



Construction NEWS



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State Assembly Budget Shortchanges Hudson Valley Roads and Bridges

CIC to Lawmakers: Increase DOT Program with IIJA Funds

STAFF REPORT

TARRYTOWN, NY—New Yorkers deserve a stronger commitment from state lawmakers to invest in local transportation infrastructure, and they don't seem to be getting it. That's the core message being heard in a public awareness campaign launched this week by the leading transportation construction organization in the region.

John Cooney, Jr., executive director of the Construction Industry Council of Westchester & Hudson Valley, Inc., urged the Hudson Valley delegation to the New York State Senate and Assembly to take advantage of all the federal funding that is available from the IIJA (\$1.2 trillion Infrastructure Investment and Jobs Act, passed in 2021).

Mr. Cooney told state lawmakers that



Rough Roads

Hudson Valley drivers can visit many places; the surface of the moon shouldn't be one. According to NYSDOT's findings, the Hudson Valley region has the worst road and bridge conditions in all of New York State. Above, a road in Westchester County that begs repair and needed relief for drivers.

the overall NYSDOT Capital Plan has not utilized all the federal government funding earmarked for infrastructure projects. He noted that the state is not

utilizing \$2 billion from the IIJA and another \$417 million of ARPA funding. NYSDOT Region 8, which covers the Hudson Valley, has the worst road and bridge conditions in New York State, he noted. In 2021, Region 8 had the most bridges in fair or poor condition (43.8%) of any region in the state and the most deficient bridges (1,036) in the state. Statewide, the average fair/poor bridge average was just 35.7%. He also reminded lawmakers that Region 8 has more bridges than any other Region in the state—in fact it maintains more bridges than New York City and Long Island combined.

Region 8 has both the most state and local lane miles of any NYSDOT Region in the state and maintains more than

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FY 2024 State Budget

Carrot or Stick—What Will Work To Fix the State's Housing Crisis?

By JOHN JORDAN

ALBANY—As negotiations slog on here to adopt a new state budget, the governor and leaders in the Legislature are in lockstep agreement that the state is facing a housing crisis—one that is growing from serious to acute. The question is, what measures will work best to address the crisis?

The Legislature is offering carrots in the form of hundreds of millions of dollars in incentives to spark new affordable housing construction, baked into the upcoming budget that begins April 1. On the other hand, the governor is threat-

ening to wield sizeable sticks through state-imposed zoning overrides if municipalities fail to meet her mandated housing development targets.

Everyone is tuned in on this one.

Gov. Kathy Hochul, in her State-of-the-State address, unveiled her ambitious, yet controversial "New York Housing Compact," which looks to catalyze housing development and has a goal of creating 800,000 new units in the next decade. The governor said the state would provide assistance to localities to meet the housing goal by offering \$250 million

in funding for infrastructure like schools, roads and sewers needed to support growing

the 421a tax exemption in New York City through 2030.

Other key facets of the

"Housing is an essential human right, and the governor's proposal is a step in the right direction to increase the affordability and accessibility of our great state's housing stock."

John Cooney, President

Construction Industry Council of Westchester & Hudson Valley, Inc.

communities."

Under the Compact, all municipalities statewide will face a target for building new homes. Upstate, it's 1% every three years; downstate, it's 3% every three years. The governor also proposed that any municipality with a train station should rezone the area within a half-mile of the station to allow for the creation of new housing within the next three years. Also proposed is an extension of

governor's New York Housing Compact are:

- \$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 governor's plan has re-

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Protecting Female Construction Personnel From Sexual Harassment and Jobsite Injury

TARRYTOWN, NY—The percentage of women construction workers is at an all-time high, according to data from the Bureau of Labor Statistics. That level has ticked up recently since 2016 when there were approximately 800,000 women employed in the U.S. construction industry.

Today, women make up 14% of the industry's workforce, according to an analysis by *The Washington Post*. The report looked back to 2009 when 13.5% of the construction industry's workforce were women.

More than 200,000 of them wear hard hats, and work (mostly) as laborers and helpers, painters, carpenters, repair workers, electricians, drywall installers, truck drivers, HVAC mechanics, plumbers, and flaggers. In addition, more than 600,000 women work in administrative and office positions in construction businesses.

According to Thomas H. Welby, Esq., who serves as general counsel to the Construction Industry Council of Westchester & Hudson Valley, Inc., there are many nuts-and-bolts health and safety issues that affect women working in the trades. He also noted that there are serious issues of the mistreatment of women in the industry, which occur both on the jobsite and in the office.

Sexual harassment in construction is a serious issue, he noted, writing for CONSTRUCTION NEWS. It ranges from being stared at or seeing "pinups" of unclothed women in the job trailer, to unwanted sexual remarks, lewd acts, inappropriate touching, and outright sexual assault. (Mr. Welby served as a long-time columnist on safety matters for this monthly publication.) A *USA Today* analysis of EEOC and Bureau of Labor Statistics data in 2018 suggested that construction is the #2 industry in the country (behind mining) for the number of reported incidents of sexual harassment reported per thousand employees.

"For some years, construction-industry organizations and employers have worked to increase the numbers of women working in the construction trades, as well as in management," Mr. Welby noted. "The results of these efforts have been valuable, but, on the whole, somewhat disappointing."

Turning to some of the nuts-and-bolts safety matters, the primary causes of death for women in construction are "struck-by" incidents. These can be flaggers struck by vehicles and other transportation accidents, homicide and falls.

