



\$1.50



By **GEORGE DRAPEAU III**
And **JOHN JORDAN**

struction, extensive upgrades to utility and power supply construction along with pockets of private development projects.

**Westchester, Putnam
And Dutchess Counties**

Newly elected as president of the Building Trades in Westchester and Putnam, Jeff Loughlin identified five silos that offer opportunities for union contractors. These are transportation in-

Please turn to page 6

The prize-winning JW Marriott Beach Resort on Marco Island, FL will host more than 140 delegates and guests of the Hudson Valley Construction Industry Partnership (HVCIP) 13th Annual Mid-Winter Convention being held on March 1 through March 5. See program and agenda pages 9-13.

By JOHN JORDAN

nor's environmental funding initiatives, along with her plan to add 800,000 new housing units statewide over the next decade.

The governor recently highlighted a host of funding initiatives that would benefit the construction and building industries. Her budget address on Feb. 1 was generally met with support from construction and building interests. Her plan is to fund clean water and clean energy projects, as well as dramatically increase the state's workforce housing stock.

Overall, the construction industry applauded the gover-

He said the CIC supports the administration's effort to make sure all local municipalities can access these critical funds.



encouraging transit-oriented development across New York.”

However, it should be noted that heavy highway construction industry trade groups have requested the governor increase funding for state roadway infrastructure work. (See story on page 4)

**Mass Transit, DOT
Highway Lettings**

In 2022, Gov. Hochul advanced the completion of the Long Island Rail Road's Third Track project, broke ground on the Metro-North Penn Station Access project, and pushed other major projects forward, including the Second Avenue Subway

and the Interborough Express.

The Executive Budget proposal calls for the following funding for mass transit: implementing more than \$400 million in MTA operating efficiencies to reduce expenses and improve service to customers; increasing the top rate of the Payroll Mobility Tax (PMT), generating an additional \$800 million annually; increasing New York City's share of funding for paratransit services generating nearly \$500 million annually; providing \$300 million in one-time state aid to address the extraordinary impact on MTA operating revenues; a \$150-million annual commitment from the MTA for additional safety

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State-of-the-Union Address: President Biden Offers Promising Blueprint for Blue Collar America

By **GEORGE DRAPEAU**

WASHINGTON—Highways and bridges served as trusted agents of leadership at last night's State of the Union address, when President Joe Biden doubled down on the Bipartisan Infrastructure Law to tout his administration's accomplishments after two years in office.

In his 72-minute address last night before a packed House but a clearly divided Congress, he ran through highlights of his economic agenda that includes trillions of dollars in funding for infrastructure, climate change and semiconductor manufacturing – which are beginning to create tens of thousands of new jobs in the construction industry alone.

During his speech, he touted the passage of the infrastructure bill, the CHIPS Act, the creation of more than 800,000 jobs in the manufacturing sector and low unemployment at 3.4%, a 50-year low. The President also noted that inflation has fallen from its peak last summer and gas prices have also declined by \$1.50-per-gallon.

But it was the IIJA that drove home his theme of what bipartisanship has accomplished so far, resulting in 20,000 projects already funded by the new infrastructure law. He thanked those Republican lawmakers (13) who voted for the bill and threw a sharp jab at those who voted against it but whose constituents would benefit from IIJA. "I sincerely thank my Republican friends who voted for the law. And to my Republican friends who voted against it but still ask to fund projects in their districts, don't worry. I promised to be the president for all Americans. We'll fund your projects. And I'll see you at the groundbreaking."

He also announced new proposed standards to require all construction materials used in federal infrastructure projects, such as lumber, glass, drywall and fiber optic cables, to be made in America. He said that on his watch, "American roads, American bridges and American highways will be made with American products."

Initial reaction from construction trades groups has been positive so far.

"President Biden has proven time and time again that his administration believes in the power of infrastructure investment as a key contributor to job creation and economic growth," said Carlo A. Scissura, Esq., president and CEO of the New York Building Congress. "After hearing this idea echoed throughout his State of the Union address, our members stand ready to deliver the U.S. back to infrastructure prominence on the big-ticket projects that will lead to increased livability, accessibility, equity and resiliency for all. Because the President is right: 'We used to be number one in the world in infrastructure... we've sunk to

thirteenth...but we're coming back ... and we're just getting started!' To that end, our advocacy on this front will remain steadfast, as we seek to expedite funding, and get our industry doing what it does best — building a better America. Let's 'finish the job' indeed."

New York Gov. Kathy Hochul also released a statement that supported the President's speech, "In his address to the nation, President Biden highlighted significant achievements that are making a difference in the lives of all Americans—including New Yorkers: the Inflation Reduction Act is creating green jobs while fighting the climate crisis, the CHIPS and Science Act is attracting growing, innovative companies like Micron, and the Bipartisan Infrastructure Law is helping once-in-a-generation projects like Gateway to move forward. "There is more work to do in



President Joe Biden delivered a telling State-of-the-Union address to the full membership of Congress and the nation on Feb. 7, thanking lawmakers who voted for the Bipartisan Infrastructure Bill and even those who voted against it. He quipped, "Don't worry...I promised to be the president for all Americans. We'll fund your projects. And I'll see you at the groundbreaking."

order to make New York and the nation more affordable, more livable and safer."

Earlier this month, President Biden was in the New York City region to call media attention to the U.S. DOT awarding \$1.2 billion in mega grants that in-

in New Jersey and New York.

The Gateway construction project will receive discretionary grants for large national and regional transportation projects through the IIJA's National Infrastructure Project Assistance (Mega) Grant program, which is dispensing \$5 billion over five years. Last month President Biden and Sen. Mitch McConnell (R-Ky.) announced another Mega Grant to upgrade the Brent Spence Bridge in Cincinnati, improving the link between Kentucky and Ohio.

This U.S. DOT funding will cover construction of the third and final section of the concrete casing intended to preserve future right-of-way for the new Hudson River Tunnel and allow for the continued redevelopment of Hudson Yards. This is a part of the larger Gateway Project and a critical step towards creating a new Hudson River Tunnel.



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PERSPECTIVE

Proposed NYS Executive Budget Falls Short On Transportation Funding for Mid-Hudson

By JOHN COONEY, JR.

TARRYTOWN, NY—In the face of having the worst road and bridge conditions in New York State, why do the counties in the Lower and Mid-Hudson Valley receive less state funding than other NYSDOT regions despite having more lane miles and more bridges?

In 2021, more than half of state roads in Region 8 (56.8%) were rated in “fair” or “poor condition.” Compare that to conditions six years earlier when only a third of state roads in Region 8 (34.2%) were rated in fair/poor condition.

Bridges, too, have not fared well over the same six-year period. In the region where there are 2,260 state and local bridges, in 2021 some 43.8% of bridges were rated in fair/poor condition. That’s the equivalent



of a 25% increase in deterioration since 2015 when just 32.1% of bridges in Region 8 were in fair/poor condition.

In fact, Region 8 has more bridges than any other DOT region in the state and maintains more bridges than New York

City and Long Island combined. On a statewide basis, besides having the worst bridge condition of any region, the Mid-Hudson Region also has the highest number of most deficient bridges, at 1,036. That’s 8% more than the statewide average (35.7%) of spans rated in fair/poor bridge condition.

Region 8 has both the most state and local lane miles of any NYSDOT Region in the state. The region maintains more than 5,000 more lane miles than any other region in the state. Region 8’s state pavements (there is no rating system for most local pavements) are rated the worst in the state—with a statewide average for fair/poor pavements at 43.2% and the Hudson Valley is a deplorable 56.8%, more than 5% more than the second-worse region at 51%.

How do we account for these deteriorating conditions? Certainly, the region has been a victim of underfunding for the maintenance and repair of our older infrastructure. Are the consequences of growth

the unintended overuse of our transportation networks with unanticipated volume? Here’s

On a statewide basis, besides having the worst bridge conditions of any region, the Mid-Hudson Region also has the highest number of most deficient bridges, at 1,036. That’s 8% more than the statewide average (35.7%) of spans rated in fair/poor bridge condition.

on the unique role the Hudson Valley plays both with its wide flung destinations for a larger-than-expected population and its pivotal role as the region serving as the thoroughfare to connect other parts of the state with the New York City metropolitan region.

Going forward, New York State is now in the second year of a five-year Capital Plan for NYSDOT totaling \$32.8 billion. This incorporates a committed funding level in the upcoming FY2023-2024 budget of \$6.97 billion. The state system inventory within the seven counties (Columbia, Dutchess, Orange, Putnam, Rockland, Ulster and Westchester) that make up Region 8 possesses nearly 24,000 lane miles on the local system and 5,449 lane miles on the state system managed by NYSDOT.

In light of these conditions that are continuing to decline, why does NYSDOT Region 8 and Westchester County receive less funding than other NYSDOT Regions despite having more

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NYSDOT Capital Program by Region 2021

Total \$3,307.809 (\$ millions)

Region	Amount (\$ millions)	Percentage
R-1	\$271.3	8%
R-2	\$88.594	3%
R-3	\$124.527	4%
R-4	\$157.395	5%
R-5	\$148.982	5%
R-6	\$110.239	3%
R-7	\$64.462	2%
R-8	\$305.9	9%
R-9	\$407.115	12%
R-10	\$145.802	4%
R-11	\$1,483.51	45%

In 2021 NYSDOT Region 8 received \$305.9 million, the equivalent of 9% of the overall \$3.3 billion NYSDOT Capital Program. Historically, NYSDOT Region 8’s percentage has been 14% of the NYSDOT Capital Program.

CIC Offers Six Recommendations to Advance Infrastructure Needs, Address Funding Shortfall

In testimony given before the Westchester State Delegation Public Budget Forum on Feb. 10, Construction Industry Council Executive Director John Cooney shared the CIC’s six-point recommendations to advance infrastructure renewal programs for municipalities and to adequately fund the NYSDOT Capital Program and Transportation Plan in the FY 2024 state budget.

- Expand Investment in Environmental Planning Grants (EPG), expand the EPG program to include a total of \$6 million for communities that need help with wastewater or drinking/water projects;
- Increase investment in Asset Management Planning Grants, which the Environmental Facilities Corporation awarded last year, at \$10 million, to help jumpstart asset management planning for a handful of communities across the state. An increased investment of \$20 million will provide vital resources for small towns to

effectively manage infrastructure investments;

- Increase the percentage share of the NYSDOT budget for Region 8 from the current 9% to its historic levels of 14% for its jurisdictional counties of Columbia, Dutchess, Orange, Putnam, Rockland, Ulster and Westchester;
- Allocate at least \$2 billion of the increased federal aid authorized by the IIJA to the remaining four years of the NYSDOT Five-Year Capital Plan and dedicate this money to The Core NYSDOT Road and Bridge Program;
- Direct the \$421 million of Covid Relief money received from the Federal Government to the NYSDOT Capital Plan as an incremental increase to the overall NYS DOT Capital Plan;
- Increase CHIPS/Marchiselli/Pave-NY/EWR/POP (Local Road Funding) by at least \$150 million per year over the remaining four years of the program to compensate for the increased cost driven by inflation over the past two years.



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Regional Building Trades Expect Very Busy 2023 Continued from page 1

infrastructure, municipal public works, environmental/water facilities, energy and transmission work, and resource development. Conspicuously absent were the private development sectors of multifamily housing, hospitality and commercial real estate development, which he said he hopes to begin winning back with aggressive efforts to reclaim a place at the table with developers and local elected officials.

Infrastructure: Long in planning and discussion—and promise—is the New York City Department of Environmental Protection Hillview Reservoir improvements and the Kensico-Eastview Connector Project. Estimated at more than \$1 billion in project cost. The project will be procured by the NYC DEP under a Project Labor Agreement with union locals of the region's Building Trades Council. According to the DEP, the project calls for the construction of a new tunnel between the Kensico Reservoir and the Catskill/Delaware Ultraviolet Light Disinfection (CDUV) facility on New York City-owned property in the Town of Mount Pleasant in Westchester. The plan calls for a new two-mile-long, deep rock tunnel between the Kensico Reservoir and the CDUV facility and the construction of new shafts.

In the sector of mass transit, construction on the Penn State Access program, which includes four new Metro-North stations to bring service to some 500,000 residents within one mile of four stations, is underway. Just over a year ago, the MTA awarded the design-build contract to the joint venture of Halmar International, LLC, and RailWorks valued at \$2.87 billion with a total project cost projected at \$3.18 billion. Other MTA project work is likely to be announced in early 2023, he said, to continue the improvements the authority is making to upgrade the rail system.

Turning to municipal work, Mr. Loughlin also pointed to a host of environmental projection funding, including the \$150 million from New York State to help address Mount Vernon's longstanding issues with the city's sewer system. "The blend of local, state and federal monies will help ameliorate an outrageous, decades-long environmental calamity in the city," he said. He noted there are millions of dollars to launch

the engineering, design and construction of the Third Street sewer project to help 500 households, which currently rely on makeshift systems for wastewater collection, and millions more for emergency repairs and the replacement of lead pipe replacement.

In the sectors of energy, Mr. Loughlin noted that there are several major green energy projects, including the

think we are moving that way," he said.

Due to the labor policies, a large warehouse project in Congers and the Manhattan Beer Distributors project in Suffern off the New York State Thruway are mostly being built by non-union.

Discussions are ongoing with the ownership of the proposed DataBank Center in Orangeburg. Tishman

is the general contractor on the project and Mr. Reich believes that there is a chance the project could be built by mostly union tradesmen.

"It is being bid both ways but the unions seem to be competitive at this point for most trades," he said. Rockland County has become a haven for data center properties in recent years.

In 2021, Dallas, TX-based DataBank acquired 34 acres of land in Orangeburg and is moving forward with plans to build its fifth data center in the New York metro area.

By purchasing the property, which includes a utility-owned substation capable of providing up to 45 MW of utility power, DataBank plans to construct a new 200,000-square-foot data

center with 150,000 square feet of raised flooring, offering 30 MW of critical power via five 6 MW data halls. The company also announced that there is room on the campus to add future expansion facilities, including an additional substation. The new facility will be tethered to DataBank's highly interconnected sites in New York City's "Silicon Alley" neighborhood and New Jersey (60 Hudson St., 111 Eighth Ave. and 165 Halsey St). No development cost for the Orangeburg project was released.

Another major private project in the pipeline is the impending site clearing and construction work in connection with The Jehovah's Witnesses' new 1.5-million-square-foot audio-video production facility to be built in Ramapo and Tuxedo two miles away from its 1.6-million-square-foot World Headquarters complex in Warwick.

The project site at 155 Sterling Mine Road totals 249 acres. The majority of the property is located in the Town of Ramapo (242 acres) in Rockland County with seven acres contained in the neighboring Town of Tuxedo in Orange County.

In addition to the production facility, the complex will also include offices, residences, underground parking, a fitness area and a visitor center for the public. The project is expected to be an integrated working and living facility designed to support Jehovah's Wit-



\$150 million for Mount Vernon to fix its crumbling sewage infrastructure that for years has caused unsanitary backups in homes and pollution of local waterways.

\$6-billion Champlain Hudson Power Express 339-mile transmission line project that, when completed, will deliver reliable clean energy from Hydro-Québec in Canada directly to New York City. The construction trades in the New York City metro region, including the Hudson Valley are participating in the project as the developer Transmission Developers Inc. has executed a Project Labor Agreement with the New York State Building and Construction Trades. The project is expected to bring \$3.5 billion in economic benefits to New Yorkers while creating nearly 1,400 union jobs during construction.

And finally, working under PLA prehire pacts with Westchester County, Mr. Loughlin noted the \$662 million capital plan includes roads, bridges and overpasses, funding for refuse, sewer and water districts, and more than \$10 million for improvements at the Westchester County Airport. "The county's overarching goal is to maintain and improve public works assets, so we're here supporting and staffing these projects in every way possible."

Rockland County

Stephen Reich—Vice President, Building & Construction Trades Council of Rockland County

Steve Reich, who also serves as Business Manager for Laborers Local 745 in Chestnut Ridge, NY, said work in Rockland County last year was steady, but was off from the boom times of previous years.

From his vantage point as vice president of the Rockland County Building Trades, he said construction volume was average or slightly below average due to a "transition" from the past half decade of record volume. The trades, he said, were "swamped" with work, particularly heavy/highway construction projects jobs when the New York State Thruway let a number of large projects.

"I think 2023 should be average or above, for the Rockland County building trades," Mr. Reich said.

Warehouse building projects are appearing in Rockland although Mr. Reich noted it has been a challenge to secure work in this space because the Rockland County Industrial Development Agency last year removed language requiring prevailing wage rates to be paid on these projects that receive public financial benefit. He noted that the Rockland County Building Trades are attempting to have a labor policy implemented similar to those in place with the Orange County IDA, which requires a higher percentage of local labor on the job along with other requirements.

"We need to adopt (Orange County's) model, and I



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

nesses' increasing production of Bible-based audio and video programs and will be built to high sustainability standards.

Mr. Reich estimated the site work and construction of approximately seven buildings will be in the area of \$500 million. Phase one work regarding the construction of an entrance into the property, site enhancements, road realignment and the restoration of Stone Bridge is complete. Phase two that will involve site clearing and utilities is approaching.

