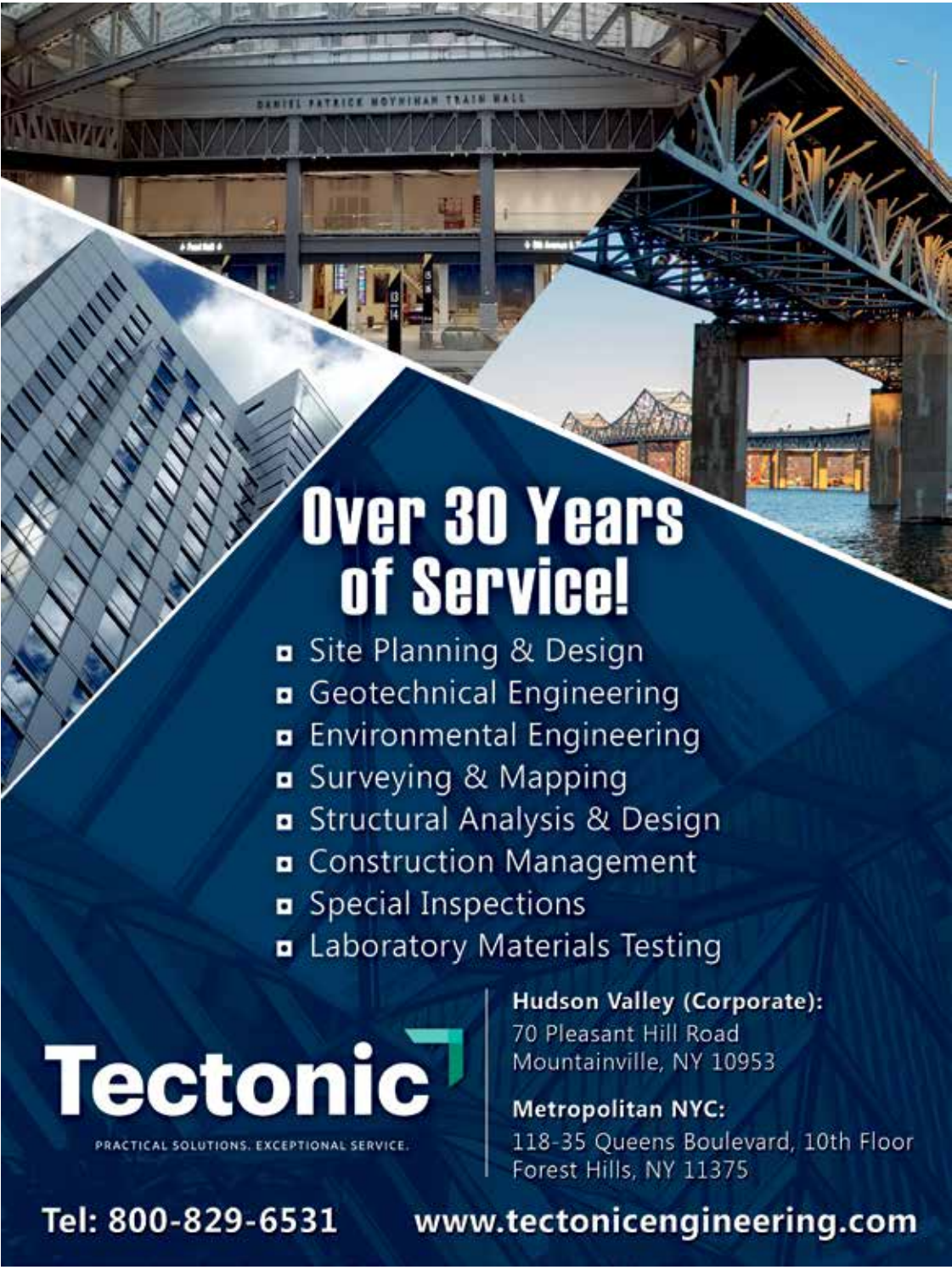
our facilities. We are constantly looking for new technologies to improve our solid waste and wastewater treatment processes while being cost effective, energy efficient and sustainable."

**Funding for Affordable Housing**

Mr. Latimer highlighted his proposal for \$90 million to be spent on affordable housing initiatives, including \$25 million for land acquisition and \$15 million for infrastructure improvements to support the development of affordable housing within Westchester. Another \$50 million is included for the Affordable Housing Investment Fund to be funded with ARPA funds. County officials stated that there are plans to use these funds for further development of workforce housing. If approved by the Board, this would represent the largest single-year commitment to affordable housing in county history.

A public input session on the Westchester County 2023 Budget was scheduled on Oct. 20<sup>th</sup> at the Field Library in Peekskill. A second session is slated for Wednesday, Nov. 2 at the Pelham Town House beginning at 7 p.m.

The Westchester County Board of Legislators is charged with passing the County Budget by the end of December 2022.



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**Samuel Fresina, Business Manager**

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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

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## 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.