In a male-dominated industry like construction, one size does not fit all. A widespread problem for women has long been the lack of PPE (personal protective equipment) in the smaller sizes generally needed to fit women. The "protective"

can vanish from "PPE" if the respirator or protective clothing is too large or does not fit properly. A respirator that doesn't fit is virtually useless. Too-large safety vests can be caught on door handles, causing workers to be jerked backward into the door or be the cause of a fall. Safety footwear that is too large can cause trips and falls. Too-large clothing items can get snagged in equipment, resulting in serious injury.

Jessica Bunting, research practice director for CPWR, for the Center for Construction Research and Training, said an informal survey of 174 tradeswomen found that 77% had been exposed to a hazard unnecessarily because of ill-fitting PPE. The causes of top hazards are attributed to ill-fitting fall-protection harnesses, respirators and safety goggles. Debris or chemicals can more easily



get into eyes and airways, it was noted in a report published in *ConstructionDIVE*.

"Procuring PPE items in sizes that will fit smaller women will often require extra effort," Mr. Welby added. "Some items are not regularly stocked by distributors, and others may not be widely manufactured in the United States (where people tend to be on the large side). One resource is the International Safety Equipment Association,

which lists companies and suppliers offering PPE, sized and designed for women."


Women suffer higher rates of sprains/strains and nerve conditions of the wrist and forearm than men, noted Mr. Welby. "The cause of this is not fully established, but it may be a product of women, typically having less upper-body strength than men, being more commonly assigned repetitive tasks leading to sprains/strains

and nerve conditions. Where women are expected to keep pace with their male counterparts in lifting heavy objects, back injuries are common as well."


Prolonged standing has been linked to premature births, and strenuous activities, such as lifting and climbing, can be hazardous during the latter stages of pregnancy. "We think it qualifies as a 'reproductive hazard,' too, that few construction employers offer pregnancy, family and medical leave to their employees," Mr. Welby wrote in a co-bylined article in April 2018.

Mr. Welby concluded, "As to both sexual harassment and more mundane issues where women's health and safety are at risk, all construction employers have both legal and ethical obligations."



—George Drapeau III, with industry reports



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GUEST VIEWPOINT

Route 17 Expansion Will Improve Mobility and Enhance Safety

By MAUREEN HALAHAN and MARC BAEZ

In business, as in life, we can find ourselves in a rut. The way out may be complex or simple, but it always involves change. That's the key to moving forward; idling holds you back, and doing nothing gets you stuck in reverse.

If the past several years have shown us anything, it's that we must be nimble and able to pivot quickly. Our region was one of the first in the nation to be gripped by the pandemic and one of the first to bounce back and demonstrate amazing resiliency. The Hudson Valley is open for business. Companies are expanding and investing here, people are relocating here and tourists are



coming back in droves. These are positive changes that add to our region's rich diversity, broaden our talent base and give our communities a much-needed economic boost.

But, while the Hudson Valley has been growing and evolving, our infrastructure has not kept pace. We now have the opportunity to change that—with the funding in place to improve mobility and safety

in the region by providing necessary upgrades and an additional travel lane along Route 17 in Orange and Sullivan counties.

The need for an additional lane on Route 17 has been confirmed by two separate

New York State Department of Transportation (NYSDOT) studies and has bipartisan support at all levels of government. The NYSDOT has been very responsive to local concerns and has addressed considerations ranging from safety, the environment, quality-of-life and projected financial costs. Last year saw important milestones in the campaign to upgrade Route 17:

- Up to \$1 billion was included in the FY 2023 state budget for an environmental review of the Route 17 project, as well as construction to add another lane and make necessary upgrades.
- Gov. Kathy Hochul said the funding will be used to "accelerate the conversion of the Route 17 corridor in Orange and Sullivan counties to Interstate 86, fueling transformative levels of economic growth in the region and improving quality of life by alleviating congestion."

- On Oct. 5, 2022 the governor announced the start of the draft Environmental Impact

Statement (EIS) for Route 17—a key step forward to convert the corridor to Interstate 86.

We are grateful to Gov.

While the Hudson Valley has been growing and evolving, our infrastructure has not kept pace. We now have the opportunity to change that—with the funding in place to improve mobility and safety in the region by providing necessary upgrades and an additional travel lane along Route 17 in Orange and Sullivan counties.

Hochul for making Route 17 a priority for investment. Our coalition, 17Forward86, is a broad-based group of industry, trade and civic representatives who have been advocating for these critical upgrades for more than five years. We comprise some 200 members of economic development groups, community and civic organizations, construction trades, tourism groups and energy companies representing thousands of individuals who share a common vision for expanding the capacity of Route 17 to ensure the economic well-

being of the Hudson Valley and Sullivan Catskills.

The Route 17 expansion has widespread support because the benefits are many and far-reaching. An additional lane will improve mobility and provide critical access for first responders—police, fire, ambulance services—and make the route safer for everyone on the roads. It will result in less congestion and thus reduce the environmental damage from vehicular emissions caused by idling motorists. The project itself will create good-paying jobs and restore a sense of stability in our communities.

These improvements are right in line with our state's progress in encouraging electric vehicle (EV) use. Gov. Hochul has announced a number of charging sites

to support more accessible EV travel, including along I-86 and Route 17. However, even as we transition to EV use, traffic problems will remain. A vehicle in traffic, whether EV or gas, is a vehicle stuck in traffic. An additional lane on Route 17 will help all motorists, regardless of what types of vehicles they drive. In fact, the Route 17 enhancement project is about mobility for all, including the thousands of daily bus riders, many of whom use the 15 park-and-ride lots along the corridor.