"There is over 1 million yards of rock that has to be blasted and crushed in place," Mr. Reich said. Be-

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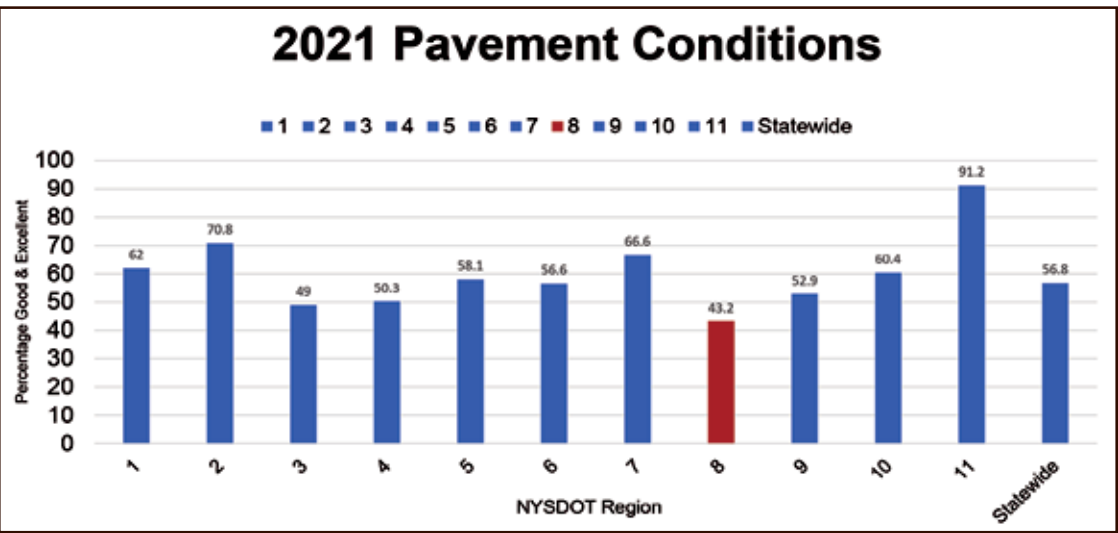
The United States' infrastructure—once the envy of the world—is benefitting from a once-in-a-generation investment in public works. The \$1.2-trillion Bipartisan infrastructure Law is already funding local, regional and state projects in New York.

Proposed NYS Executive Budget Falls Short on Transportation Funding for Mid-Hudson

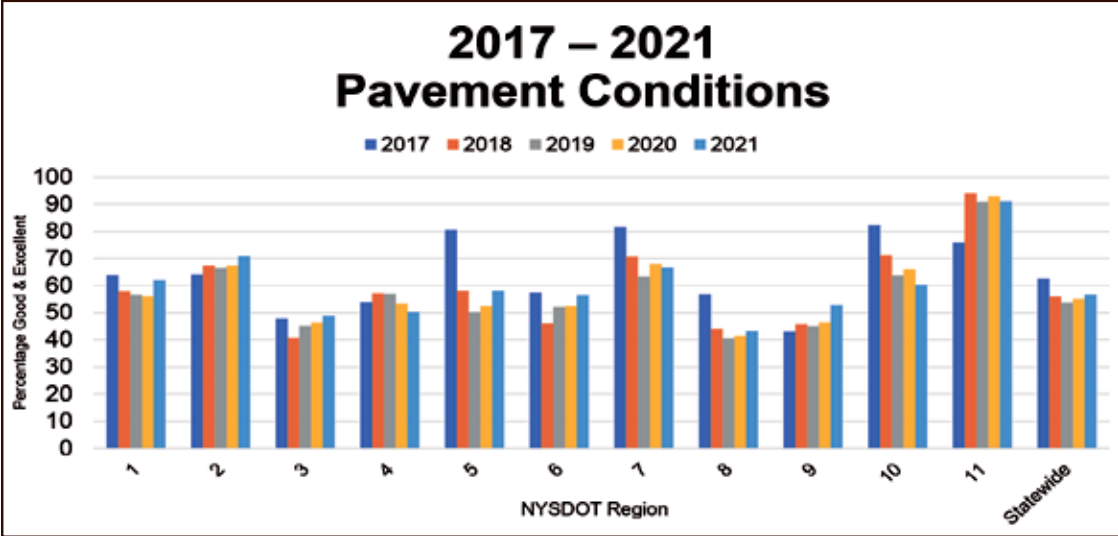
Continued from page 4
lane miles, more bridges and the worst road and bridge conditions in New York State? The answer to that question would take a book to explain. But a solution is very simple:

Region 8 and Westchester County need a larger share of the overall annual funding dispersed by NYSDOT. Region 8 received \$305.9 million, the equivalent of 9% of the overall statewide DOT Capital Program. Historically, NYSDOT Region 8’s overall percentage was and must return to 14% of the statewide capital program if we are to reverse this alarming deterioration.

There is a timely pathway forward for the Mid-Hudson region: Thanks to the Infrastructure Investment and Jobs Act (IIJA), New York State will receive some \$4.6 billion in additional federal aid for highways and bridges over the next five years. This represents a 52% increase in federal aid. Further, only \$2.6 billion of the \$4.6 billion in additional federal highway aid is reflected in the governor’s NYSDOT Five-Year Capital Plan. We are calling on lawmakers in Albany to add an additional \$2 billion of this federal funding this year to bolster the core NYSDOT program over the



The pavements of NYSDOT Mid-Hudson Region 8 are the worst rated for state roads in New York. The statewide average for fair and poor pavements is 43.2%; the seven counties of the Hudson Valley is at 56.8%.



Despite having the most state roads of any region in the state, NYSDOT Region 8 consistently ranked at the bottom for percentage of “Good” and “Excellent” pavement conditions.

coming remaining four years of the Capital Plan.

And here’s the juicer: The state received \$421 million of COVID stimulus money from the federal government to be used by NYSDOT. This money should be accounted for and reflected as an incremental increase to the overall NYSDOT Capital plan and to date has not.

With the overall conditions of New York State roads and bridges in decline—especially those in NYSDOT Region 8—it’s time to think bigger and take bold action. There will always be headwind, such as

the inflation of the last two years raising costs, temporary supply chain shortages and the one-off advancement of needed “signature projects.” These short-term adversaries can be readily dispatched by the IIJA’s once-in-a-generation windfall to boost funding for the NYSDOT Core Program to improve the levels of safety and efficiency on our state highways, roads and bridges.

About the author: John Cooney Jr. is the Executive Director of the Construction Industry Council of Westchester & Hudson Valley, Inc. in Tarrytown, NY.

Regional Building Trades Expect Very Busy 2023 Continued from page 6

sides the placement of utilizes and other site work, the building construction will also commence once all approvals have been secured.

He noted that the building trades are in discussions regarding phase two work, as well as the construction of the buildings. Mr. Reich expects each component of the project to be let separately and he believes various unions will be competitive in trying to land work at the site.

Another large project in the pipeline is the redevelopment of the former Novartis property in Suffern. Vollers of North Branch, NJ has been retained for demolition work on the site, which is being manned by union tradesmen. The site work has yet to go out to bid. The property owner is planning to build a 1.2-million-square-foot warehouse distribution building on the property, according to published reports.

He also noted that work continues on a \$44.6-million New York State Thruway Authority contract being performed by Yonkers Contracting Company, Inc. involving mill and inlay, drainage and safety improvements, and miscellaneous work on a section of the roadway north of Suffern in Sloatsburg and into Tuxedo in Orange County.

Mr. Reich also said Rockland County and a number of municipalities will be putting road work out to bid in 2023. He concluded by saying that Rockland County is considering changing its apprenticeship language to require not just building, but sewer, heavy highway and utility projects—any job at or over \$250,000—have a NYSDOT-approved apprenticeship program.

Hudson Valley

L. Todd Diorio—Hudson Valley Building & Construction Trades Council

Todd Diorio, who is president of Laborers Local No. 17 in Newburgh, NY said the majority of the Hudson Valley building trades were busy in 2022, despite the economic headwinds.

He said that last year was sort of an anomaly where heavy highway work man hours garnered a 68% share, while building work constituted 32% of the man-hours. Under normal times, the two sectors are evenly split-50-50, Mr. Diorio explained.

“We look pretty good for this year,” Mr. Diorio said.

“We got a lot of New York State DOT work. Some of the federal infrastructure funding is starting to flow in and the state budget was decent on heavy highway work.”

Among the major projects either underway or in the pipeline for 2023 include: continued work on the New York City Department of Environmental Protection’s Rondout Bypass Tunnel project. The final stages of the

future work at West Point will likely be done under PLAs.

The TDI Champlain Hudson Power Express project has begun although work at the moment is concentrated upstate. In addition, work is expected from the Newburgh School District, as well as the Woodbury Common Premium Outlet, where a parking garage is planned and later some further retail space and a hotel could

be in the offing. Mr. Diorio said the Hudson Valley Building Trades are currently in negotiations with the property owner on a Project Labor Agreement for that work.

The New York State Office of General Services is planning to build a \$300-million mental health facility in Orange County. The building trades are in negotiations on a PLA on that project as well.

Work also continues on the re-decking of the Newburgh-Beacon Bridge.

The building trades have been successful in negotiations with developers of solar projects in the region where most of the jobs are going union. A major solar project in Port Jervis is expected to begin soon. However, some projects have been delayed due to financing issues caused by rising costs, he noted.

“A lot of the projects have prevailing wage rates attached and a lot of them have signed Memorandums of Understandings with some of the trades,” Mr. Diorio noted.

Another major sector producing work for the Hudson Valley Building Trades is warehouse/distribution construction. The trades are working on a number of large projects and are expected to be employed at

a 925,000-square-foot warehouse being built for Amazon in Wawayanda if approved. Mr. Diorio said the owner Scannell Properties is in talks with the union on the project that recently applied for benefits with the Orange County IDA.

A PLA has been signed for work on the Medical Examiner’s Building in Orange County, which has been estimated to cost \$23 million to develop.

Other work in the pipeline: renovations to Dutchess Stadium, work in connection with the eventual construction of a third lane on Route 17; a number of significant cannabis plant projects in the region and the more than \$11-billion Clean Path energy project, which Mr. Diorio said he hopes some work could start by the end of this year.



The Metro North Penn Station Access project will deliver four new Metro North Railroad stations in Hunts Point, Parkchester, Morris Park and Co-op City in the Bronx, as well as major track upgrades in that borough.

\$1.2-billion project should be under way later this year.

Mr. Diorio added that the building trades have a considerable amount of work to be performed at the U.S. Military Academy at West Point, including the Cyber & Engineering Academy Center, the Lee and Sherman Barracks project; as well as the construction of a sewage treatment plant. He estimated the union trades are working on approximately \$700 million in projects at West Point. A project that could begin later this year is the renovations to Michie Stadium, which could be valued at approximately \$200 million.

He noted that recently federal regulations were changed and now require any work with the federal government valued at over \$35 million be undertaken with Project Labor Agreements. Therefore, most of the

Attorney's Column

Court Decision Underscores Need to Comply with Insurance Notice Provisions

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

A crucial part of any construction business is a solid insurance policy. In today's highly litigious society, it's not a matter of if an injured worker lawyers-up and commences a sequence of events that results in you becoming embroiled in a lawsuit; it's a matter of when.

This fact is not limited to the personal injury context: where there is a claim of defective work and a suit against a general contractor, that GC typically sees to it that everyone



will have to reach out to your insurance carrier to assign counsel and ultimately handle the loss. However, a court ruling in *President and Fellows of Harvard College v Zurich*

otherwise covered the loss—coverage that you paid for.

Background

Harvard University is the subject of a lawsuit brought by a group calling itself "Students for Fair Admissions," which seeks to challenge Harvard's policy of affirmative action favoring minority candidates for admission (and, by seeking to litigate this through the U.S. Supreme Court, other schools' policies, as well). While that lawsuit raises issues of greater constitutional law not relevant

Harvard sued Zurich for breaching the policy by disclaiming coverage, arguing that as Zurich had actual knowledge of this extremely high-profile litigation (which was just argued to the U.S. Supreme Court last October) the notice requirement was actually met.

tive action litigation. However, these policies had provisions that required Harvard to notify the carrier as soon as it had knowledge of the lawsuit, but in no event later than 90 days after the end of the policy term. Harvard notified its primary carrier in accordance with these timetables, but neglected to notify its excess carrier, Zurich American Insurance Co., which ultimately disclaimed coverage on this basis.

Harvard sued Zurich for breaching the policy by disclaiming coverage, arguing that as Zurich had actual knowledge of this extremely high-profile litigation (which was just argued to the U.S. Supreme Court last October, and which will be decided this spring), the notice requirement was actually met. In support of its motion for summary judgment, Zurich argued that notwithstanding any actual notice of the lawsuit through the high-profile media coverage, as the policy required specific notice, and as Harvard failed to provide that specific notice, it breached the policy itself, thus removing Zurich's obligation to provide any coverage.

Decision

The court granted Zurich's motion, crediting its argument that regardless of any fortuitous actual knowledge that it may have had as a result of the media coverage, as the policy required specific notice—which was undisputedly not provided—Zurich had no obligation to provide any coverage under the policy. The court went on to address several other arguments relating to the "claims made" nature of this particular policy, but returned to the subject of prejudice, holding that as the policy language regarding notice was clear, it did not have to show that it suffered prejudice as a result of the failure to give such notice. Accordingly, the court dismissed Harvard's

lawsuit, leaving it to pay the defense costs of the affirmative action lawsuit itself.

Comment

Harvard University is widely reputed to produce the best and brightest minds in our nation. However, even such minds can fail to appreciate the terms of a complicated insurance policy, and that courts will enforce those terms, as written. While there is somewhat of a reprieve in New York State for personal injury actions, with the operative statute requiring a carrier who argues that it did not receive timely notice also show that it was actually prejudiced by the failure to notify, it does not take much to show such prejudice. Accordingly, contractors would be well advised to be smarter than those at Harvard and provide any insurance carriers—including those which you may not initially think may afford coverage, as contractors may have more than one type of policy—with timely notice of any claim (or potential claim) as soon as they learn about it. By giving such timely notice, not only are you complying with the policy, you are also removing any potential claim that the carrier was somehow prejudiced, and ensuring that you receive the coverage you paid for.

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 the Building Contractors Association, 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.

Contractors would be well advised to be smarter than those at Harvard and provide any insurance carriers—including those which you may not initially think may afford coverage, with timely notice of any claim (or potential claim) as soon as they learn about it.

who touched the building is also brought into court.

While there are other situations, these are two of the more likely scenarios in which you

American Insurance Company reminds us that by failing to comply with notice provisions of your policy, you can forfeit coverage that would have

to our discussion, what concerns us is that Harvard had the foresight to obtain policies of insurance, which would cover its defense costs in the affirma-



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Every Month in
Construction NEWS**

2023 Hudson Valley Construction Industry Partnership

13TH ANNUAL MID-WINTER MEETING

*JW Marriott
Marco Island Beach Resort
Marco Island, Florida*

Wednesday, March 1—Sunday, March 5, 2023



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Alan Seidman, Executive Director

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***Hudson Valley Building
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(845) 565-2737 • Fax: (845) 565-3099
L. Todd Diorio, President



AGENDA

2023 Hudson Valley Construction Industry Partnership 13TH ANNUAL MID-WINTER MEETING

JW Marriott, Marco Island Beach Resort, Marco Island, Florida

Wednesday, March 1—Sunday, March 5, 2023

Spouses/Guests welcome to all events.

WEDNESDAY MARCH 1ST

Arrival

Welcome Reception

6:00 pm

J.W. Marriott, Calusa Terrace

THURSDAY MARCH 2ND

HVCIP Meeting

8:30 am – 10:30 am

J.W. Marriott, Banyan 1

John Cooney, Jr., Executive Director, CIC

Ross J. Pepe, President, BCA

Alan Seidman, Executive Director, CCA

L. Todd Diorio, President, HVBTC

Stephen Reich, Secretary & Treasurer, RCBTC

Jeff Loughlin, President, WPBTC

Patrick Purcell, Jr., Executive Director, LECET

10:30 am – 12:30 pm

Mike Lawler, U.S. Congressman

Gus Scacco, CEO, CIO,

Hudson Valley Investment Advisors, Inc.

Michael Oates, President & CEO,

Hudson Valley Economic Development Corp.

Afternoon & Evening Open

FRIDAY

MARCH 3RD

HVCIP Meeting

8:30 am – 12:30 pm

8:30 am – 10:30 am

J.W. Marriott, Banyan 1

David Carlucci, Green Energy Panel

10:30 am – 12:30 pm

Rich Juliano, IOM, CAE, General Counsel, ARTBA

Steve Neuhaus, Orange County Executive

Bryan Arnault, Esq., Blitman & King, LLP

SATURDAY

MARCH 4TH

Open Day

Grand Reception

6:00 pm

J.W. Marriott

Palms Lawn and Terrace

SUNDAY

MARCH 5TH

Departure





2023 Hudson Valley Construction Industry Partnership ANNUAL MID-WINTER MEETING

MEET OUR GUEST SPEAKERS

BRYAN ARNAULT, Esq.

Blitman & King, LLP



Bryan Arnault, Esq., is a partner in the New York City and Syracuse offices of Blitman & King LLP, where he focuses his practice on the representation of labor organizations in both the private and public sectors. Bryan represents unions in all aspects of the union-employer relationship, including internal union administration, collective bargaining, labor arbitrations, and proceedings before state and federal administrative agencies and federal courts. Bryan also represents individual employees addressing issues that arise in the workplace, including negotiating individual employment contracts, wrongful termination, discrimination, and other state and federal claims.

Bryan is admitted to practice in New York, Massachusetts, and Pennsylvania. He is a cum laude graduate of Boston University School of Law and magna cum laude graduate of Binghamton University.

Bryan currently serves as a Union Council Member of the ABA's Labor and Employment Law Section and is the former Union Chair of the ABA's Development of the Law Under the NLRB Committee.

DAVID CARLUCCI

Principal, Strategic Strategies



For the past decade, David Carlucci has been one of New York's most influential leaders in shaping public policy. As the Mental Health and Developmental Disabilities Committee Chair & Co-chair of the Addiction Task Force and the Senate Transportation Committee, David passed 167 bills into law during his tenure. David served on the executive board of the National Conference of State Legislators and as Chair of the NCSL Communications & Interstate Commerce committee. Since he left office in January 2020, he has continued to use his expertise to consult with organizations on effectively navigating government and business development. To learn more, visit www.senatestrategies.com

RICH JULIANO

IOM, CAE, General Counsel, ARTBA



Rich Juliano is one of the nation's leading advocates for transportation construction contractors and investment. As general counsel of the American Road & Transportation Builders Association, he oversees the national group's legal and regulatory activities, and works as a member of its government relations team. He also manages ARTBA's Contractors Division and serves as principal liaison to its affiliated state contractor organizations, as well as staffing ARTBA's Public Private Partnerships Division and its annual conference. He is a Certified Association Executive (CAE) and graduate of the U.S. Chamber of Commerce's Institute for Organization Management (IOM).

Prior to joining ARTBA in 2002, Rich served as the White House liaison at the United States Department of Transportation under then-Secretary Norman Y. Mineta. For his service during and after the events of September 11, 2001, Rich was awarded the Transportation 9/11 Ribbon.

Rich is a native of the Cleveland, OH, suburbs. He earned bachelors and law degrees from the University of Chicago, and is licensed to practice in Illinois and the District of Columbia. His additional professional experience includes senior state government and political positions during the 1990's. Rich is also a veteran of five U.S. presidential campaigns.

Rich resides in Vienna, VA, with his wife, Erika, and their three daughters. Besides his family, his outside interests include jazz piano, Washington Nationals baseball, classic comedy and political history.

MIKE LAWLER

U.S. Congressman



Congressman Mike Lawler proudly represents New York's 17th Congressional District which includes Rockland, Putnam and portions of Westchester and Dutchess counties. Prior to serving in the U.S. House of Representatives, Mike represented New York's 97th District in the State Assembly where he served on the Committees on Aging, Banks, Education, Housing, and as the Ranking Member on Governmental Operations.

In the State Assembly, Mike passed more bills than any other member of his conference—a testament to his bipartisan, pragmatic approach to government. In just one term, he was able to successfully pass legislation that included additional funding for law enforcement and first respond-

ers, tax relief for middle class families and historic funding increases for our schools in the Hudson Valley.

Mike has a long history of public service. Prior to being elected to the State Assembly, he served as the Deputy Town Supervisor in Orangetown and was a Senior Advisor to the Westchester County Executive.

Mike also served as Executive Director of the State Republican Party and previously founded his own government affairs and public relations firm. He graduated from Manhattan College with degrees in Accounting and Finance and was Valedictorian of his graduating class.

Mike is a lifelong Hudson Valley resident. He grew up in Rockland County and graduated from Suffern High School. Mike lives in Pearl River with his wife, Doina, and their daughter Julianna.

STEVE NEUHAUS

Orange County Executive



Steve Neuhaus is Orange County's sixth County Executive since the office was established in 1970. As County Executive, Neuhaus has focused on revitalizing Orange County's economic development, enhancing public health and safety, improving infrastructure and stabilizing the budget.

A life-long Orange County resident, and the son of immigrants, Steve was sworn into office on Jan. 1, 2014, after having served as the Town of Chester's Supervisor for six years. He is currently serving as County Executive for a third four-year term, after running unopposed in 2021.

Steve attended Monroe-Woodbury High School and took courses at SUNY Orange during his senior year. He went on to receive a bachelor's degree in History/Political Science from Mount Saint Mary College as well as a Master of Public Administration degree from Marist College. He is also a graduate of Orange County's Leadership Orange program.

Steve was promoted to Commander in the U.S. Navy Reserves in October 2022 and he is currently assigned to the Office of the Naval Inspector General. He has earned two warfare designations: Seabee Combat Warfare (SCW) Officer and Navy Expeditionary Supply Corps Officer (NESCO); and holds certifications from the Naval War College and the Joint Special Operations University. Steve served with the Combined Joint Special Operations Task Force on a six-month deployment to Iraq. Steve has deployed to Iraq, Korea, Africa and served on active duty in Europe from mid-March through mid-May (2022) with the U.S. Navy's Sixth Fleet in response to the crisis in Ukraine.

Steve currently serves on both the County Executives of America (CEA) and the New York State Association of Counties (NYSAC) Boards of Directors, and he is the Second Vice President of the New York State County Executive's Association.

Steve lives in Chester with his wife and four children.

MICHAEL OATES

*President & CEO,
Hudson Valley*

Economic Development Corp.



Michael Oates is the current President and CEO of the Hudson Valley Economic Development Corporation, a comprehensive resource for businesses relocating to (or expanding within) the Hudson Valley. He is the former Managing Partner for Bellefield Development Partners LLC the developer of Bellefield at Historic Hyde Park in Dutchess County. Bellefield is a \$500-million culinary campus located directly across the street from The Culinary Institute of America in Poughkeepsie, NY. Prior to joining Bellefield, Michael was the former CEO of Hudson River Ventures,

a small business investment fund focused on Food & Beverage, Tourism, Hospitality, 3D Printing and Innovative Technology with investment projects located in the Hudson Valley. He also served as Vice President with Empire State Development.

GUS SCACCO

CEO, CIO

Hudson Valley Investment Advisors, Inc.



Gus Scacco has been the Chief Executive Officer and Chief Investment Officer of HVIA since 2015 and Portfolio Manager on the mutual fund since its inception. Prior to joining HVIA, Gus was Chief Operating Officer and Senior Equity Analyst at Tiger Shark Management, LLC a seed fund known as a "Tiger Cub" under Tiger Management Corp. He was previously a Portfolio Manager and Partner at Angelo Gordon Asset Management. Gus has previously worked at Morgan Stanley running the firm's Capital Growth Fund. He has more than 30 years of experience as a Portfolio Manager and Analyst in both the institutional and high-net-worth markets. Gus has been an Adjunct Professor of

Finance at Hofstra University. Gus earned his Bachelor of Business Administration from Adelphi University, where he received a full baseball scholarship and was Captain of the team, and an MBA in Finance from Hofstra University.





2023 Hudson Valley Construction Industry Partnership ANNUAL MID-WINTER MEETING

MEET OUR STRATEGIC PARTNERS

JOHN COONEY, JR.

Executive Director, CIC



John T. Cooney, Jr., was appointed CIC Executive Director in June 2019. For more than 25 years, John served on the CIC Board of Directors, and for much of his life has been mindful of CIC from its nascence in 1978 when it was established and first domiciled at his family's construction enterprise, County Asphalt, Inc., in Tarrytown, NY.

Following the pathway of his grandfather who founded County Asphalt in 1920, John would eventually become its President, and following the sale of the company, joined Tilcon New York Inc., an Oldcastle Materials Company, where he also served as President. John was promoted to President of Oldcastle Materials New York Region where he was responsible for three operating companies that extended from Downstate New York through Albany to Rochester, upstate.

Mr. Cooney is a graduate of Hartwick College with a B.A. in Economics. He resides in Tarrytown, NY with his wife, Susan, and their two children.

L. TODD DIORIO

President, HVBTC



L. Todd Diorio is the third generation Business Manager with Laborers Local 17, based in Newburgh, NY. Todd continues to serve as the Local's President. His grandfather, Lorenzo, his father, Larry, and Todd served as Business Manager for a total of more than 50 years. Todd has a rich tradition of pride, dedication and loyalty to his membership. Along with his labor relation business sense and his political acumen, his responsibilities include contract negotiations, pre-job conferences with owners and agencies, settling jurisdictional disputes, safeguarding the rights of workers and promoting the union labor movement.

Todd's dedication and commitment has made his local union one of the leading organizations of organized labor in the Hudson Valley. His membership includes construction workers, public sector employees, solid waste workers, recycling plants, construction material plants and quarries. Local 17 lists some 1,200 members and mainly covers the counties of Orange, Ulster and Sullivan. In addition to his position as President, Todd serves as President of the Hudson Valley Building & Construction Trades Council, an organization that represents more than 28 trade locals and more than 10,000 members. He also serves as Chairman of the Local 17 Trust Funds, as Secretary Treasurer of the Eastern New York Laborers District Council, as a board member with the Mid-Hudson Pattern for Progress, as well as the Newburgh Stewart Empire Zone, the Port Authority Local Advisory Committee, and the Laborers Local 17 Training Fund. He was recently appointed to the New York State Laborers PAC Fund.

Todd is a lifelong resident of Marlboro, NY, graduated from Marlboro High School in 1983, and he attended Mansfield University and Marist College.

JEFF LOUGHLIN

President, WPBTC



Longtime labor leader Jeff Loughlin is the newly elected President of the Building & Construction Trades Council of Westchester & Putnam Counties, Inc., which unites 32 union locals spanning the heavy/highway sectors construction and building trade unions and more than 30,000 union members. During his vice presidency in the Building Trades, Jeff has championed the use of Project Labor Agreements (PLAs) to secure both public works and major private commercial work in the region for organized labor, with construction volume exceeding \$10 billion. Among the leading projects are the Gov. Mario M. Cuomo Bridge, major commercial shopping malls, municipal buildings, parking garages and courthouses, senior housing projects and a long list of water/sewer infrastructure renewal projects.

Jeff has also negotiated contracts throughout Westchester, Putnam and Dutchess counties with hundreds of private employers as Business Manager of Operating Engineers Local Union 137, a position he was elected to in 2013. He joined the Local in 1970, the third generation of family in the Local, which is headquartered in Briarcliff Manor, NY.

As a rank-and-file member of the Local, Jeff worked on many of the most high-profile projects in the region as an equipment and crane operator. These include the construction of the Indian Point Nuclear Power Plant in Buchanan, the then-corporate headquarters of Texaco, Inc., in Harrison (now Morgan Stanley), and the then-corporate headquarters of General Foods, the postmodern class A office building in Rye Brook, NY.

In 2014, Jeff was appointed by Labor Commissioner Peter M. Rivera to the four-member New York State Crane Examining Board.

A native of Yonkers, Jeff graduated from Mercy College in Dobbs Ferry in 1975 with a B.S. degree in Business Administration, and in 2001 he was named a Business Agent for the Local. That same year he was the recipient of the Eileen M. Hickey Labor Award named in memory of Assemblywoman Hickey who died in 1999.

More recently a fourth generation of the Loughlin family, his two nephews, are now members of Local 137.



PATRICK PURCELL, JR.

Executive Director, LECET



Patrick Purcell, Jr., is the Executive Director of the New York State Laborers-Employers Cooperation and Education Trust (LECET). This labor-management fund is dedicated to capturing work for the more than 40,000 members of the New York State Laborers' Union and LIUNA signatory contractors, increasing union market share, holding nonunion employers accountable for irresponsible and dangerous practices, and amplifying LIUNA's work and membership.

Pat is very proud to have been a part campaigns to expand the use of prevailing wage, increase safety standards for construction workers and promote the use of responsible contractor language when the City and State are using public subsidies.

Pat graduated from the University of Maryland in 1988. Following graduation, he took his first job in the labor movement at the AFL-CIO researching and investigating working conditions at Perdue Poultry plants.

In 1989, Pat went to work with United Food and Commercial Workers where he spent 25 years performing many functions including Director of Organizing, Director of Special Projects, Vice President of Political and Legislative Affairs and Assistant to the Presidents.

Pat is very proud to have led the campaign to keep Wal-Mart out of New York City. He appeared several times on Fox News Neil Cavuto Show and CNBC's Squawk Box to discuss Wal-Mart and Target's business practices.

As the grandson of a carpenter and son of an electrician, Pat is most proud of the opportunity to work for the amazing brothers and sisters of the Laborers Construction Union. He is most proud of his two children (Brian and Nicholas) and his granddaughter and cherishes his time with them. In his spare time, he loves spoiling his granddaughter and he advocates with groups helping to raise autism awareness.

ROSS J. PEPE

President, BCA



Ross J. Pepe founded and served as President & CEO of the Construction Industry Council of Westchester & Hudson Valley, Inc. (CIC), for 43 years since it was established in 1978. He continues as CIC Senior Executive & Advisor to the association, which is the New York State Chapter of the American Road and Transportation Builders Association, Inc. (ARTBA).

Since 2001, Ross has also served as President of the companion trade association, the Building Contractors Association of Westchester & Mid-Hudson Region, Inc. (BCA), a 150-member building construction trade group founded in 1936. As a representative of the construction industry, Ross founded and served as Executive Secretary and Chief Administrator of the Construction Industry Joint Labor/Management Council of the Lower Hudson Valley and Catskill Region. This alliance represents more than 40,000 construction and related industry workers and employers in the Westchester/Hudson Valley/Downstate New York region.

In addition, among his many duties as CIC Senior Executive & Advisor, he is the Executive Director of the Construction Advancement Institute of Westchester & The Mid-Hudson Region, Inc. He also served as President and Treasurer as well as Regional Vice President of the New York Roadway and Infrastructure Coalition, Inc., and as a Trustee of the New York State Laborers Health and Safety Fund. For more than 40 years he championed the interests and goals of the contracting community and its alignment with organized labor as a registered lobbyist in New York State.

STEPHEN REICH

Secretary & Treasurer, RCBTC



Steve Reich is Business Manager of the Heavy Construction Laborers Local 754 and has served as head of the union's local for more than 12 years, handling daily operations at its office in Chestnut Ridge, NY in Rockland. During his tenure, he has also served as a trustee, managing the Pension, Health and Welfare, and Annuity Fund. Prior to becoming Business Manager, Steve worked in the construction industry as a laborer, general foreman and superintendent. He has generously donated his time and money over the years to support many causes in the community. Steve has helped the Sons of the American Legion and the Lions Club. He has also worked to raise money for Dominican College and was a Youth Basketball Coach and Lacrosse Club volunteer. Steve was chosen as the 2017 Person of the Year by Dominican College. He was honored at the college's 45th Annual Grand Reception for his outstanding professional leadership, his community involvement and his philanthropic works. He also was

honored as the Boy Scouts of America Hudson Valley Council 2019 Distinguished Citizen and was recently appointed to the Rockland County Workforce Development Council by Rockland County Executive Ed Day.

ALAN SEIDMAN

Executive Director, CCA



Alan Seidman is the Executive Director of the Construction Contractors Association of the Hudson Valley, Inc. The association has been dedicated to the advancement of the construction industry in the Hudson Valley region for more than 50 years. In working closely with owners, developers, local labor, municipalities and government agencies, the association seeks to promote the continued orderly development of the Hudson Valley.

In December of 2009 Alan retired from the Orange County Legislature after 20 years of service. He has served as Chairman of the Orange County Partnership and as a board member of many community and business organizations, including Pattern for Progress, the New York State Association of Counties Transportation and Public Works Committee, and the Hudson Valley Regional Council.

Alan serves as a trustee on the Benefit Funds of the Empire State Carpenters, Bricklayers and Allied Craftworkers and Laborers

Local 754. Prior to joining the Construction Contractors Association, Alan was Principal and Regional Manager for Clough, Harbour and Associates, LLP.



**JW Marriott Beach Resort
Marco Island, Florida
March 1st - March 5th, 2023**

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CIC/BCA's mission serves the sectors of transportation, clean water, infrastructure, energy, utilities and major private development projects.

At the CIC we "Advocate, Educate and Influence" for a better and more healthy construction industry.

Executive Budget Plan to Invest Billions In Clean Water, Climate Change, Housing

Continued from page 1

personnel; dedicating a share of \$1.5 billion in the licensing fees if three casino licenses are awarded, and a share of an estimated \$462 to \$826 million in annual tax revenue from the casinos for MTA operations.

Her transportation plan calls for \$9.1 billion in mass transit operating support, including \$809 million in operating support for non-MTA authorities and nearly \$7 billion for the second year of a record \$32.8 billion, five-year DOT Capital Plan to improve highways, bridges, rail, aviation infrastructure, non-MTA transit, and DOT facilities including \$1.2 billion for local roads and bridges; \$1.3 billion for a commuter-first Penn Station; \$20 million for bus electrification for non-MTA authorities, and \$20 million to rehabilitate NFTA's light rail.

The Executive Budget proposes maintaining the Consolidated Highway Improvement Program (CHIPS) and the Marchiselli program at last year's level of \$577.8 million. The budget provides the second year of an annual \$100 million for the local Pave Our Potholes program, \$150 million in highway aid through the PAVE NY program and \$200 million to fund local projects from the BRIDGE NY program.

Climate Change, Green Energy Sectors

Gov. Hochul has proposed a total of \$5.5 billion in funding to promote energy affordability,

reduce emissions, and invest in clean air and water, building on more than \$30 billion committed to climate action.

The governor directed the New York State Department of Environmental Conservation and New York State Energy Research and Development Au-

thority to advance a Cap-and-Invest Program to establish a declining cap on greenhouse gas emissions and invest the proceeds in programs that drive emissions reductions and maintain the competitiveness of New York's industries. Included in the Executive Budget is a proposed Climate Action Fund which is expected to deliver more than \$1 billion in future Cap-and-Invest proceeds to New Yorkers every year.

In addition to forthcoming investments from the \$4.2-billion Environmental Bond Act passed by voters in 2022, the Executive Budget includes: \$500 million in clean water infrastructure funding and \$400 million for the Environmental Protection Fund.

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The Executive Budget includes a proposal to advance renewable generation in New York State by granting the New York Power Authority the ability to help the state meet its aggressive renewable energy targets. The Executive Budget also includes nation-leading

building decarbonization proposals that will prohibit fossil fuel equipment and building systems in new construction, phase out the sale and installation of fossil fuel space and water heating equipment in existing buildings, and establish building benchmarking

and energy grades. The new construction proposal includes certain exemptions such as commercial kitchens. The existing equipment phase out proposal does not impact stoves.