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Dubious Distinctions

New York, Yonkers Tops National List Of Cities with the Longest Commutes

TARRYTOWN, NY—New Yorkers have the longest commutes in the nation, according to a study gathered by business help site, LLC.org. The site analyzed data from over 170 places with populations of over 150,000 to reach its final results. Also sharing this dubious achievement of landing on the Top Ten list of longest commutes is the City of Yonkers, which was named sixth.

New York City posted roundtrip commutes of 79.6 minutes, the equivalent of an hour and twenty minutes. Meanwhile, the City of Yonkers, with its roundtrips measured at 65.8 minutes, was the only other area in the Empire State. California, however, posted five communities with long commutes: Palmdale at 71.8 minutes; Moreno Valley at 68.2 minutes; Santa Clarita at 66.4 minutes; and Rancho Cucamonga and Stockton, each at 65 minutes.

Jersey City residents also made the list of longest commutes, coming in fourth place with an average of 68 minutes. Rounding out the list are Chicago and Port St. Lucie, FL at 64.4 minutes each.

But hey, if you can live with the gridlock, there's still some good news that underscores the appeal and quality of life woven into the fabric of the Empire State: New York City and Yonkers

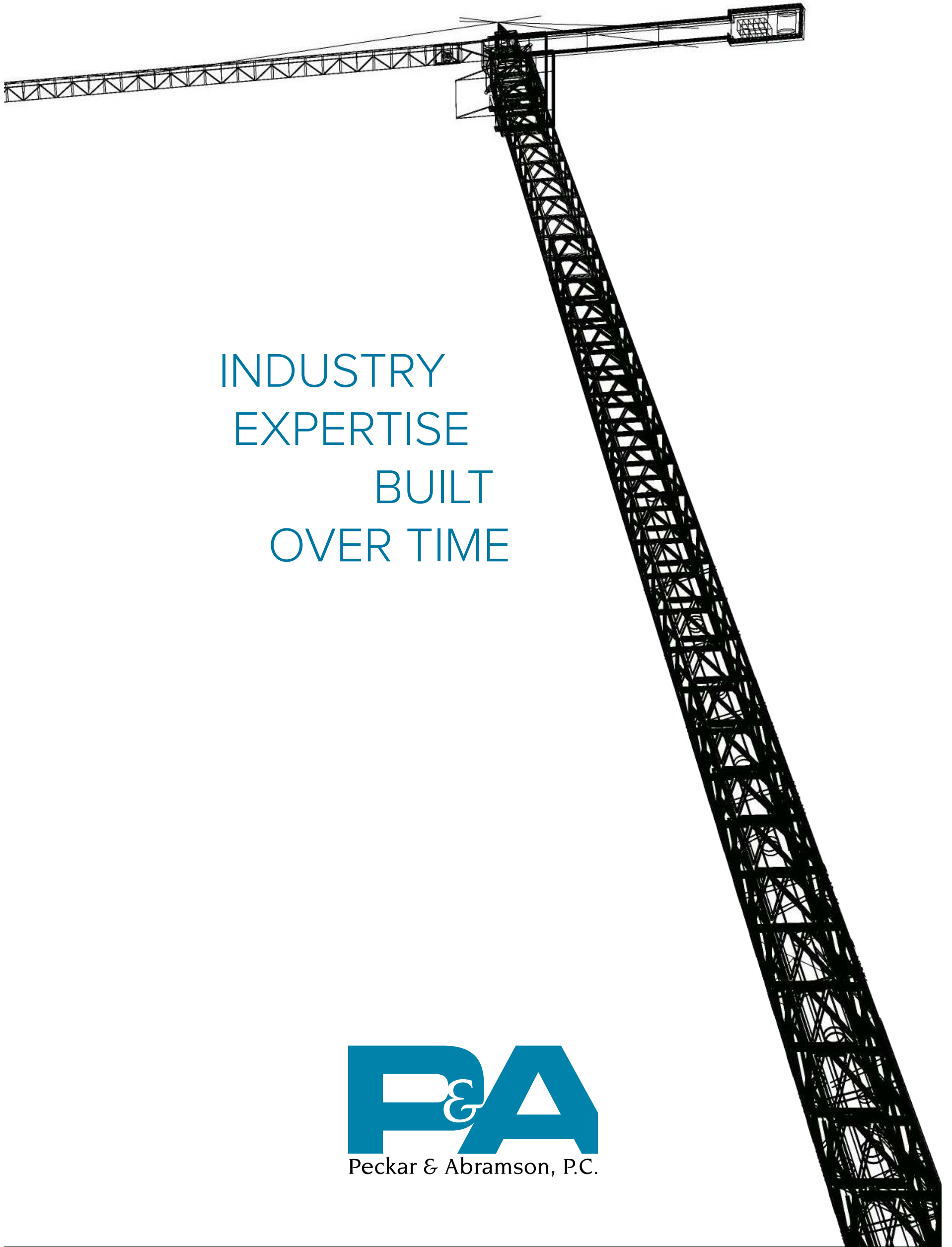
were nowhere to be found on the list of the most stressful cities for workers. Not even in the Top 30. Nor were there any other metropolitan region communities mentioned.