In addition to forthcoming investments from the \$4.2-billion Environmental Bond Act passed by voters in 2022, the Executive Budget includes: \$500 million in clean water infrastructure funding and \$400 million for the Environmental Protection Fund and \$200 million for the Office of Parks, Recreation and Historic Preservation to invest in enhancing the improving state parks. The budget also proposes a new grant program to provide funding for municipalities to investigate and remediate sites

contaminated with emerging contaminants like PFAS.

Economic Development

The Executive Budget adds \$425 million to invest in local economies, including \$225 million in grant funding and tax credits for the Regional Economic Development Councils and \$100 million each for the Downtown Revitalization Initiative and NY Forward; \$60 million in grant funding to support locally-sourced school meals and food retailers in underserved communities and regions; \$58.5 million to support the state's tourism industry, including funding to promote regional attractions and matching grants to assist counties and municipalities with local tourism efforts.

Other economic development-related funding programs include: \$45 million to be made available to the Governor's Office of Semiconductor Expansion, Management, and Integration to lead the growth of the state's semiconductor industry. Also, the budget includes \$18.8 million to rebuild New York State's government workforce through critical initiatives to be administered through the Department of Civil Service and Office of General Services;

'New York Compact' Housing Plan

The "New York Housing Compact" looks to address the housing shortage in New York State by building 800,000 new homes over the next decade.

The plan sets housing target growth rates at 3% for downstate municipalities and 1% for upstate communities. The plan also provides incentives to facilitate transit-oriented development, removes barriers to housing creation, and incentivizes new construction.

The governor's budget also had some welcome news for New York City developers as she has proposed extending the expired 421-a construction deadline through 2030. Currently, the deadline would mandate all construction that would fall under the tax exemption be completed by June 2026.

Other key facets of the governor's New York Housing Compact are:

- \$250 million for infrastructure upgrades and improvements to support local housing growth and development;
- \$20 million for planning and technical assistance to support local rezoning efforts and other solutions to drive growth;
- \$15 million for a new statewide data collection effort;
- \$4 million to create a new Housing Planning Office within Homes and Community Renewal to support localities in meeting their housing goals and coordinate planning efforts across the state;
- \$39.8 million to reduce the risk of lead exposure in rental properties outside of New York City, including \$20 million in assistance to property owners for building remediation;
- \$50 million for the creation of a statewide Homeowner Stabilization Fund to provide

critical home repairs in 10 key communities with a high concentration of low-income homeowners of color.

The budget also expands HCR's Tenant Protection Units as part of a multi-year investment to provide targeted support for tenants in upstate New York.

Reaction from the business and housing sectors was mostly positive. For example, Tony D'Anzica, president of the Hudson Gateway Association of Realtors, termed the governor's compact plan: "a common-sense approach to dealing with the lack of housing and housing affordability at the same time."

Mr. D'Anzica noted that he supports the proposal to extend the 421a tax exemption construction deadline through 2030.

"With respect to The New York Housing Compact, I would say that it clearly recognizes that there is a public housing crisis in terms of both supply and affordability. Local communities need more tools and incentives that encourage the development of housing models that are more affordable, cost effective, sustainable and transit-oriented," Mr. D'Anzica said. "While the New York Housing Compact is a step forward, many details are still missing. Dealing with these issues requires a dialogue and a close collaboration between both the state and all local communities to address the barriers and delays preventing the development of new and affordable housing."

Timothy Foley, CEO and executive vice president of the Building and Realty Institute (BRI) and member of the Welcome Home Westchester campaign, said, "Westchester County is the poster child for why we need state leadership to help us through our housing shortage. We have so many communities like Ossining, Mamaroneck, Peekskill, Mount Vernon and others that have created transit-oriented developments that are climate-friendly, millennial- and senior-friendly, and have helped revitalize their downtowns, stabilize property taxes, and boost their local economies. We've also seen a handful of villages and towns move forward with thoughtful proposals to allow for accessory dwelling units. But just this month, we've also seen Greenburgh slam the breaks on the development of moderate-to-affordable condo and co-ops by increasing property taxes on them, and Pleasantville enact a moratorium on building housing not to address a specific problem with schools or parking near the train station or some other identifiable issue, but simply because the loudest voices of the community demanded it."

He added, "The governor's approach offers a lot of options for municipalities to choose from, but the important point is that everyone needs to be part of the solution. 'The way things have always been done' is what got us into this mess. It's time for something new."



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Safety Watch

Tragedy Underscores Sub’s Role To Keep Jobsite Workers Safe

By COSTAS CYPRUS, ESQ.

The Occupation Safety and Health Review Commission’s recent decision in *Secretary of Labor v. A Crane Rental LLC* shows that subcontractors on a construction jobsite must ensure proper compliance with relevant safety standards, especially the specific standards applicable to their work. Although a subcontractor might not control or supervise the employees of other contractors on a site, they can be held responsible if they in any way violate applicable safety standards and create an unsafe situation.

A Crane Rental LLC provides cranes, lifting equipment and operators for general contractors. A Crane was among multiple companies working on a communication tower in Norcross, GA on March 21, 2019 when another company’s employee fell from A Crane’s personnel platform. A Crane had been contracted to provide a crane, an operator, a personnel basket and a rigging system to lift to a subcontractor, Superior Broadband Towers’s



fell 105 feet and succumbed to his injuries.

During OSHA’s subsequent investigations, A Crane’s operator admitted during questioning that he had determined the best location for the crane to be set-up and that he could see the personnel basket from the ground to the whole tower. However, based on the submitted evidence, it was shown that the operator was unable to see the personnel platform until it cleared the trees about halfway up the tower at the time of this accident.

OSHA investigated the tragic accident and subsequently issued a two-item citation to A Crane alleging violations of OSHA’s Cranes and Derricks in Construction standard.

(“Superior”) workers onto the communications tower. The personnel basket was rated to carry only up to two persons. Superior’s foreman at the site was the Lift Director responsible for determining what and who would be lifted. A Crane’s operator, an employee whose name had been redacted from the record, indicated that his responsibilities included crane assembly, determining the location of the crane at the site and rigging the personnel basket. He had no supervisory job functions but was rather supervised by A Crane’s operations manager, although she had not visited the site until the accident.

On the first day, A Crane’s operator hoisted two of Superior’s employees on the personnel platform, while on the second day he hoisted one or two Superior employees. However, on the third day, March 21, 2019, Superior’s foreman, loaded the personnel platform with equipment and three Superior employees. A Crane’s operator testified that due to the platform’s location he could not see it until the personnel platform had been lifted about halfway up the communications tower, at which point he decided it was safer to take three workers to the top of the tower rather than lower them to ground. As one of Superior’s employees attempted to tie off to the tower, he tragically

number required to perform the work, whichever is less.”

Under Item # 2, it was alleged that A Crane committed a serious violation of OSHA’s standard when it did not ensure that “employees hoisted in a personnel basket attend the pre-lift meeting with the crane operator and competent person responsible for the communication tower work” as the cited standard requires that the pre-lift meeting must be attended by “the equipment operator, signal person (if used), employees to be hoisted and the person responsible for the task to be performed.”

The Secretary established that cited standards applied to the cited conditions and that they were violated because A Crane’s operator could not identify anyone else besides the foreman/lift director who had attended the pre-lift meeting, and he did not know whether the Lift Director had separately briefed the workers to be hoisted. However, the Administrative Law Judge found that A Crane did not have its own employees exposed to the violative conditions, and it was not a

“controlling employer” under OSHA’s Multi-Employer Citation Policy (which provides that an

Although a subcontractor might not control or supervise the employees of other contractors on a site, they can be held responsible if they in any way violate applicable safety standards and create an unsafe situation.


“employer who... controls the cited hazard has a duty... to protect not only its own employees but those of other employers engaged in the common undertaking”) and therefore vacated the citation.

The Occupation Safety and Health Review Commission disagreed and reversed the ALJ. The commission found that although A Crane was not a

“controlling employer” it rather was a “creating employer” (which as defined by relevant precedent provides that an “employer who creates a violative or hazardous condition is obligated to protect its own employees as well as employees of others who are exposed to the hazard.”) Therefore, the ALJ should reconsider their legal analysis accordingly, to determine A Crane’s noncompliance and knowledge elements with respect to the citation.

Even if a subcontractor lacks authority to direct other contractors’ employees at a site, it must still take “effective steps” to keep all workers safe, and, especially from any dangers and hazards associated with its own work.

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.



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NEW YORK CITY UPDATE

Halmar Awarded \$382M Design-Build Contract For Metro-North Park Avenue Viaduct Project

NEW YORK—The Metropolitan Transportation Authority announced on Dec. 21 that the MTA Construction & Development (C&D) will award a \$382-million Design-Build contract to begin reconstruction efforts on the Park Avenue Viaduct in East Harlem.

The contract, was awarded to Halmar International LCC of Nanuetm, NY following MTA Board approval. The contract represents the first phase of a long-term project. All Metro-North Railroad trains traveling along the Hudson, Harlem and New Haven lines must utilize the Park Avenue Viaduct to access Grand Central Terminal, totaling 98% of all Metro-North trains. The mile and a quarter stretch encompasses four Metro-North tracks between 110th Street and the Harlem River Lift Bridge.

This project will replace major segments of the elevated steel structure, nearly half of which was first constructed in 1893, to ensure a state of good repair. The work will include replacing existing structures, tracks, power, communications, and the signal system from the north side of East 115th Street to the south side of East 123rd Street. The project is expected to reduce local noise and vibration levels compared to those from the existing viaduct by utilizing modern design and materials.

As a part of the project, MTA will enter into a Project Labor Agreement (PLA) with the Building and Construction Trades Council of Greater New York and Vicinity, its participating affiliated Local Unions and their members (BCTC). The agreement—representing the first PLA since the creation of C&D—is a commitment to working with union partners to improve labor efficiency and reduce costs on capital projects without compromising worker pay or safety. Cost savings are expected through improved work rules—such as unified holidays, 40-hour work weeks, flexible start times, and maximum use of apprenticeships—as well as enabling health insurance reforms that provide better treatment of workplace injuries and reduce lost time.

“Hundreds of trains carrying thousands of customers cross the viaduct every day,” said Metro-North Railroad President and Long Island Rail Road Interim President Catherine Rinaldi. “This multi-million investment in repairing and rehabilitating the Park Avenue Viaduct is essential to the future of Metro-North and to the riders who depend on it.”

“Replacing the Park Avenue Viaduct is essential to Metro-North and the region and C&D is proud to be using innovative new tools to deliver it efficiently and effectively,” said MTA Construction & Development President Jamie Torres-Springer. “Through MTA C&D’s first Project Labor Agreement, we’ve developed a partnership with labor that will benefit all parties, improve labor efficiency, lower long-term costs, and provide meaningful pathways into union jobs for local residents. Thank you to the Building and Construction Trade Council of Greater New York and Vicinity, and the participating affiliated local unions; we look forward to getting the job done together.”

As part of the PLA, the MTA and BCTC are also working together to provide meaningful training and job opportunities for the local residents of Harlem. With partners in the Apprenticeship Readiness Collective, the MTA and BCTC commit to providing pre-apprenticeship training for Harlem residents that have real pathways into union jobs created by the construction of the project.

“As New York continues its economic bounce back, regular investment into critical development projects, like the Park Avenue Viaduct, that not only improve and modernize our city’s infrastructure, but also create thousands of good-paying union jobs for our working-class people is crucial,” said Gary LaBarbera, President of the Building and Construction Trades Council of Greater New York. “The MTA should be commended for maintaining their commitment to providing our tradesmen and tradeswomen sustainable career opportunities through a Project Labor Agreement, along with their continued support of workforce development in our local neighborhoods. We, along with the Apprenticeship Readiness Collective, look forward to training and providing a highly skilled workforce to drive forward this important infrastructure upgrade, and creating an accessible path to the middle class for individuals from marginalized communities and diverse backgrounds via a career in the unionized construction industry.”

Study: NYC Workers Slowly Returning to Office

NEW YORK—The Partnership for New York City released a survey earlier this month of more than 140 major Manhattan office employers between Jan. 5 and Jan. 28, 2023, which showed that employees are continuing to return to the office, at least on a part-time basis.

As of late January 2023, 52% of Manhattan office workers were at their workplace on an average weekday, up from 49% in September 2022. Only 9% of employees were in the office five days a week, unchanged from September. The share of office employees that are fully remote dropped from 16% in September 2022 to 10% as of late January.

Return to office rates are approaching employers’ expected “new normal” occupancy rates of 56%.

Consistent with past surveys, 82% of employers indicated a hybrid office schedule will be their predominant policy in 2023. For employers with a hybrid model, the survey reports that 59% of employees are in the office at least three days a week.

Many employers expanded New York City headcount during the pandemic and remain committed to the city: 40% increased their New York City headcount during the pandemic and 38% maintained headcount levels; only 21% decreased headcount. About half (48%) of employers expect to increase their New York City workforce, 45% expect to maintain current headcount, and only 7% expect to reduce headcount.

While 29% of employers have reduced their real estate footprint since February 2020, 17% increased their footprint and 54% had no change. A larger share of employers (26%) expect to increase their real estate footprint over the next five years than expect to reduce it (18%); the majority (56%) expect to maintain their current footprint.

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Financial Management

Keys for Contractors to Navigate The New Lease Accounting Standard

By PHILLIP ROSS, CPA, CGMA, PARTNER

In 2016, the Financial Accounting Standards Board (FASB) finalized the new lease accounting standard (ASC 842) for private companies. After many years of pushback and delays, the time for implementation is here. The new standard must be adopted by companies with fiscal years beginning after Dec. 15, 2021 and for interim period financial statements beginning after Dec. 15, 2022.

Under previous standards, leases were broken down into two categories—financing or capital leases and operating leases. Financing lease obligations (for example—leases where the lessee took ownership



financial statements.

Under ASC 842 this distinction in presentation is largely done away with. All leases greater than 12 months are reported on the balance sheet as a lease liability with a corresponding right of use asset, whether the lease is for real estate, field equipment, office equipment, furniture, etc. This also includes related party leases (for example, a company leases real estate which is owned by a stockholder/member). If you are a lessor, the standard has minimal impact on you.

While conceptually this may sound simple, there are several items to be considered in determining how a lease should be accounted for. The following are a few key procedures companies will have to perform to properly implement ASC 842:

- Identify and gather all of the company's leases.
- Determine if the lease is an operating lease or a finance lease.
- Evaluate the impact on related party leases from ASC 842 and related leasehold improvements.
- Review contracts for embedded leases. For example, the company hires a subcontractor who is required to provide a specific identifiable piece of equipment which is required

to stay onsite, the company can direct the usage for more than 12 months and receives substantially all the benefits of such usage.

- Identify non-lease components that could be included in lease arrangements, such as operating expenses and common area maintenance.

- Determine the discount rate to use for computation of the lease liability and right of use asset.

- Record the appropriate entries on the company's books as the expense is presented differently for an operating lease versus a financing lease.

- Properly disclose the lease transactions in the footnotes to the financial statements. These disclosures will be significantly more extensive than the previous lease commitment footnote disclosures

Recording these leases on the balance sheet will impact the company's covenants. A couple of examples:

- The company's current ratio and working capital will decrease as a portion of the lease liability will be shown as a current liability and the right of use asset is a non-current asset.
- The company's leverage ratio (debt to equity) will increase

All leases greater than 12 months are reported on the balance sheet as a lease liability with a corresponding right of use asset, whether the lease is for real estate, field equipment, office equipment and furniture.

as the total debt on the balance sheet will increase while equity remains the same.

- The company's EBITDA would improve should the company determine it has financing leases (as the expense under these leases are shown as part of interest expense and amortization expense).

Construction companies need to understand how implementing ASC 842 will affect covenant compliance with their existing loan agreements and how to account for this impact when renewing or entering into new loan agreements. Contractors will need to understand how sureties will evaluate the impact of ASC 842 in determining bonding capacity it will provide the contrac-

tor. As always, communication is key. These matters should be addressed now so there are no unpleasant surprises later when 2022 financial reports are provided to the banks and sureties.

The transition to ASC 842 will take considerable time and planning to implement. Understanding the rules and requirements for the transition can save you valuable time and reduce compliance risk.

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.

Contractors will need to understand how sureties will evaluate the impact of ASC 842 in determining bonding capacity it will provide the contractor.

of the asset at the conclusion of the lease term) were recorded on the balance sheet as a liability and the corresponding item being leased was recorded as an asset and depreciated over its useful life. Operating leases (any non-capital leases, the most common being leases for real estate, office space, yard space) were not recorded on the balance sheet at all. Rather, the lease commitment was disclosed in the footnotes to the

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LOW BIDS

Olivera, Argenio, Aguado, Tully, Grace, Westmoreland, A. Colarusso Win NYSDOT Contract Projects

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

Olivera Contracting Inc. of Albertson, NY was the lowest of eight bidders at \$13,432,406. for highway maintenance: concrete pavement, various locations in the Bronx, Kings and Queens counties.

Argenio Brothers Inc. of New Windsor, NY was the lowest of seven bidders at \$13,761,761. for PMI paving & guiderail, Route I-84, in the towns of Montgomery and Newburgh and the City of Newburgh in Orange County.

Aguado Landscaping Inc. of Wappingers Falls, NY was the lowest of four bidders at \$347,013. for biennial mowing-I-84 in Dutchess, Orange and Putnam counties.

Tully Construction Company, Inc. of Flushing, NY was the lowest of four bidders at \$23,288,606.14 for highway rehabilitation—highway ramps of I-678 and I-87 in the Bronx, New York, Queens and Richmond counties.

Grace Industries, LLC of Melville, NY was the lowest of six bidders at \$9,083,483. for pavement resurfacing: Route 9 in the villages of Hastings on Hudson, Irvington, Dobbs Ferry and Tarrytown in Westchester County.

Westmoreland Construction Inc. of the Bronx, NY was the lower of two bidders at \$2,351,875. for catch basin cleaning at various locations in Rockland and Westchester counties.

A. Colarusso & Son Inc. of Hudson, NY was the lower of two bidders at \$383,432. for highway-shared use path installation—on Route 28 in the Town of Olive in Ulster County.

Advance Testing, Laura Li, Montesano, Sirina, D&M Land County DPW Jobs

WHITE PLAINS—The Westchester County Department of Public Works recently announced the selection of five low bidders for work on county facilities.

Advanced Testing Systems, Inc. of Campbell Hall, NY was the sole bidder at \$371,477.50 for maintenance and service of medium voltage switchgear on the Grasslands Campus in Valhalla, NY.

Laura Li Industries LLC of Purchase, NY was the lowest of eight bidders at \$583,511. for Bronxville Lake Pedestrian Bridge Replacement, Bronx River Reservation in Bronxville, NY.

Sirina Protection Systems Corp. of Hawthorne, NY was the sole bidder at \$186,474. for fire suppression system service and maintenance at various locations in Westchester County, NY.

Montesano Brothers, Inc. of New Rochelle, NY was the lowest of seven bidders at \$1,231,993. for site improvements at the Coachman Family Center in White Plains, NY.

D&M Electrical Contracting Inc. of Elmsford, NY was the lowest of six bidders at \$156,740. for Glen Island Pump Station Electrical Feeder Rehabilitation at Glen Island Park in New Rochelle, NY.

Empire City Casino Overhauls Its Gaming Floor As it Prepares to Compete for Full Casino License

YONKERS—Empire City Casino by MGM Resorts in Yonkers has announced the addition of more than 1,000 new state-of-the-art games to its gaming floor; the sixth largest casino floor in the country and the largest in the MGM Resorts portfolio.

Casino officials states that the upgrade delivers a new experience for guests offering the most recently released titles in gaming, and replaces almost 20% of the nearly 5,000 slots and electronic table games.

“If you think the casino floor looks different, you are right,” said Ryan Munroe, executive director of Slot Operations for Empire City Casino. “In my 15 years working at Empire City, I can’t remember a time where we’ve had so many new games hit the gaming floor over a relatively short time period. MGM Resorts continues to make the necessary investments to ensure a top-tier experience for our guests.”

In his current role, Mr. Munroe has been actively engaged in MGM Resorts’ preparations to compete for one of the three commercial casino licenses currently available in New York. A commercial casino license will allow Empire City to transition from a limited lottery facility offering video lottery terminals and electronic table games, to offering live-dealer table games, retail sports betting, Vegas-style slots, new and elevated amenities and world-class entertainment options.

DEC, Land Trust Acquire 68 Acres in Westchester

NORTH CASTLE, NY—The New York State Department of Environmental Conservation and Westchester Land Trust announced on Feb. 3 the acquisition of a total of approximately 68 acres of land in Westchester County to protect the drinking water sources of the Town of North Castle and New York City’s New Croton Reservoir system.

The funding for these projects came from DEC’s Water Quality Improvement Project Program which awarded WLT more than \$1.5 million to acquire lands for source water protection. The projects will protect the two drinking water sources in perpetuity.

Two parcels were acquired by WLT: the Shadow Lake WQIP parcel is just under five acres of forested land in the Town of Yorktown. Adjacent to Shadow Lake, the parcel was the last unprotected and developable property around the lake. Preservation of the parcel will buffer one of New York City’s public drinking water sources, New Croton Reservoir, from impacts of additional development in the future. Acquisition of this property was made possible not only by the WQIP award, but the partnership WLT has with Teatown Lake Reservation. The property was transferred to Teatown, which will manage the property with the principal purpose of drinking water source protection.

“We are extremely pleased that the transaction with the property owner has been successfully concluded, thereby continuing our 60-year tradition of protecting environmentally sensitive lands for today and future generations. This has been and continues to be a core part of our mission,” said Kevin Carter, Teatown’s executive director.

The second project consists of two parcels of land totaling 63 acres in the Town of North Castle. The parcels include a pond, wetlands and steep slopes overlaying a large sand and gravel aquifer, which supplies public drinking water wells. The properties were identified as priorities for preservation by the North Castle Open Space Study Committee. The land will be open to the public for passive recreational hiking and nature study once a trail is established.

WLT partnered with the Town of North Castle to complete the acquisition, with North Castle now owning and managing the property as a nature preserve while protecting the underlying groundwater source for the future. WLT holds a perpetual conservation easement over the property.

“Acquiring and protecting this open space has been a long-standing goal of the Town and is now a reality,” said Michael Schiliro, supervisor of North Castle. “Our partnership with Westchester Land Trust to secure the needed resources to acquire this land demonstrates the true value of public-private partnerships.”

The 68 acres acquired will remain undeveloped, allowing for their natural features to protect the drinking water supplies from potential contaminants and stormwater runoff, DEC officials stated.



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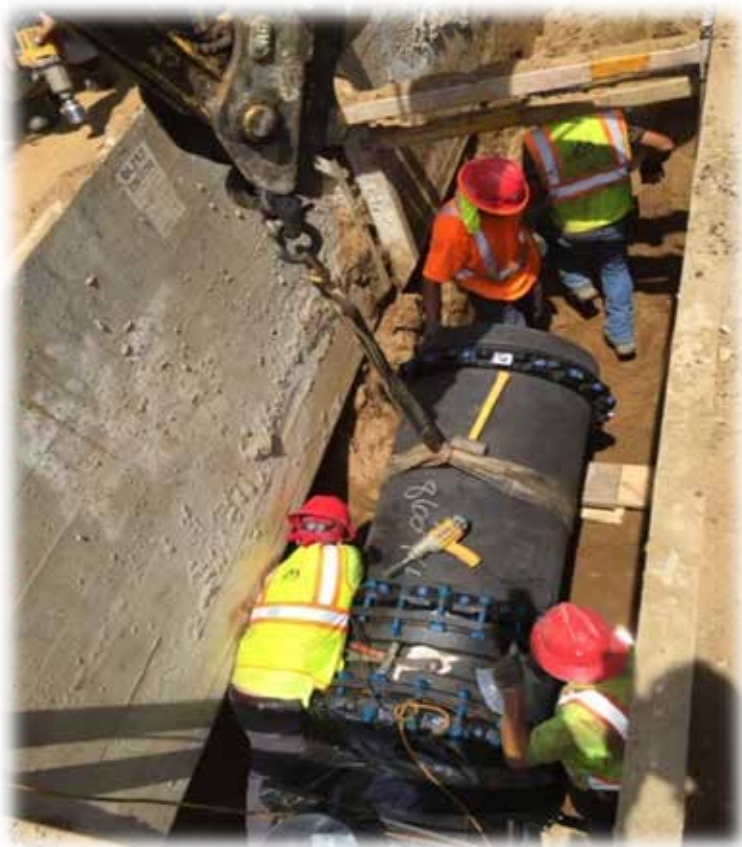
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Construction NEWS



\$229-Million Amazon Warehouse in Slate Hill Seeks Incentives from Orange County IDA

By **JOHN JORDAN**

SLATE HILL, NY—Scannell Properties of Indianapolis, IN and Seattle, WA-based Amazon have filed a joint application with the Orange County Industrial Development Agency for tax incentives in connection with their proposed \$229-million, 925,000-square-foot warehouse distribution project to be built on 100 acres of a former commercial sand gravel mine here.

The proposed “Slate Hill Commerce Center” is located at 22 McBride Road and Hoops Road in Slate Hill in the Town of Wawayanda. If the project secures all approvals and moves forward it would mark the entrance of international industrial real estate development firm Scannell Properties into Orange County. Amazon on the other hand already has extensive operations in Orange County with a 1-million-square-foot warehouse/distribution



The Amazon facility to be built in Slate Hill will total 925,000 square feet.

SOURCE: NAI Platform, Scannell Properties

facility in Montgomery (opened in 2021) and leased space in New Windsor. The firm is also building a 631,000-square-foot warehouse in Fishkill in Dutchess County, according to *Mid Hudson News*. Officials with the development project appeared before the Orange County IDA on Feb. 15.

The Slate Hill Commerce Center project would also involve the cessation of all

commercial mining operations at the property. According to documents filed with the Orange County IDA, the project applicant: Scannell Properties #600 and Amazon.com Services LLC, secured a negative declaration to its proposed Draft Environmental Impact Statement on Oct. 12, 2022 by the Town of Wawayanda.

Once completed, all of the 925,000-square-foot building,

which would include some office space, would be leased by Amazon. In total, Scannell and Amazon are seeking nearly \$10.7 million in sales and mortgage recording tax incentives to develop the warehouse facility.

In its paperwork with the IDA, Scannell/Amazon estimated that construction could start on the project in the second quarter of 2023 and be completed anywhere from the

third quarter of 2024 to the second quarter of 2025. When operational, the project is expected to create 150 new jobs. No estimates were provided on the number of construction jobs that would be created during development.

The IDA filings break down the project cost as follows:

- Property Acquisition: \$27,780,000
- Value of Improvements: \$148,921,091
- Engineering/Architectural services: \$2,700,000
- Soft Costs: \$25,000,000
- Total Capital Costs (Scannell Properties): \$204,401,091
- Amazon: (Equipment Purchases, Fixtures, Furnishings); \$25,000,000

Total Development Cost: \$229,401,091

The project will be developed with \$153,300,818 of bank financing.

Please turn to page 35

Mid-Hudson Health Care Institutions Nab \$83 Million for Capital Projects, Debt Aid

By **JOHN JORDAN**

ALBANY—New York State will be providing a total of \$658 million to support 127 projects that will protect and transform New York State’s health care delivery system, it was announced on Feb. 15. Included in the Statewide Health Care Facility Transformation Program funding package are 17 projects totaling \$83.6 million for Mid-Hudson health care institutions for capital projects or assistance in the restructuring of debt.

The largest funding award was more than \$34 million to St. John’s Riverside Hospital to undertake renovations and upgrades to its surgical service including post anesthesia care unit, as well as its maternity suite.

Another large award was more than \$9 million to the **Elizabeth Seton Pediatric Center** in Westchester County to assist in its efforts to acquire land to construct a 96-specialty bed residential health care facility to serve young people aged 21 years and older aging out of pediatric residential health care facilities.

Earlier this month, multiple media outlets reported that The Elizabeth Seton Pediatric Cen-

ter has announced plans to construct a \$118-million facility for young adults on its expanding White Plains medical campus. The development site comprises around 23 acres and was once home to St. Agnes Hospital, according to a *New York YIMBY* report. The site currently also includes The Bristol at White Plains, an assisted living and memory care facility.

Administered by the State Department of Health and the Dormitory Authority of the State of New York, the Statewide Health Care Facility Transformation Program will help to improve patient care by supporting high-quality facilities serving the inpatient, primary care, mental health, substance use disorder and long-term care needs of communities throughout the state.

The funding to improve hospital care was awarded under the second phase of the Statewide Health Care Facility Transformation Program III and the first phase of Statewide Health Care Facility Transformation Program IV. In total, New York State has awarded nearly \$1.68 billion in total funding through the program.

The state will award an additional \$1.15 billion through



St. John’s Riverside Hospital in Yonkers secured more than \$34 million in health care funding from New York State.

additional phases of Statewide IV. Additionally, Gov. Kathy Hochul’s FY 2024 Executive Budget includes \$1 billion in additional funding to establish Statewide V.

Mid-Hudson Valley Region Grant Award Winners

Orange County

Best Healthcare Inc., to renovate and expand the facility to increase access to primary care services—\$2,258,032.

Promenade Middletown LLC, construct, renovate and furnish a Special Needs Assisted Living Residence (SNALR) unit with a Day Program designed to accommodate the needs of

the residents of the facility and non-resident individuals from the community—\$2,525,000.

Promenade Middletown LLC, to construct, renovate and furnish a Special Needs Assisted Living Residence (SNALR) unit with a Day Program designed to accommodate the needs of the residents of the facility and non-resident individuals from the community—\$2,525,000.

Ulster, Green, Putnam Counties Chapter NYSARC, Inc., for capital improvement to construct a direct clinic entrance, purchase new medical equipment to support patients with

higher needs, and integrate healthcare services Ulster County—\$295,822.

Rockland County Green Hills Estate Home for Adults, for capital improvements to modernize the facility and enhance resident safety and welfare—\$1,204,945.

Jawonio Inc., to purchase a building in Nanuet to re-locate behavioral health services to a more accessible location to increase access to PROS program services—\$2,200,000.

Montefiore Nyack Foundation Inc., to renovate and modernize Extended Care Unit that

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New CIC Board of Director Members



Kristina Benza
County Fabricators

Kristina became CEO of County Fabricators in 2013. She spearheaded an extensive marketing effort that resulted in a relationship with Tappan Zee Constructors building the New Tappan Zee Bridge. Since Kristina's appointment, County Fabricators' customer base has been expanded to include giants such as Kiewit-Weeks-Massman AJV, Skanska, CW Brown (LeChase Construction Services, LLC), Tangram, Tutor Perini and many more. Kristina initiated the effort to improve quality control and production standards to be consistent with AISC guidelines resulting in AISC certification in Simple Bridge, Bridge Components and Building Structures. She is an AWS D1.5 certified welder. When not at the shop, Kristina can usually be found watching the NY Yankees and the Villanova Men's Basketball team. She lives in Westchester County and has a Bachelor of Science degree from Villanova University. Go Wildcats!



Samuel R. Etre
ELQ Industries, Inc.

Sam brings a unique blend of legal expertise and long-standing construction experience to his role as President and CEO of ELQ Industries, Inc. With a strong foundation in problem-solving and strategic thinking, he looks forward to contributing new perspectives to the CIC Board from his vantage point and understanding of the marketplace and industry. Sam received his B.S. in Industrial and Labor Relations from Cornell University and his J.D. from New York Law School. In 2010, he was recognized as a "Forty Under Forty Rising Star" by the Business Council of Westchester. With his hard work, leadership skills and the undoubtedly strong team at ELQ, he has successfully taken the company into its third generation of ownership. Sam and his ELQ team share an unwavering commitment to providing outstanding quality and excellent service to its many clients. Outside of work, Sam is a proud husband, father, an avid skier and tennis player and supporter of many important philanthropic causes.



Jeffrey Manganello
Thalle Industries, Inc.

Jeff is vice president at Thalle Industries, Inc., a leading supplier of aggregates, asphalt and recycled products in the seven Mid-Hudson counties of New York State Region 8 of the Department of Transportation. As a 25-year veteran of Thalle, Jeff oversees all day-to-day operations for the company, including its asphalt plant and quarry activities at its facilities in Fishkill, NY in Dutchess County. Jeff also oversees the company's recycling center at its operations in Elmsford, NY in Westchester for disposal of rock, concrete and asphalt from construction projects. He is a native and long-time resident of Westchester County, where he and his wife have raised their four children. When not busy at Thalle, you can often find him working on his golf game or rooting for our home team Yankees, Giants and Rangers.



Giulio Monaco, Jr.
Verde Electric Corp.

Giulio founded Verde Electric Corp in 1993 and continues to serve as its President and owner. With its main office in Mt. Vernon, NY, Verde Electric performs electrical contracting throughout the New York metropolitan region. The company has extensive experience in the high-voltage sector along with the design-build method of delivery in which it has completed multiple design-build projects. Verde's portfolio of public clients includes Metropolitan Transportation Authority, Con Edison, Metro-North Railroad, New York City Transit Authority, Port Authority of New York & New Jersey, New York State Department of Transportation, New York City Department of Transportation, New York City Design and Construction, along with Westchester, Orange, Rockland, and Nassau counties. Giulio proudly serves as President of the Mount Vernon Police Foundation and is a contributor to many local charitable organizations.



Mark Servidone
A. Servidon, Inc.

Mark has nearly 40 years of experience in the tristate construction marketplace both estimating and managing a formidable portfolio of major public works projects that include highways and bridges, railroads, landfills, dams and more. Under Mark's leadership, A. Servidone has enhanced its reputation of excellence and expertise in federal, state, municipal and private work. Through its partnership with B. Anthony Construction Corp., Mark has diversified the company, expanding into all reaches of heavy and highway construction to include flood controls, drainage systems, pumping stations, mass earth and rock excavation, quarry procurement and placement of stone protection (rip rap). These projects have also required the construction of numerous reinforced concrete structures, including bridges, flumes, flood walls, inlet/outlet structures and sanitary sewer/water lines. Today A. Servidone enjoys a reputation of excellence with its customers, vendors, organized labor and peers, thanks to a track record of integrity, fairness and professionalism.

Interim President of MTA Bridges and Tunnels Appointed

NEW YORK—Metropolitan Transportation Authority Chair and CEO Janno Lieber announced earlier this month he had appointed Catherine T. Sheridan, P.E. to serve as Interim President of MTA Bridges and Tunnels, effective March 4, 2023. Ms. Sheridan succeeds Daniel F. DeCrescenzo Jr., who is retiring after four years as Bridges and Tunnels President and 33 years at the MTA.