On the other hand, when it comes to the worst cities to work in across the U.S., the Lone Star State of has some real Texas-sized problems. Five of the worst cities to live in for stress and low quality of life, according to LLC.org, were found in the Lone Star State. Houston, Arlington and Dallas scored 1-2-3, with Corpus Christi (6) and Fort Worth (8) making the list. The analysis included eight weighted metrics: average hours worked per week; average commute time; percentage of workers who commute before 7 a.m.; percentage of workers who are not able to work remotely; single-income families; income growth rate; percentage of employees without health insurance; and each city's crime rate.

So the next time you hear a knock on New York, remind the knocker we have Broadway, we have our Jets, Giants and Bills. We have our Yankees, Mets and the Garden with its resident teams and a house musician named Billy Joel.

New York City's long rides are worth it in the long run.

—George Drapeau III



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Attorney's Column

Court Rules Against Improperly Terminated Firm Without Recourse in Light of Converter Clause

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

As this column has noted on many occasions, the contract between the parties is the ultimate definition of their relationship. While that document should provide guidance in the “good times,” it will certainly be relied on when a

party is looking to terminate the contract. However, in the absence of something in the contract justifying termination, a party may attempt to manufacture the circumstances it ultimately uses to



ing Authority reminds us that where the contract contains a “converter clause”—converting an improper termination for cause into one for convenience—the contractor will have no recourse for the im-

Construction Corp. was awarded a contract by the New York City Housing Authority to perform certain “building entrance improvements,” which primarily focused on the installation of alarmed, ballistic security doors. The contract contained a “converter

clause,” which provided that “If, after termination of the Contractor’s right to proceed, it is determined that the Contractor was not in default, or that the delay was excusable, the rights and obligations of

A converter clause is a dangerous one for a contractor (or for a subcontractor) because it insulates the upstream party from the consequences of taking improper actions.

notice of any claims within 20 days of their accrual.

In order to perform its work under the contract (specifically, the access control system), Tycoon needed for NYCHA to coordinate with Verizon to provide working telephone jacks and lines. For whatever reason, NYCHA could not provide the required working telephone service, thus precluding Tycoon from having the entrances tested and signed off. At around the same time (in October 2016), NYCHA undertook to change the design of the entryways, and directed Tycoon to perform the extra work required to undertake the new design (which involved ripping out some of its newly installed entrances to install the ones with the updated design). On Dec. 27, 2016, Tycoon submitted a change order of nearly \$3 million to NYCHA for this work, and on Jan. 11, 2017, it submitted a formal Notice of Claim under the contract.

Within a few weeks of this change order, NYCHA ordered Tycoon’s workers off the site, and on March 27, 2017, it declared Tycoon in default (and placed a claim under Tycoon’s performance bond). None of the reasons cited in the March 27 letter were enumerated in the contract as bases to default the contractor. Because NYCHA is a public entity, Tycoon commenced an administrative review proceeding under Article 78 of the Civil Practice Law and Rules to annul the decision to terminate the contract, arguing that it was unsupported by the terms of the contract and, therefore, was arbitrary and capricious. Based on the language of the contract the court agreed, and the default was annulled (which annulment was subsequently affirmed on appeal).

Subsequently, Tycoon commenced a lawsuit against NYCHA to recover for the improper termination and unpaid extra work. NYCHA moved to dismiss, arguing that the converter clause insulated it from the effects of its judicially determined improper termination, and that the late Notice of Claim precluded Tycoon from recovering its extra costs pursuant to the change order. Tycoon opposed, offering a novel argument conceding that, while the contract contained a converter clause, giving NYCHA the right to

terminate for any reason, such did not insulate it from having to pay financial damages resulting from such an improper termination. As to the late Notice of Claim, Tycoon argued that its damages were only ascertainable upon the issuance of the change order on Dec. 27, 2016, and that its Notice of Claim, filed 15 days later, was timely.

Decision

The court granted NYCHA’s motion, finding that as NYCHA had the unilateral right to terminate the contract, it could not be made to pay costs related to an improper termination. As to the extra work claim, the court found that Tycoon’s claims accrued upon the change of the design in October 2016—and not the issuance of the change order in December—and, therefore, the Notice of Claim filed in January 2017 was untimely. The appellate court affirmed, citing well-settled case law on both propositions, holding that where there is an unqualified right to terminate the contractor (here, by the converter clause deeming an improper termination as one for convenience), NYCHA had the right to do so “without court inquiry as to whether the termination was driven by an ulterior motive.” Similarly, as the service of a timely Notice of Claim was a condition precedent to the recovery on the extra work claim, the failure to do so amounted to a complete waiver of the claim.

Comment

On a construction project, the contract is the document by which claims live or die. A converter clause is a dangerous one for a contractor (or for a subcontractor) because it insulates the upstream party from the consequences of taking improper actions (which, here, were judicially determined to be improper, and included the making of an improper demand upon Tycoon’s performance bond). Similarly, a short Notice of Claim provision can serve to insulate an owner or an upstream contractor from having to pay for services rendered in good faith.

Holdings such as the one here, serve as warnings to contractors to be familiar with all of the terms of their contract, and to be diligent about sending out correspondence, such

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While a contract on a publicly bid job cannot be negotiated, contractors would nevertheless be well advised to have experienced construction counsel review the contract pre-bid and advise of both its “highlights” and “lowlights” so as to enlighten the contractor’s decision to bid or not.

do so. While such a termination would be improper, an appellate court in the recent case of *Tycoon Construction Corp. v New York City Hous-*

proper termination no matter how ugly the circumstances of the termination were.

Background

In October 2014, Tycoon

the parties will be the same as if the termination had been for the convenience of [NYCHA].” The contract also required that Tycoon provide NYCHA with

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Making a Career of It



Briana Natalie Brown

*Senior Supply Chain Readiness Leader
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Briana Brown recalled the moment she caught the engineering bug. As a junior in high school, she strapped herself in for a wild jolt of excitement as she rode the Six Flags theme park's Bizarro Roller Coaster. Who knew that those few moments of thrilling G forces would be the fuel to launch a career, which is now in full flight.

"I decided I wanted to design roller coasters and, through research, discovered that it takes a variety of people with various engineering degrees to design and build roller coasters...Consequently, I chose mechanical engineering."

Her current position as Senior Program Manager and Aftermarket Business Leader for GE Aviation Systems, NYC now follows a career trajectory that began at Sikorsky Aircraft in Stratford, CT, when she interned following her freshman year at Stony Brook University.

She would go on to a concentration of study in Technological Systems Management. Today Briana holds a Master of Business Administration from Auburn University and two Bachelor of Science degrees in Applied Math and Statistics and Technological Systems Management with a Specialization in Mechanical Engineering from Stony Brook University. Briana was awarded three annual scholarships from the Construction Advancement Institute (2011-2013), and hails from a technical and skills based family—she is the daughter of Donald Brown, a member of Carpenters Local 279.

Briana today brings more than nine years of related supply chain and product management experience, supporting the on-time delivery, quality, and workplace safety for military and commercial aviation products. Briana is a certified Project Management Professional, GE Lean Academy graduate, Venture for America fellowship alum, and Scrum (Agile) process owner.

On her own time, she continues to devote her energies to the community and charitable causes. She founded and operates two not-for-profit foundations whose missions provide scholarships to college-bound high school seniors in Rockland and Westchester counties and in South Florida.

She has also been recognized for her service to the community and her efforts to increase collegiate retention by then-New York State Senator David Carlucci, the New York State Assembly, local NAACP chapters as well as her alma mater.

Her career trajectory is an inspiration for those students who receive CAI scholarships each year.

—Researched and written by Sheila Smith Drapeau



ABOUT THE BCA/CAI SCHOLARSHIP

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Carrot or Stick: What Will Work to Fix Our Housing Crisis

Continued from page 1

ceived high praise from many business and construction trades organizations. Equally vociferous is the criticism it has received by scores of suburban municipal officials from the Hudson Valley and Long Island. The major problems, they charge, are the mandate levels of housing and Albany's infringement on 'home rule' and local zoning regulations.

On March 14, the New York State Senate and Assembly released its "One House" budgets in response to the Governor's proposed budget. Both the Senate and Assembly rejected key provisions of the New York Housing Compact, particularly the mandates and development targets. Instead, the Legislature is offering proposals to provide incentives for housing development without penalties. The proposals by the Assembly and the Senate would allocate \$500 million to help municipalities create a housing plan and help pay for its implementation.

"I think we all agree that we must build more housing," said



More than 100 business and non-profit organizations throughout New York State have come out in support of Gov. Hochul's New York Housing Compact, including both The Business Council of Westchester, the Construction Industry Council of Westchester & Hudson Valley, Inc., and other general business and trade organizations.

Senate Majority Leader Andrea Stewart-Cousins speaking on *Spectrum News'* Capital Tonight program earlier this month.

"We definitely need affordable housing. So, I'm sure that will be a broad conversation."

"I'm hoping that we can fig-

ure out a way to move the housing situation, that obviously has to be addressed, forward in the budget, but if it can't be moved

in the budget, then it will be moved outside of the budget," Sen. Stewart-Cousins added. "This is a very, very big conversation to have in a compacted amount of time."

Gov. Hochul visited the headquarters of The Business Council of Westchester in Rye Brook on March 15 to continue her push for her New York Housing Compact and its key provisions.

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Other supporters include Westchester County Executive George Latimer and the mayors of White Plains, New Rochelle and Peekskill.

"The Construction Industry Council is very much in support of Gov. Hochul's Housing Compact," said John Cooney, president of the Construction Industry Council of Westchester & Hudson Valley, Inc. "If families and the workforce—the essential lifeblood of the Hudson Valley—can't afford to live here, our economy will die. Housing is an essential human right, and the governor's proposal is a step in the right direction of increasing both the affordability and accessibility of our great state's housing stock. I applaud the governor for taking the initiative in addressing the current housing crisis."

Carlo A. Scissura, Esq. president and CEO, New York Building Congress said, "Gov. Hochul's Housing Compact is bold, innovative, and encourages growth and sustainability. Our industry fully supports its ambitious and achievable agenda, and its policies designed to spur both housing and workforce development. The Building Congress just this week took a deeper dive into one of its proposals, with our detailed report on transit-oriented development aimed at denser, walkable neighborhoods with high job access. We look forward to working with the governor to bring the Housing Compact to life for a better, stronger New York."

At the Rye Brook event, Peter Herero, Jr. president of New York Hospitality Group of White Plains; John Levy, CEO, of chip maker SEEQC, Inc, Elmsford; and Joe Kenner, CEO and President of non-profit Greyston of Yonkers. They discussed how the lack of affordable housing was impacting their operations. Mr. Herero said that the biggest obstacle for growth for many businesses is finding suitable housing for its workforce.