An engineer and transportation leader with extensive experience at the MTA, the New York State Canal Corporation, and the New York State Thruway Authority. Ms. Sheridan joined the MTA in 2019 and has served as Chief of Staff at MTA Construction & Development since October 2021. During her time at the MTA, Ms. Sheridan has led day-to-day agency operations for the MTA's historic \$55-billion 2020-2024 capital program. Prior to the MTA, Ms. Sheridan served as the Chief Engineer at the New York State Canal Corporation and Chief Engineer at the New York State Thruway

Authority, where in addition to being responsible for its multi-billion-dollar capital program, she was an executive advisor for the \$3.9-billion Governor Mario M. Cuomo Bridge project. Ms. Sheridan also served in the United States Army as a Combat Engineer from 1989 to 1997, reaching the rank of Captain.

"Catherine Sheridan has immense experience in transportation and successfully executing large projects, including during the past four years at the MTA," said MTA Chair and CEO Lieber. "I look forward to seeing her thrive in this new role. I also want to pay tribute to the decades of service that Daniel DeCrescenzo has given to the MTA and to congratulate him on his retirement. Daniel leaves behind a legacy of success at Bridges and Tunnels, which is the first MTA service to completely recover to pre-Covid levels, and I am confident that Catherine will build on this success into the future."

"I want to thank Janno for the confidence he is showing

in me to serve in this new role," said MTA Bridges and Tunnels Acting President Sheridan. "Every day, nearly one million vehicles cross the MTA's bridges and tunnels, helping to move the region and provide critical revenue for the sustainability of B&T facilities as well as mass transit. I am honored to be offered this opportunity to serve the largest bridge and tunnel authority in the nation."

Mr. DeCrescenzo joined the MTA as a Bridge and Tunnel Officer in 1990 and moved through the ranks, ultimately serving as the President of the agency. Throughout his tenure he held numerous positions in the Operations Department overseeing the day-to-day operations of B&T's seven bridges and two tunnels. He played pivotal roles during such events as the Sept. 11, 2001, terrorist attacks and major weather events such as Superstorm Sandy. He managed Operations through the agency's biggest transformation since its inception, with the implementation of Open



Catherine Sheridan

Road Tolling in 2017. Most recently as President he led the agency through the COVID-19 pandemic.

"I am very proud of what Bridges and Tunnels—the Triborough Bridge and Tunnel Authority—has achieved throughout the years," said Mr. DeCrescenzo Jr. "I have seen our employees come together time and again during crises and challenges. They make a difficult job look easy, and together we are better today than yesterday. It's the people that make this organization best in class, and I will

remember the people the most."

In addition, Lieber announced the appointment of Allison L. C. de Cerreño, Ph.D., as MTA Bridges and Tunnels Chief Operating Officer. Currently MTA Deputy Chief Operating Officer, she is an experienced transportation professional with over 20 years in the field, including 15 years of public sector experience, including previously serving as Senior Vice President of TBTA. As Deputy Chief Operating Officer, Dr. C. de Cerreño has led the MTA's Central Business District Tolling Program and has overseen the team responsible for the design, development, and implementation of OMNY, the MTA's new contactless fare payment system. Before joining the MTA, she spent nearly ten years at the Port Authority of New York and New Jersey in a variety of roles, including the Assistant Director of Tunnels, Bridges, and Terminals, as well as the Deputy General Manager for the Port Authority Bus Terminal and General Manager, Special Projects.

WASHINGTON UPDATE

Gateway Project Secures \$292M Federal Grant

WASHINGTON—On Jan. 31, President Biden and Transportation Sec. Pete Buttigieg announced that the Biden-Harris Administration had awarded nearly \$1.2 billion from the new National Infrastructure Project Assistance (Mega) discretionary grant program for nine projects across the country.

Among the awards was \$292 million for the Hudson Yards Concrete Casing, Section 3. The award will help fund the final section of concrete casing intended to preserve future right-of-way for the new Hudson River Tunnel and lay the groundwork for the much-anticipated Gateway Project.

Once completed, the future Hudson Tunnel project will improve commute times, Amtrak reliability on the Northeast Corridor (NEC), and support the NEC regional economy, which is home to 17% of the U.S. population. Amtrak expects the Hudson Tunnel project will result in 72,000 direct, indirect, and



President Biden announced the \$292 million for the Gateway Program project at the West Side Rail Yards in Manhattan on Jan. 31.

induced jobs during construction with union partnerships for job training.

“From the Hoover Dam to the Golden

Gate Bridge, some infrastructure projects are so large and complex that they defy traditional funding systems—and so sig-

nificant that they become iconic parts of the American landscape,” said Sec. Buttigieg. “After receiving over one hundred applications, we are proud to fund these nine infrastructure megaprojects across the country to create jobs, strengthen our supply chains, expand our economy, and renew America’s built landscape.”

The Mega grant program, created by the Bipartisan Infrastructure Law, funds projects that are too large or complex for traditional funding programs. Eligible projects include highway, bridge, freight, port, passenger rail, and public transportation projects that are a part of one of the other project types.

The Mega program will invest a total of \$5 billion through 2026 to help rebuild the United States’ infrastructure. For this application cycle specifically, the USDOT received applications requesting approximately \$30 billion in funding, far exceeding the \$1 billion of funding available in 2022.

Construction Material Prices Diverge Sharply As Demand Shifts to Factory, Infrastructure

WASHINGTON—Contractors encountered a wide range of price changes for key construction inputs in January, with steep increases for fuel, concrete, and gypsum products offsetting sharp declines in lumber and steel prices, according to an analysis by the Associated General Contractors of America of government data released earlier this month. Association officials said a lack of clarity from officials in Washington as to what materials may be used on federally assisted projects is adding to price disparities.

“Producer price indexes for

construction inputs moderated over the past year but many items increased again in January,” said Ken Simonson, the association’s chief economist. “With demand shifting among project types, prices for many inputs are likely to diverge further in 2023.”

The producer price index for inputs to new nonresidential construction—the prices charged by goods producers and service providers such as distributors and transportation firms—jumped 0.9% last month but rose by a relatively modest 4.3% from January 2022. Falling demand for new homes drove

the index for new single-family construction down to a year-over-year increase of just 0.2%.

The increase in January was driven by several inputs. The producer price index for diesel fuel soared 7.1% for the month and 22.8% over 12 months. The index for cement leaped 7.7% in January and 17.8% compared to a year earlier. That, in turn, fueled an increase in the index for concrete products of 1.8% for the month and 14.8% year-over-year. The indexes for architectural coatings, such as paint, gypsum building materials, such as wallboard, were flat for the month but climbed

15.8% and 11.1%, respectively over the year.

These increases more than offset several declining prices. The producer price index for steel mill products slid 2.3% for the month and 30.1% over 12 months. The index for lumber and plywood was unchanged in January but fell 30.8% from a year earlier.

Trade officials said that left unanswered are many questions about what materials qualify to be used on infrastructure projects funded by the Bipartisan Infrastructure Law. The continuing uncertainty about eligible goods will

make it hard for contractors to find materials to complete infrastructure projects, raise the cost of those materials and lead to delays in completing the work.

“Unfortunately, more than 15 months after enactment of the infrastructure law, the administration’s guidance about materials is still confusing, contradictory, and incomplete,” said Stephen E. Sandherr, the association’s chief executive officer. “Uncertainty about eligible materials threatens to delay needed infrastructure projects and make them much more expensive.”

Nominations Open for Industry Leader, Innovator For 2023 Transportation Development Hall of Fame

WASHINGTON—The American Road & Transportation Builders Association’s Foundation is accepting nominations for the 2023 Transportation Development Hall of Fame class. Launched in 2010, the Hall “honors individuals or families from the public and private sectors who have made extraordinary contributions to U.S. transportation development during their careers.”

There are two categories:

Transportation Design & Con-

struction Industry Innovators: Honors the people who discovered or created a “game changing” product or process that significantly advanced transportation design, construction and/or safety.

Transportation Design & Construction Industry Leaders (Individuals or Families): Recognizes individuals and families who have made significant contributions—beyond just having successful businesses or careers—that have notably helped advance the interests

and image of the transportation design, construction, and safety industry.

Nomination forms, available at artbahalloffame.org, are due by close of business Wednesday, March 1.

Anyone can nominate a candidate. ARTBA membership is not required. Individuals can be living or inducted into the Hall posthumously.

The 2022 and 2023 Hall classes will be recognized at a May 15 dinner in the Nation’s Capital during ARTBA’s Federal Issues program.

Established in 1985, the ARTBA Foundation is a 501(c)(3) tax-exempt entity designed to “promote research, education and public awareness” about the impacts of transportation investment. It supports an array of initiatives, including educational scholarships, awards, roadway work zone safety training and certificates, special economic research and reports, and an exhibition on transportation at the Smithsonian National Museum of American History.

Sen. Gillibrand Announces Infrastructure Funding To Improve NYS Roads, Address Traffic Deaths

NEW YORK—U.S. Senator Kirsten Gillibrand joined Reps. Adriano Espaillat, Dan Goldman and Nydia Velázquez, New York City Department of Transportation Commissioner Ydanis Rodriguez, New York City Council Members Chris Marte and Carlina Rivera, New York City Council Majority Whip Selvena N. Brooks-Pow-

ers, Assemblymember Grace Lee, and local advocates on Feb. 6 to announce more than \$37 million in grant awards through the Safe Streets and Roads for All (SS4A) program, which will help improve road safety and address traffic fatalities throughout New York. This includes more than \$21 million for projects in New York City.

The SS4A grant program, established by the historic Bipartisan Infrastructure Law, will provide \$5 billion in grants over the next five years to prevent roadway deaths and serious injuries. New York City will receive a total of \$21,481,306 through the program this funding cycle, with roughly \$18 million going toward improving a segment of Delancey Street.

The funds are part of Senator Gillibrand’s continuous efforts to work with officials at all levels to upgrade infra-

structure and lower pedestrian fatalities. Senator Gillibrand and Representative Espaillat are also calling on the Office of Management and Budget to include funding for the Stopping Threats on Pedestrians (STOP) Act in the President’s budget for Fiscal Year 2024. Passed in the Bipartisan Infrastructure Law, the STOP Act authorizes \$5 million in annual grants for bollards and barricades to protect pedestrian spaces from large vehicles but has not yet been funded.

“I am proud to have worked to secure these millions of dollars in funding that will go toward improving roads and preventing future traffic tragedies in our communities,” said Sen. Gillibrand. “Revamping our transportation infrastructure with innovative technology to upgrade street design, traffic sensors, and bikeways will promote safety for drivers and pedestrians alike. I’ll keep fighting to bring federal dollars back home to New York.”

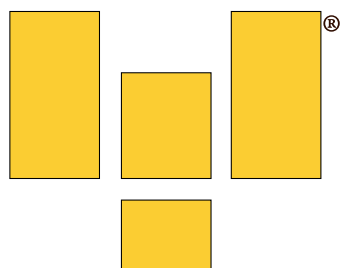
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A NYSDOT Design-Build Project to reconstruct the existing Rt. 17 at Rt. 32 Interchange in Harriman, NY which included a new Diverging Diamond Interchange recently completed by Yonkers Contracting.

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Economic Outlook

New York City Economy's Uneven As Full Recovery Remains Elusive

By MICHAEL J. PATON

In its annual review of the New York City's economy and finances, the city's Office of Management and Budget found that the city's economic recovery was uneven in 2022. According to the report, the city's labor market in the first half of 2022 remained resilient, with employment growth outpacing both the state and the nation. However, with the Federal Reserve tightening interest rates, local employment growth slowed in the second half of 2022. In addition, higher interest rates were responsible for the residential real estate



commercial real estate recovery. The New York City labor market continues to gradually recover from the COVID-19 pan-

March and April of 2020. In the first 11 months of 2022, the city added 189,000 positions—more than twice the average for the same period in most years prior to the pandemic. During the shutdowns implemented in the spring of 2020 to slow the spread of COVID-19, employment sectors that rely heavily on in-person interactions (leisure & hospitality, construction, manufacturing, trade and transportation & utilities) suffered high rates of job loss. From February to April 2020, more than 40% of employees working in these sectors were laid off. As restrictions relaxed, these sectors came back and added jobs at an impressive pace. From April 2020 to November 2022, employment in this group of sectors expanded by 507,000 jobs. Also, as the economy reopened, consumers shifted their spending toward services such as travel. In 2022 the visitor count to New York City is projected by OMB to be more than 70% above 2021 levels.

In 2020, the city's construction sector was able to recover 57,000 of the 75,000 positions lost in March and April by the end of the year. Since then, the construction sector's post-pandemic employment recovery faltered, and from December 2020 to November 2022 the sector shed 3,000 jobs.

workers. According to a survey released last September by the Partnership for New York City, 22% of companies expect to reduce their New York City real estate footprint in the next five years, while 20% expect to expand their workforce. The discrepancy between employers' expectations for office space and for hiring has implications for the city's office market outlook, as it signifies that remote work has permanently reduced long-term demand for office space. Year-to-date Class A (trophy buildings) office leasing activity through November 2022 was 10% below the pre-pandemic average. The Downtown market was the primary source of this weakness, while leasing in Midtown was only 3% below its pre-pandemic

The discrepancy between employers' expectations for office space and for hiring has implications for the city's office market outlook, as it signifies that remote work has permanently reduced long-term demand for office space.

market weakening in the second half of the year, while remote work continued to slow a com-

demic employment recovery faltered, and from December 2020 to November 2022 the sector shed 3,000 jobs. This weakness is probably the result of rising interest rate and high material prices that have hampered activity in the construction industry. City economists project that construction employment will further contract by 1% between 2022 and 2023, before resuming a positive growth trend.

New York City's residential market also is showing signs of deceleration. In the face of rising interest rates, weak financial markets and a potential economic downturn, home sales in New York City slowed in the second half of 2022. According to data provided by the New York City Department of Finance and reported by OMB, home sales in the city have slowed on an annual basis for five straight quarters and had slumped to 17% below year-ago levels in the third quarter of 2022. By housing type, condo sales declined by 24% year-to-year in the third quarter; single-family home sales fell by 15%; and co-op sales decreased by 12%.

The city's commercial office market continues to be weakened by the transition to remote and hybrid work. Moreover, due to the long-term nature of office leases, the transition is likely to take many years to complete as employers wait for their current leases to expire before signing new contracts that account for their fully remote and hybrid

average. New and high-end Class A office space is generating strong demand compared with the rest of the market and the strength in Midtown leasing relative to Downtown can be attributed to new office buildings that came onto the market in 2022.

The OMB concludes that the two most prominent risks to the local economy are the potential for a monetary policy miscalculation by the Federal Reserve as it attempts to control inflation and the ongoing fallout from the Russia-Ukraine war. Although it appears that inflation pressures have peaked, the Fed faces a complex and difficult path as it attempts to restrain aggregate demand and guide inflation back to its target level. Ongoing strength in labor markets are pushing the Federal Reserve toward further tightening, which raises the risk of recession as a consequence. Likewise, a prolonged or escalating Russia-Ukraine conflict could lead to further supply disruptions, energy and commodity price volatility, and weaker global economic growth. All would have negative implications for the city's economy.

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

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At an event held at the Pace University Elisabeth Haub School of Law in White Plains, Gov. Kathy Hochul announced that the Village of Sleepy Hollow and the Town/Village of Cornwall are each receiving \$4.5 million from the NY Forward program.



Officials with the City of Port Jervis and New York Gov. Kathy Hochul celebrate the city's selection to receive \$10 million in Downtown Revitalization Initiative (DRI) funding.

Mid-Hudson Region Scores Big with State Funds For Downtown Revitalization, Infrastructure Projects

WHITE PLAINS—New York Gov. Kathy Hochul traveled from Albany to the Pace University Elisabeth Haub School of Law here on Feb. 21 to announce a host of funding awards to com-

munities in the Mid-Hudson Region to finance downtown revitalization campaigns and infrastructure projects. Gov. Hochul announced that the City of Port Jervis

will receive \$10 million in funding as the Mid-Hudson Region winner of the sixth round of the Downtown Revitalization Initiative. For DRI Round 6, each of the state's

10 economic development regions are being awarded \$10 million, to make for a total state commitment of \$100 million in funding and investments to help commu-


nities boost their economies by transforming downtowns into vibrant neighborhoods. The governor also reported at the event held at Pace University's White Plains campus that the Village of Sleepy Hollow and the Town of Cornwall and the Village of Cornwall-on-Hudson, will each receive \$4.5 million in funding as the two Mid-Hudson Region winners of the first round of NY Forward.

“Our Downtown Revitalization Initiative is helping communities across New York reinvigorate their downtowns, jumpstart their economies, and attract the businesses and jobs that allow residents to thrive,” Gov. Hochul said. “With this award, the City of Port Jervis will begin a new chapter toward revitalizing its downtown and growing its local economy as a scenic destination for community members and visitors alike.”

Port Jervis, located on the banks of the Delaware and Neversink rivers at the juncture of New York, New Jersey and Pennsylvania, has seen recent local private investments over the past several years that are helping to create momentum for downtown revitalization. Port Jervis's vision for revitalization is to combine its historic charm with modern technologies and methods that support climate sustainability, business opportunities and residents, while promoting its outdoor activities along the wild, scenic Delaware River and mountainsides. The village seeks to realize its vision by enhancing downtown attractions, adding housing in new and existing buildings, creating safer streets, enhancing multi-modal transportation options and connectivity and improving energy efficiency throughout the community, state officials noted.