"As a fast-growing chip manufacturing company, we know that housing that is affordable, convenient to our foundry and

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Carrot or Stick: What Will Work to Fix Our Housing Crisis

Continued from page 8

nearby to public transportation is critical to our ability to recruit and retain our employees over the long term,” Levy said. “Gov. Hochul’s New York Housing Compact addresses these critical needs and will enable us to meet the growing demands of our quantum chip business.”

Mr. Kenner of Greyston added, “I applaud Gov. Kathy Hochul’s efforts to tackle the state’s housing challenges. Housing is a fundamental need that impacts an individual’s ability to get to the next level, like finding employment and keeping that job. Many of our Open Hire® staff indicated housing as a significant obstacle to securing and maintaining a stable job. By making housing more accessible and affordable, this initiative can help our team members meet their basic needs, focus on their work, and contribute to the growth of our state’s economy.”

Gov. Hochul said that she is hopeful that state legislative leaders will have “open minds” in trying to hammer out a housing plan. The governor told reporters after the Business Council program ended, “Change is necessary. We cannot continue the way we have. We are losing people to Connecticut and New Jersey... and the reason is the lack of affordable housing or housing at any (income) level and we have to stop that right now.”

When asked by *CONSTRUCTION NEWS* what she would say to those government officials that say her plan flies in the face of home rule and takes away local planning control, Gov. Hochul responded, “That is not the case at all. We are simply saying that sometimes it is hard to grow. You get some people in parts of your community who don’t want to see your community prosper and this gives you a tool to be able to say ‘This is what we are going to do because we are part of a statewide solution.’”

She added that, for 80% of the municipalities in New York State, the Compact target would involve the addition of only 100 units or less and if affordable, the target number would drop to 50.

Business Council of Westchester President and CEO Dr. Marsha Gordon, said, “Westchester County and New York State residents suffer from a chronic and growing shortage of workforce housing. Employers cannot compete to attract and retain talent for their workforce without attractive housing



From left, Peter Herero, Jr. president of New York Hospitality Group of White Plains; Dr. Marsha Gordon, president and CEO of The Business Council of Westchester; New York Gov. Kathy Hochul; Joe Kenner, CEO and President of non-profit Greyston of Yonkers, NY; and John Levy, CEO, of chip maker SEEQC, Inc. of Elmsford, NY.

opportunities available to its prospective employees. This housing crisis threatens our economic future.”

She applauded the gover-

nor for reaching out to business, labor, not-for-profit and faith-based organizations in her effort to create “desperately needed housing in our

communities.”

Michael Romita, president and CEO of the Westchester County Association said, “New York’s housing crisis continues

to be a serious impediment to economic growth and community vitality. It is harming our residents, workers, and businesses. The major culprit is an antiquated patchwork of local land use and zoning restrictions. This has placed New York at a competitive disadvantage to our neighboring states who have taken steps to modernize their laws. The governor’s Housing Compact is a bold step and has the support of businesses, nonprofits, and housing advocacy groups from across the state. We at the Westchester County Association call on the Legislature to work with the governor to pass housing reform by addressing the issue head-on.”

Westchester County Executive George Latimer said, “We agree with the governor that we need to provide more housing units in Westchester as part of the overall statewide need. Our task is to work closely with our local governments, using the tools available, to achieve these goals.”



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At left, from left, CIC's John Cooney, Jr., Advance Testing's Chris McCracken and wife Christine, with Susan Cooney.



At right, from left, guest speaker Bryan Arnault, Esq., Teamsters L.U. 456's Lou Picani, Westchester County P.W. & Transportation Commissioner Hugh Greechan, Jr., P.E., and Teamsters L.U. 456's Dominick Cassanelli, Jr., and Joe Sansone.



At left, from left, Bricklayers L.U. 1 Mike Clifford, Laborers L.U. 60 Anthony Ascencao, labor lawyer Roy Barnes and wife Yolanda, and Jay Frago of Laborers L.U. 60.



At right, from left, BCA Chairman Fred Sciliano and wife Lisa Failace, CIC Board member Dominick Montesano and Maria and John Gisondi, a BCA board member.

Port Chester, Rye, Catskill Each Secure \$10M In Water Quality Grants from New York State

ALBANY—More than \$110 million was awarded to 86 projects through two grant programs to improve water quality statewide, it was announced earlier this month. The grant programs support projects designed to help protect drinking water, combat contributors to harmful algal blooms, update aging water infrastructure and improve aquatic habitat in communities statewide. More than \$90 million of the funding supporting water quality improvements in Environmental Justice communities have been disproportionately impacted by environmental pollution.

“New York continues to provide historic levels of financial support to ensure all New Yorkers have access to clean water for generations to come,” said Gov. Kathy Hochul in making the announcement. “We will continue upgrading New York’s aging infrastructure and strengthening our water security improving the quality of life and public health of communities across the state.”

More than a dozen communities in the Mid-Hudson region and New York City secured grant funding, including Port Chester, Rye and Catskill, which were each awarded \$10 million for their respective clean water infrastructure projects.

The \$110 million in grants were administered by the New York State Department of Environmental Conservation (DEC), with more than \$108 million going to 51 projects through the State’s Water Quality Improvement Project (WQIP) program and nearly \$2 million going to

35 projects through the Non-Agricultural Nonpoint Source Planning and Municipal Separate Storm Sewer System Mapping Grant (NPG). New York State continues to prioritize funding for projects that may help decrease the occurrence of harmful algal blooms (HABs). Nearly half of the

“New York continues to provide historic levels of financial support to ensure all New Yorkers have access to clean water for generations to come. We will continue upgrading New York’s aging infrastructure and strengthening our water security—improving the quality of life and public health of communities across the state.”

—Gov. Kathy Hochul

WQIP and NPG awarded grants, totaling approximately \$45 million, will support projects in watersheds known to have experienced HABs in the past five years and/or help implement a project identified in a DEC HABs Action Plan.

The WQIP grant program funds projects that directly improve water quality or aquatic habitat, or protect a drinking water source. Supported in part by the State’s Environmental Protection Fund (EPF) and Clean Water Infrastructure Improvement Act funding, WQIP projects include municipal wastewater treatment upgrades, non-agricultural nonpoint source abatement and control, land acquisition projects for source water protection, salt storage construction, aquatic connectivity restoration, and marine habitat restoration.

The NPG program funds projects

that help pay for the initial planning of non-agricultural nonpoint source water quality improvement projects, such as undersized culvert replacements and green infrastructure technologies, and State permit-required storm sewer mapping in urban areas. When implemented,

these projects will reduce the amount of polluted stormwater runoff entering lakes, rivers, and streams, and improve resiliency against climate impacts. This grant is supported by the State’s EPF. The EPF provides funding for critical environmental programs such as land acquisition, farmland protection, invasive species prevention and eradication, enhanced recreational access, water quality improvement, and an aggressive environmental justice agenda.

Among the project awardees were a host of projects in the Mid-Hudson region and New York City, including:

Village of Catskill Village, Greene County, Catskill Combined Sewer Overflow Elimination Project
\$10 million

The Village of Catskill will eliminate combined sewer overflows into the Hud-

son River by repairing and replacing their sewage collection system, including rerouting catch basins into existing and proposed storm sewers, replacing the existing force main, improving the pump station, and disconnecting the stormwater drainage system from the sanitary sewers.

Town of Wawayanda, Orange County, Town of Wawayanda Robinn Meadows Wastewater Treatment Facility Disinfection
\$1 million

The Town of Wawayanda will install an ultraviolet effluent disinfection system at the Robinn Meadows Wastewater Treatment Plant. This project

will improve water quality by reducing pathogens in the treatment plant’s discharge.

Village of Florida, Orange County, Village of Florida Land Acquisition
\$615,000

The Village of Florida, in collaboration with the Town of Warwick, will acquire more than 90 acres of land to further protect their drinking water source, Glenmere Lake. By acquiring this parcel, the village will protect its sole drinking water source through enhanced land management.

Village of Maybrook, Orange County, Village of Maybrook Wastewater Treatment Plant Disinfection
\$383,680.00

The Village of Maybrook will install an ultraviolet effluent disinfection system.
Please turn to page 18

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Safety Watch

Companies Taking Proper Precautions To Protect Workers from Heat Hazards

By COSTAS CYPRUS, ESQ.

With summer approaching and temperatures beginning to rise, construction companies must take every reasonable precaution to protect their workers from potential hazards, including heat-related illnesses. The Occupational Safety and Health Review Commission's recent decisions in *Secretary of Labor v. United States Postal Service*, show the importance of providing adequate heat safety training to employees.

In the summer of 2016 two letter carriers in Des Moines, IA were hospitalized due to "excessive heat" hazard. The first incident occurred on June 9, 2016, in which the first carrier began texting her supervisor on how she was not feeling well and she was trying to finish her run. The supervisor encouraged her to do as best as she could and offered to provide ice but was unable because she became preoccupied with work as well. The temperature surpassed 90 degrees Fahrenheit during this period. As the letter



symptoms. The supervisor provided the carrier with three water bottles and left, but as the carrier continued her route, her symptoms began to worsen. Eventually the carrier called her son who called 911 and the carrier was subsequently transported to the hospital.

As a result of these incidents and other related incidents, OSHA issued a Citation alleging repeat violations of the general duty clause of the Occupational Safety and Health Act in which the Postal Service exposed its employees

the risks posed by excessive heat. Moreover, safety talks were held when employees such as CCAs were not present. Adequate training requires attendance of all supervisors of safety talks, including ones addressing heat stress safety when all supervisors and employees, including CCAs, are present. Safety talks should not be conducted before certain employees are required to report to work.

The dangers of heat illness had been further discussed in the ALJ's decision in this matter. The most serious illness caused by heat stress is heatstroke, which causes a dysfunction of the brain. Symptoms include slurred speech, disorientation, confusion, unconsciousness, or coma and death. Symptoms of heat exhaustion include headaches, nausea, vomiting, dizziness and profuse sweating—but does not result in an elevated body temperature or brain dysfunction. It is important that employers and employees recognize these symptoms to prevent "excessive" heat hazards.

Moreover, it is vital to imple-

ment a heat acclimatation program for employees who are returning to work due to

The most serious illness caused by heat stress is heatstroke, which causes a dysfunction of the brain.

Symptoms include slurred speech, disorientation, confusion, unconsciousness, or coma, and death.

personal or health reasons. In *A.H. Sturgill Roofing Inc.*, the commission vacated citations that had been issued following an incident where an employee collapsed at a worksite and subsequently died from complications of heat stroke after working on a roofing project. The deceased employee had various pre-existing medical conditions. The employee's

assignment was to stand near the edge of the roof where other employees brought him a cart full of cut-up pieces of roofing. The assignment was intentionally made by the foreman because it was the employee's first day on the project. All employees were encouraged to utilize the immediate access to ice, water, rest and shade, without fear of reprisal.