Sleepy Hollow has recently experienced reinvestment from major institutions and businesses, including from regional health centers and Regeneron Pharmaceuticals, as well as substantial private investment to create residential units for nearly 3,000 new residents. To successfully seize the oppor-

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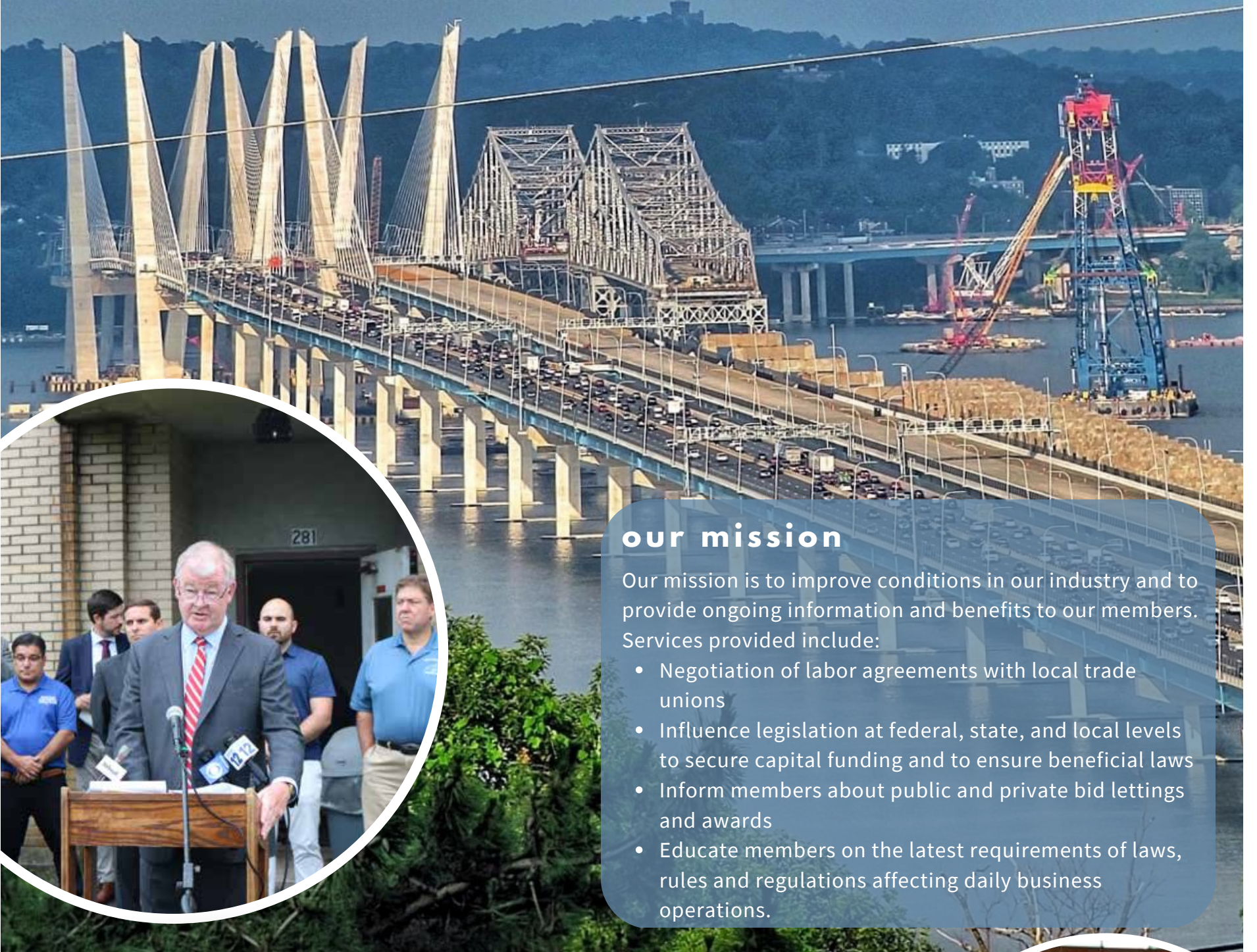




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who are we

The Construction Industry Council of Westchester & Hudson Valley, Inc., is a professional trade organization representing more than 600 businesses that are at the core of the region's construction industry. These include contractors, suppliers, consultants and other professionals servicing the construction and building industries.



our mission

Our mission is to improve conditions in our industry and to provide ongoing information and benefits to our members. Services provided include:

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our member benefits

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Report: Total Construction Starts Slip in January

HAMILTON, NJ—Total construction starts fell 27% in January to a seasonally adjusted annual rate of \$865.6 billion, according to a report released on Feb. 22 by Dodge Construction Network. During the month, nonresidential building starts fell 38%, residential starts lost 20%, and nonbuilding starts declined by 16%.

Comparatively, total construction was 14% lower in January 2023 than in January 2022. Nonresidential building starts were down 2%, nonbuilding starts rose 10%, and residential starts lost 34%. For the 12 months ending January 2023, total construction starts were 13% higher than the 12 months ending January 2022. Nonresidential starts were 36% higher, residential starts lost 6%, and nonbuilding starts were up 19%.

“January’s decline in construction starts should not be taken as the beginning of a cyclical downturn in the industry,” said Richard Branch, chief economist for Dodge Construction Network. “Numerous mega-projects have begun over the last few months, obscuring the underlying trend in construction activity. While some construction sectors will face stress as the year progresses, current fundamentals point to an industry that is fairly well-positioned to weather the storm.”

Nonbuilding construction starts fell 16% in January to a seasonally adjusted annual rate of \$237 billion. Behind the decline was a very large drop (-76%) in utility/gas plant starts following a brisk December. Elsewhere, environmental public works starts rose 22%, miscellaneous nonbuilding increased 17%, and highway and bridge starts rose 1%.

For the 12 months ending January 2023, total nonbuilding starts were 18% higher than the 12 months ending January 2022. Utility/gas plant starts rose 28%, and highway bridge starts were 20% higher. Environmental public works starts and miscellaneous nonbuilding starts were up 17% and 5% respectively on a 12-month rolling sum basis.

The largest nonbuilding projects to break ground in January were the \$750-million High Banks wind farm in Belleville, KS, the \$570-million first phase of the Highway 69 express toll lanes in Overland Park, KS, and the \$492-million CEPP/EAA reservoir in Palm Beach, FL.

Nonresidential building starts lost 38% in January to a seasonally adjusted annual rate of \$340 billion. Manufacturing starts led the pullback in January, falling 91% following the start of several large projects in December. In January, commercial starts dropped 11% with office being the only category to post a gain; while institutional starts increased by 3% thanks to a large gain in education starts.

For the 12 months ending January 2023, total nonresidential building starts were 36% higher than the 12 months ending January 2022. Manufacturing starts were 190% higher, commercial starts gained 22%, and institutional starts moved 17% higher on a 12-month rolling sum basis.

The largest nonresidential building projects to break ground in January were the \$1-billion Prime Data Center campus in Elk Grove Village, IL, the \$515-million Amazon

data center in Hilliard, OH, and the \$460-million CoStar Group corporate campus in Richmond, VA.

Residential building starts fell 20% in January to a seasonally adjusted annual rate of \$289.2 billion. Single family starts lost 5%, and multifamily starts fell 37%. For the 12 months ending in January 2023, residential starts were 5% lower than the 12 months ending in January 2022. Single family starts were 16% lower, while multifamily starts were up 21% on a rolling 12-month basis.

The largest multifamily structures to break ground in January were a \$200-million mixed-use building in Gowanus, NY, a \$172-million mixed-use building in Greenpoint, NY, and the \$150-million The Cove residential community in Sacramento, CA.

Regionally, total construction starts in January fell in all five regions.

January 2023 CONSTRUCTION STARTS

MONTHLY CONSTRUCTION STARTS

(Millions of Dollars, Seasonally Adjusted Annual Rate)

	Jan 2023	Dec 2022	% Change
Nonresidential Building	\$339,616	\$546,614	-38
Residential Building	289,222	359,474	-20
Nonbuilding Construction	236,757	282,162	-16
Total Construction	\$865,595	\$1,188,250	-27

YEAR-TO-DATE CONSTRUCTION STARTS

Unadjusted Totals, in Millions of Dollars

	1 Mos. 2023	1 Mos. 2022	% Change
Nonresidential Building	\$25,506	\$26,008	-2
Residential Building	23,162	34,921	-34
Nonbuilding Construction	18,189	16,512	10
Total Construction	\$66,857	\$77,441	-14

Source: Dodge Construction Network



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WHAT'S NEW & WHO'S NEWS

Film Industry Spurred \$1.1B in 2021 In Economic Impact for Westchester

WHITE PLAINS—A new analysis of the film sector in Westchester County released on Feb. 17 found it generated more than \$1.1 billion of economic activity in 2021.

The report showed the industry supported 3,784 jobs and nearly \$356.8 million in wages, surpassing pre-pandemic levels. In addition, the number of production days rose to an all-time high of 1,288 days of filming in the county.

Westchester County Executive George Latimer made the announcement at an event hosted by Westchester County Tourism & Film at the Edith Macy Center. More than 150 representatives from the film industry and Westchester locations and municipalities participated in the program, designed to foster collaboration on filming in Westchester. The event, which featured speakers from state government, local municipalities and the film and television industry, focused on best practices on how to boost the filming appeal of a given location—which in turn boosts tourism economic revenue.

Mr. Latimer said, “The message from this report is clear: The film industry plays a leading role in generating investment in Westchester. Every film, television, and commercial production brings economic activity to our county. In addition to providing thousands of jobs for our residents, productions are using local vendors, increasing foot traffic to local stores and restaurants, hiring our talented residents, and showcasing our incredible locations to audiences around the world.”

Westchester County Tourism & Film



From left, Westchester County Tourism & Film Director Barry Surman, Hudson River Museum Director & CEO Masha Turchinsky; County Economic Development Director Bridget Gibbons; Location Manager Earnie Karpeles; Westchester County Executive George Latimer; Location Manager Michael Hartel; Director Melissa Velez-Goldberg of the Office of Film & Photography in the City of Yonkers; Director Natasha Caputo of the County Tourism & Film and Executive Director Yoni Bokser of the Governor's Office of Motion Picture & Television Development.

Director Natasha Caputo said, “The data show that the collective efforts with our partners to attract new film business are paying off. The fact that we have exceeded pre-pandemic numbers speaks to the quality and diversity of our locations and affirms that we are creating a welcoming, film-friendly environment.”

In addition, the industry generates significant fiscal benefits for businesses and communities, contributing \$7.4 million in sales tax, lodging-related tax, and permit and property rental fees. In 2021, 946 tourism jobs were created as a result

of the film industry.

The president of the Westchester Hotel Association and General Manager of the Cambria Hotel in White Plains Sean Meade said the film industry's impact on the hotel sector was an absolute boost. “We're happy to cater to film productions, whether to welcome crews after a long day of shooting or provide a unique location for filming. The industry has become an out-of-the-box source of revenue for us.”

Another benefit of the film industry in Westchester is “screen tourism,” Ms. Caputo added. “Our locations—such as

Lyndhurst, the Belvedere Estate and the Hudson River Museum/Glenview Historic Home—have been featured in popular shows, resulting in a boost in visitors at those locations.”

Among the shows filmed in Westchester in 2020 and 2021 were The Blacklist (NBC); Dickinson (Apple TV+); The Flight Attendant (HBO); FBI and FBI: Most Wanted (CBS); The Gilded Age (HBO); Law & Order: SVU (NBC); Only Murders in the Building (Hulu); Severance (Apple TV+); Succession (HBO); and The Watcher (Netflix).

Mr. Latimer added: “This economic impact report points to a film industry boom in Westchester County. It shows that film professionals want to come here to access locations, talent, and economic advantages. It also demonstrates Westchester's ability to compete and leverage our significant assets—locations and people—and capitalize on the significant opportunities resulting from the marketplace demand for content. Through sustained collaboration, we will continue to see this sector grow.”

Previously, Westchester County Tourism & Film calculated the economic impact of the industry based on a model used by the Association of Film Commissioners International (AFCI), which included permit revenues and production days in Westchester and its municipalities. With that formula no longer being updated by AFCI, the county commissioned a new report from Camoin Associates, a nationally recognized consulting firm specializing in economic impact analysis.

Melendez Named New Rochelle DPW Commissioner

NEW ROCHELLE, NY—City Manager of New Rochelle Kathleen Gill announced on Feb. 10 that Wilfredo Melendez, P.E. was named as the new Commissioner of Public Works, effective Feb. 6.

Mr. Melendez brings extensive municipal experience to the position, having worked for the New York City Department of Environmental Protection as Deputy Director of the Bureau of Water Supply-Water Treatment Operations South for 16 years. During his tenure he was responsible manager for critical water treatment facilities that supplied the entirety of New York City's drinking water, overseeing a staff of 130+ employees as well as contracts, capital improvements, and OSHA and EPA-mandated plans and programs.

Prior to that, Mr. Melendez worked in the private sector for seven years at a construction firm as project manager, superintendent and engineer on a variety of multi-million-dollar projects for the New York City Department of Design and Construction, NYNJ-



Wilfredo Melendez, P.E.

Port Authority and NYC Department of Sanitation. He began his career in 1989 at the NYC Department of Environmental Protection as Resident Engineer, managing numerous water main, sewer and roadway construction projects throughout New York's five boroughs.

Mr. Melendez received his Bachelors in Civil Engineering from Manhattan College.

“Public Works is one of the busiest departments in New Rochelle, comprising engineering, roads, storm water and sewer systems, public buildings and the city's vehicle and equipment fleet. “I welcome Mr. Melendez to New Rochelle, and believe his experience is well-suited to support this department and continue its success,” City Manager Gill stated.

Mr. Melendez succeeds Commissioner Jim Moran, who retired in November. The Deputy Commissioner is Jessica Paladino, who joined the department in April 2022 after serving as Waste Programs Manager for the City of Norwalk, CT.

Port Authority Board Re-Elects Chair, Vice-Chair, Agency Officers

NEW YORK—On Feb. 9, The Board of Commissioners of the Port Authority of New York and New Jersey held its annual election of officers and unanimously re-elected its Chairman, Kevin O'Toole; Vice-Chairman, Jeffrey H. Lynford; and its Executive Director, Rick Cotton.

The Board also unanimously re-elected all other incumbent officers of the Port Authority, which pursuant to the agency's by-laws include the roles of secretary, general counsel, chief financial officer, comptroller, and treasurer. The individuals who were re-elected were: James E. McCoy, Secretary; Michael E. Farbiarz, General Counsel; Elizabeth M. McCarthy, Chief Financial Officer; Daniel G. McCarron, Comptroller and Sherien Khella, Treasurer.

Mr. O'Toole, the chairman, joined the Port Authority Board in July 2017, resigning his state Senate seat from Essex County, NJ in order to accept the Port Authority post. He was first elected as the 20th chairman of the agency's Board of Directors in August 2017. In addition to his services to the agency, he is a founding and managing partner of O'Toole Scrivero, a law practice encompassing toxic



Port Authority Chairman Kevin O'Toole

tort, environmental law, risk management, class actions, complex litigation, and corporate investigations. A career public servant, he has served at both the local and state level in New Jersey. He has served on the Cedar Grove Town Council and as mayor. He was elected to the New Jersey General Assembly four times and was elected to the State Senate three times. He left his Senate seat on July 1, 2017, to begin

his term as a commissioner on the Port Authority Board. He received a B.A. and a J.D. from Seton Hall University.

Vice Chairman Lynford was appointed to the Board of Commissioners in June 2011 and reappointed in 2013. He was first elected vice chairman of the board on July 20, 2017. He currently serves as President and CEO of Educational Housing Services Inc., the leading not-for-profit New York City organization that provides safe and affordable housing for college students and interns since 1987. He was the co-founder of the Wellsford group of public and private real estate companies. His public service includes two previous gubernatorial appointments.

Please turn to page 34

WHAT'S NEW & WHO'S NEWS

Todd Diorio Named to Executive Post With Eastern NY Regional Laborers D.C.

NEWBURGH—Veteran union executive L. Todd Diorio has taken over as Eastern New York Laborers District Council Business Manager, replacing longtime Laborer's Union executive Sam Fresina.

Mr. Diorio, who took on the position last month, will remain president of Laborers Local No. 17 in Newburgh, but has relinquished his position of business manager of Local 17 to his brother, Jeff Diorio. Another official at Local 17, Dean Tanburri, has been elevated to the newly created position of assistant business manager.

Mr. Diorio will also remain as presi-

dent of the Hudson Valley Building & Construction Trades Council, an organization that represents more than 28 trade locals and more than 10,000 members.

In an interview with CONSTRUCTION NEWS, Mr. Diorio also noted that he was named last week an International Rep. with the Laborers International Union of North America.

Mr. Diorio has been the business manager of Local 17 since 2001. He is a third generation business manager with the local, which is based in Newburgh. The position has been held for more than 50 years by the Diorio family, beginning

with his grandfather, Lorenzo, in 1964 and passing to his father, Larry, in 1980.

Mr. Diorio also serves as chairman of the Local 17 Trust Funds and as a board member with the Mid Hudson Pattern for Progress. He also serves on the Newburgh Stewart Empire Zone, the Port Authority Local Advisory Committee and the Laborers Local 17 Training Fund. In addition, he is a member of the New York State Laborers PAC Fund.

Mr. Diorio is a lifelong resident of Marlboro, NY, where he graduated from its high school in 1983. He also attended Mansfield University and Marist College.



L. Todd Diorio

Jeff Loughlin of Operating Engineers 137 Elected President of Building Trades Council

ELMSFORD, NY—Jeff Loughlin, a 53-year member of the Operating Engineers Local 137 and vice president of the Building & Construction Trades Council of Westchester & Putnam Counties, Inc., was elected president of the labor organization on Thurs., Feb. 16, at the council's monthly meeting of business managers and agents. Serving as a member of the Trades Council's executive board for the past decade, Mr. Loughlin will take over the top post occupied by Dominick Casanelli, Jr., a vice president of Teamsters & Chauffeurs Local 456 and who will continue to serve as recording secretary of the Trade Council.

Business Manager Dario Boccarossa of Laborers Local



Jeff Loughlin

235 headquartered in Elmsford, will continue to serve as secretary/treasurer of the Building Trades Council.

"I sense seismic shift in the mindset of labor leaders today

from previous generations in virtually every trade," Mr. Loughlin said. "Today we must team up with contractors and work with them to win the support of developers and public officials if our contractors are going to be awarded projects and put the rank-and-file union members to work. I've always said that tradition is something that must be greeted at the door and examined before it's welcomed in our house of labor. The construction and building marketplaces are constantly evolving and organized labor must adapt to new practices and values."

Mr. Loughlin hails from a union family that dates to 1938 when his grandfather, Anthony Francolino (mother's father)

became a charter member of Operating Engineers Local 137. In 1954, Mr. Loughlin's father, Jimmy, joined the Union, and he retired in 1983 as the Local's recording corresponding secretary.

Mr. Loughlin joined the union in 1970 and, while attending college at night, worked as an oiler for six years with Wedco Engineering at the Indian Point Nuclear Power Plant. A native of Yonkers, he graduated from Mercy College in Dobbs Ferry in 1975 with a B.S. degree in Business Administration. He received his New York State crane license and worked for Signal RESCO Resource Recovery Plant at Charles Point, NY.

He was appointed a business agent for Local 137 in 2000 by the

business manager at the time, Nicholas Signorelli, Sr. After serving a dozen years on the Local's executive committee, he was terminated in 2012 and shortly thereafter announced his intentions to run for business manager. He won the election by a landslide the following year (417 to 181) defeating Mr. Signorelli's successor.

"We want to move forward, so we're not looking in the rearview mirror," Mr. Loughlin said, assessing the challenges the Building Trades now face. "We see lots of traditions, but if our contractors don't win bids, our memberships don't work. We have to get on the phone, we have to attend meetings, and we must convince people that we're the way to go."



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ALBANY UPDATE

First NYS Drinking Water Project Funded By Federal Bipartisan Infrastructure Law

ALBANY—New York State officials announced on Feb. 9, \$40.3 million in financial assistance for water infrastructure improvement projects, including the first drinking water project in New York State to receive infrastructure funding under the Bipartisan Infrastructure Law in Albany. The Environmental Facilities Corporation Board of Directors approved low-cost financing and previously announced grants, authorizing municipal access to the capital needed to get shovels in the ground for vital drinking water and sewer projects that reduce potential risks to public health and the environment.

Communities need financial support to help them undertake critical water infrastructure improvement projects. The state prioritized \$500 million in investment in clean water infrastructure for the 2024 Executive Budget released earlier this month. The funding announced on Feb. 9 is earmarked to help help municipalities modernize drinking water facilities and upgrade wastewater infrastructure to improve water quality and public health in their communities. The Albany Municipal Water Finance Authority will receive the first funding from the Bipartisan Infrastructure Law for drinking water

infrastructure in New York State. Approved Bipartisan Infrastructure Law funding for the authority includes a \$1.27 million grant and \$1.83 million short-term interest free financing. This funding is in addition to a \$3-million state water grant. The funding will be used to modernize aging infrastructure at three facilities in the Albany Water System, including the Feura Bush Filtration Plant, the Pine Bush Pump Station and the Loudonville Reservoir. Among the other Clean Water project awards included a \$1.75-million WIIA grant to the Town of Harrison to survey and rehabilitate the town's

wastewater collection system to eliminate sanitary sewer overflows to Long Island Sound. The EFC's Board's approvals include financings through the Clean Water State Revolving Fund and Drinking Water State Revolving Fund, and grants already announced pursuant to the Water Infrastructure Improvement program. Funding for water infrastructure from the federal Bipartisan Infrastructure Law is administered by EFC through the State Revolving Fund programs. Funding for the first clean water infrastructure projects using Bipartisan Infrastructure Law was announced in November.

Port Authority Board Re-Elects Chair, Vice-Chair, Agency Officers Continued from page 32

ments to the New York State Council on the Arts and to the Trust for Governors Island, and currently serves on the boards of New York University and the NYU Tandon School of Engineering. He holds a bachelor's degree in history from the State University of

New York at Buffalo, a master's degree in public affairs from the Woodrow Wilson School at Princeton University, and a J.D. from Fordham University School of Law. Executive Director Cotton joined the Port Authority as executive director in August

2017. He previously served as special counsel for interagency initiatives to the governor of New York, overseeing major downstate infrastructure priorities such as the redevelopment of LaGuardia and John F. Kennedy airports. Prior to his public service, he spent 25

years at NBC Universal, where he held positions including executive vice president and general counsel, and president and managing director of CNBC Europe. He also served as executive secretary to the department at the U.S. Department of Health, Education and

Welfare and special assistant for renewable energy at the U.S. Department of Energy. He received an A.B. from Harvard College and a J.D. from Yale Law School and served as a law clerk to Justice William J. Brennan Jr. on the U.S. Supreme Court.

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Rep. Mike Lawler Introduces Legislation To Eliminate SALT Cap Marriage Penalty

CLARKSTOWN, NY— New legislation with bipartisan support in the Congress was introduced on Jan. 23 that would eliminate the SALT Cap marriage penalty. At a press conference yesterday, local, county and national elected officials introduced the SALT Marriage Penalty Elimination Act, which, if enacted, would remove a penalty imposed on married individuals in the current tax code, doubling the cap for joint filers.

“Hudson Valley families suffer under some of the highest taxes in the nation,” said Congressman Mike Lawler (R-NY-17). “The misguided SALT tax cap has only added to their pain in recent years. That’s why I’m proud to introduce the SALT Marriage Penalty Elimination Act.”

He added, “This bill will double the cap for married couples filing jointly to \$20,000.



From left, Ramapo Supervisor Michael Specht, Stony Point Supervisor Jim Monaghan, Clarkstown Town Supervisor George Hoehmann, U.S. Rep. Mike Lawler, Rockland County Executive Ed Day and Orangetown Supervisor Teresa Kenny.

It’s the first in a series of bills, which I’m calling the Hudson Valley Affordability Pact, that will tackle cost-of-living and affordability issues in the 17th Congressional District and

beyond.”

He was joined by Rockland County Executive Ed Day, Clarkstown Town Supervisor George Hoehmann, Ramapo Supervisor Michael Specht,

Orangetown Supervisor Teresa Kenny and Stony Point Supervisor Jim Monaghan to announce the bill’s introduction. The bi-partisan legislation is co-sponsored by Rep. Mikie

Sherrill (D-NJ-11) and Rep. Anthony D’Esposito (R-NY-4).

In 2022 there was a push by some area federal legislators, including members of the SALT Caucus, to repeal the SALT Cap (state and local tax). However, in late budget negotiations, after fighting to repeal the \$10,000 limit on the federal deduction for state and local taxes, the House in Congress approved the budget reconciliation without SALT reform.

The SALT Cap was enacted as part of the Republicans’ tax overhaul in 2017, and instituted a \$10,000 cap in state and local taxes on their federal tax returns, which many lawmakers say target high-cost states such as New York, Connecticut and California.

Since its enactment, legislative and legal measures to either reform, abolish or sidestep the SALT Cap have been unsuccessful.

\$229-Million Amazon Warehouse

Continued from page 21
ing and \$51,100,273 of equity.

Scannell Properties is seeking a \$7,486,658 sales tax exemption and a \$1,149,756 in mortgage recording tax exemption in connection with its property acquisition and development costs. Amazon has filed with the IDA seeking \$2,031,250 in sales tax exemptions for its investment in the project.

Incentives Sought Scannell Properties	
Sales Tax Exemption:	\$7,486,658
Mortgage Tax Exemption:	\$1,149,756
Total:	\$8,636,414
Amazon	
Sales Tax Exemption:	\$2,031,250

Total Value of Combined Incentives:
\$10,667,664

The second major Amazon warehouse project in Orange County comes as Amazon is reportedly cancelling plans to build dozens of warehouse facilities across the United States in reaction to lower sales growth. Bloomberg first reported that consulting firm MWPVL stated that Amazon is either closing or abandoning plans to open 42 facilities across the country totaling almost 25 million square feet of usable space.

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

Contract# D264982
PIN# 881427
FA Proj.# Y240-8814-273

Project Description: Dutchess Co., catch basins - rehabilitation - Rte. 9 and Rte. 113 to Dorsey Lane - Town of Hyde Park and Poughkeepsie, City of Poughkeepsie.

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

Goals: DBE: 7.00%

Bid Letting Date: March 9, 2023

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

Contract# D264996
PIN# 881423

Project Description: Columbia, Dutchess, Orange, Putnam, Rockland, Ulster, Westchester Cos., highway - stormwater maintenance- various locations in various towns.

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

Goals: DBE: 2.00%

NYSDOT - Region 9

Bid Letting Date: March 9, 2023

New York State Department of Transportation
Contract Management
50 Wolf Road, 1st Floor, Suite 1CM
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Contract# D264947
PIN# 980731
FA Proj.# Y240-9807-313

Project Description: Broome, Delaware, Sullivan, Tioga Cos., scour project repair, 6 bridges, Towns of Chenango, Fenton, Fremont, Nichols and Hancock.

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

Goals: DBE: 5.00%

Bid Letting Date: March 9, 2023

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

Contract# D264979
PIN# 9PM023
FA Proj.# Y001-9PM0-233

Project Description: Broome, Chenango, Delaware, Otsego, Schoharie, Sullivan, Tioga Cos., highway pavement markings - various federal-aid eligible state highways.

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

Goals: DBE: 0.00%

NYSDOT - Region 10

Bid Letting Date: March 9, 2023

New York State Department of Transportation
Contract Management

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

Contract# D264984
PIN# 080874,
FA Proj.# Y001-0808-743

Project Description: Suffolk Co., storm drainage improvement: NY Rtes. 25 and 27 in the Towns East Hampton, Riverhead, Southampton and Southold.

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

Goals: DBE: 10.00%

NYSDOT - Region 11

Bid Letting Date: Feb. 22, 2023

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

Contract# D264883
PIN# X11028
FA Proj.# Y003-X110-283

Project Description: Bronx Co., bridge replacement, Bronx River Parkway over Amtrak/CSX, Prebid Meeting, Best Value Procurement, PLA Candidate.

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

Goals: DBE: 10.00%

**New York State
Thruway Authority**

Bid Letting Date: Feb. 22, 2023

Contract: TANY 23-10IR/D214851

Project Description: Replacement of ITS Equipment at various locations in New York Division in Ulster, Orange, Rockland, Westchester, and Bronx counties in accordance with the Plans and Specifications.

Goals: MBE - 11.5% WBE - 11.5% SDVOB - 2%

Bid Deposit: \$200,000.00

**New York State
Dormitory Authority**

Bid Opening Date: Feb. 28, 2023

Title: City University of New York, Herbert H. Lehman College Main Hub and Telephone Switch Room Upgrades and HAZMAT Abatement

Contract: CR12 General Construction

Project # 3273409999

Sealed bids for the above work located at Lehman College, Shuster and Carman Hall, 2900 Goulden Avenue and 2790 Goulden Avenue, Bronx, New York, 10468 will be received by DASNY at its office located at 515 Broadway, Albany, NY 12207. Each bid must be identified, on the outside of the envelope, with the name and address of the bidder and designated a bid for the Project titled above. When a sealed bid is placed inside another delivery jacket, the bid delivery jacket must be clearly marked on the outside "BID ENCLOSED" and "ATTENTION: CONSTRUCTION CONTRACTS – DOMINICK DONADIO." DASNY will not be responsible for receipt of bids which do not comply with these instructions.

All individuals who plan to attend pre-bid meetings or bid openings in person will be required to complete and

present a DASNY Visitor Covid-19 Screening Questionnaire, present government-issued picture identification to building security officials and obtain a visitors pass prior to attending the bid opening. The questionnaire and all instructions are located after Section 19.0 of the Information for Bidders.

All individuals who plan to attend pre-bid walk through in person will be required to complete and present a DASNY Visitor Covid-19 Screening Questionnaire and present campus Public Safety government-issued picture identification and proof of vaccination to gain access.

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

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

Only those bids in the hands of DASNY, available to be read at 2:00 PM local time on February 28, 2023, will be considered. Bids shall be publicly opened and read aloud. Bid results can be viewed at DASNY's website; <http://www.dasny.org>.

In accordance with State Finance Law § 139-j and § 139-k, this solicitation includes and imposes certain restrictions on communications between DASNY personnel and a prospective bidder during the procurement process. Designated staff for this solicitation is: Christopher Wuest, Sr. Project Manager, 250 Bedford Park Boulevard West, T3 Building Room 124, Bronx, New York 10468, 347-590-9041, cwuest@dasny.org (the Owner's Representative) and DASNY at ccontracts@dasny.org. Contacts made to other DASNY personnel regarding this procurement may disqualify the prospective bidder and affect future procurements with governmental entities in the State of New York. For more information pursuant to this law, refer to DASNY's website; <http://www.dasny.org> or the OGS website; <http://www.ogs.state.ny.us>.

A Pre-Bid Meeting was scheduled on Monday, January 23, 2023, at 12:00 PM at Gate 5, South of 2920 Goulden Avenue, Bronx, New York 10468. Contact Chris Wuest at 347-590-9041. All prospective bidders are strongly encouraged to attend.

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

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

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

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Mid-Hudson Health Care Institutions Nab \$83 Million for Capital Projects, Debt Aid

Continued from page 21

includes an inpatient recovery unit and labor and delivery unit to create an improved patient care environment—\$4,176,317.

Ulster County
NCRNC, LLC (d/b/a Northeast Center for Rehabilitation and Brain Injury), for capital improvements to improve patient safety and quality of care by adding wall protections for TBI patients and purchase of equipment for use with the RHCF's ventilator-dependent patients—\$183,066.

Westchester County
Blythedale Children's Hospital, to modernize obsolete kitchen at Blythedale Children's Hospital—\$4,694,768.

Burke Rehabilitation Hospital, for capital improve-

ments to construct and provide new CT scanning services that will improve access to care—\$669,611.

Elizabeth Seton Pediatric Center, to acquire land to construct a 96-specialty bed residential health care facility to serve young people aged 21 years and older aging out of pediatric residential health care facilities—\$9,025,213.

Julia Dyckman Andrus Memorial, Inc., to modernize and expand the ANDRUS Yonkers Health and Wellness Center that will serve to better integrate physical health and mental health services to meet the complex needs of children and families—\$1,699,698.

Premier Health Care Inc.,

to construct an Article 28 Clinic for persons with intellectual or developmental disabilities and neurotypical people in need of care—\$2,805,750.

St. John's Riverside Hospital, to renovate and upgrade surgical service including post anesthesia care unit, as well as maternity suite—\$34,062,125.

St. Joseph's Hospital, for capital improvements to expand behavioral health services and enhance access to specialty care linked to primary care at Saint Joseph's Medical Center in Yonkers, support renovations at St. Vincent's behavioral health center, and purchase technology to link multiple sites and EMRs together to provide

integrated care across the organization—\$6,680,287.

The Guidance Center of Westchester, to renovate facility to include carve-out space for a primary care partner, waiting area, as well as other renovations to building—\$1,080,439.

United Hebrew Geriatric Center, to restructure debt to better position the organization to transform and sustain operations—\$8,299,648.

White Plains Hospital Medical Center, to renovate existing extension clinic to create a family dental clinic that will primarily serve low-income, underserved, minority and Medicaid populations—\$1,763,155.

Mid-Hudson Region Scores Big with State Funds

Continued from page 28

tunity offered by these investments, state officials related that Sleepy Hollow is seeking to create more attractive and safer streets with unique placemaking components, redevelop vacant and underutilized lots and add housing at multiple price points.

Cornwall has recently seen an influx of visitors in recent years partially due to these nearby assets. The town and village have been planning for and investing in revitalization that would make these downtowns into a unique destination in an area full of attractions while continuing to improve the quality of life for residents of this community. To further this progress, the Town of Cornwall and the Village of Cornwall-on Hudson seek to connect their two downtowns, enhance placemaking and public spaces and revitalize underutilized buildings and sites throughout the neighborhood.

The governor also announced the creation of a \$150-million Mid-Hudson Momentum Fund, which is targeted at financing mixed-use housing and infrastructure projects throughout the Mid-Hudson Region.

Private companies, not-for-profits, municipalities, and public benefit corporations including IDAs and LDCs are eligible to apply and the funding will be broken up equally into mixed-use housing projects and essential infrastructure projects with awards ranging from \$2 million to \$10 million. A 50% match will be required for all projects. Detailed information will be available on the ESD website and interested parties may sign up to be notified when the fund is open and accepting applications at: [ESD.ny.gov/momentum](https://www.esd.ny.gov/momentum).

She later highlighted a number of specific sectors that will receive funding from her proposed budget, including

- \$3.6 billion in School Aid for the Mid-Hudson Valley Region

- A \$250 million housing infrastructure fund and \$20 million for planning assistance

- \$240 million in DOT capital projects, including: \$51 million for bridge repair/replacement; \$45 million for the Wurts Street Bridge project in Kingston; \$30 million for new Route 17 interchange ramps; \$60 million for improvements at Bear Mountain State Park; \$14.8 million for improvements at Bellayre Mountain and \$1.5 million for Neighborhood and Rural Preservation housing funding.

The governor also stated that a host of community colleges will receive state funding for their respective capital project: Ulster County CC, \$5.1 million; Dutchess County CC, \$2.3 million; Orange County, CC, \$1 million; Sullivan County CC, \$625,000 and Westchester CC, \$2.9 million.



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LOCAL 157, SCHENECTADY, Ian Joshua Shaul, Business Manager

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