Construction companies should have in place a proper heat illness prevention program that is communicated with all their employees, permanent and temporary, and that ensures adequate safeguards such as proper supervision, acclimatizing workers, providing water and managing work and rest cycles.

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 ccypirus@wbglp.com. The articles in this series do not constitute legal advice and are intended for general guidance only.

Construction companies should have in place a proper heat illness prevention program that is communicated with both permanent and temporary employees, and that ensures adequate safeguards such as proper supervision, acclimatizing workers, providing water and managing work and rest cycles.

carrier felt too ill to continue working, she began to drive back to the station when she vomited out the window of her vehicle. Upon the carrier's arrival to the station three other letter carriers described her appearance as "extremely red," "dazed" and "shaking." The supervisor acknowledged that the carrier looked "flushed" and noted her collar was wet with sweat and instructed her to sit down and proceeded to call the station manager. The station manager instructed the carrier to finish her route. The letter carrier refused and proceeded to "storm out" and talk to her union representative—and then proceeded to visit an urgent care facility.

The second incident occurred on July 21, 2016, as the second letter carrier, classified as a City Carrier Assistant (a "CCA"), a non-career employee, was delivering mail on-foot, she began to experience a headache, nausea and memory loss. A supervisor came to the carrier's truck and the carrier informed the supervisor of her

"to recognized hazards related to working outside during periods of high heat levels while delivering the...mail."

The supervisor from the first incident testified that she had never been trained by the Postal Service on heat-related illnesses prior to this incident, apart from sometimes receiving emails with heat safety information and seeing a poster on heat safety in the breakroom. On the second incident, although the Postal Service completed an accident report, claiming that this carrier had failed to "comply with the rules," the second letter carrier, a non-career employee, testified that no one at the Postal Service told her what rules she had failed to comply with; during the course of the OSHA proceeding her testimony was deemed more credible than that of her supervisor's.

The commission found that this evidence had shown the training was deficient and that adequately training supervisors on heat safety would have materially reduced

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Financial Management

Construction Firms Face New Challenges In the Changing Building/Office Marketplace

By PHILLIP ROSS, CPA, CGMA, PARTNER

We have reached a critical moment in the future of the built environment in this post-pandemic world. It remains to be seen how space will be used as a facilitator for economic activity and as the basis for collaboration as alternative work models have taken hold. The paradigm has changed, at least for the moment. Gone are the days when long-term office leases could be sold based on location, prestige and collegiality as well as proximity to transportation in key business hubs and areas. In today's competitive market, developers and owners are up against a tenant facing a world



energy standards have come to bear where buildings being constructed over the next decade will need to comply with "green" leaning and other en-

tion going forward. Simply put, digitization will not be skipping the construction of buildings. The construction industry will be using more property technologies than ever. The ability to measure and contextualize data in building processes is the way of the future.

With these new technologies for the construction industry, there will be Research & Development activities that construction companies will become involved with. Whatever the technology changes are, this potentially increased R&D activity could make companies eligible for R&D credits at both the federal and state level. While the tax credits would reduce tax liabilities dollar-for-dollar, keep in mind that starting in 2022 these expenses now have to be capitalized and amortized over five years.

Amenities/Hospitality in The New Office Space World

Overall, construction is becoming more aware that highly-amenitized buildings are in a race to win the percentage of businesses that are investing in office space in a remote world. Luxury, comforts and perks all influence today's post-pandemic tenant. Hospitality and flex spaces provide the ability to

In today's competitive market, developers and owners are up against a tenant facing a world in which new technologies and models must conform to tenant-centric realities.

attract tenants and as a result, the construction industry will find a good portion of its work in building out more modernized facilities in new Class A buildings as well as in remodeling and refurbishing older Class B and C buildings in our cities as remote work models remain.

How Construction Firms Can Adapt To a Changing World in Real Estate

While change always brings new opportunities, construction contractors, engineers and design-build and architectural firms will face new challenges. They will need to develop the know-how and strategies to work with the renovations needed for adaptive re-use projects as well as for office buildings that can potentially be converted to residential spaces. Determinations will need to be made about which

kind of buildings will work and which will not. For example, are there structural and other features that are not conducive to a residential conversion?

Beginning with a determination about the appropriate physical characteristics of the building in question, there are essentials that will be needed to begin a conversion: proper zoning, correct cost basis/purchase price and, most importantly, a fully vacant building. For zoning and regulatory/political reasons, opportunities may tend to vary in specific cities. For example, Washington, DC boasts the largest number of office-to-residential conversions per capita in the U.S. Four of the top 10 cities with the most rental units in former office buildings are in the D.C. area.

Please turn to page 20

Digitization will not skip the construction of buildings. The construction industry will be using more property technologies than ever, owing to their abilities to measure and contextualize data in building processes.

in which new technologies and models must conform to tenant-centric realities.

Contractors: Best of Times, Worst of Times

For those in construction, there is a unique opportunity now to bid for projects that effectively transform older or obsolete assets into usable new buildings that will form the basis for newer and more modern cities. Overall, the construction industry's approach will take on new considerations not limited to "amenitized" spaces, adaptive reuse projects and conversions from office-to-residential buildings when feasible.

All the while, ongoing issues in supply chain disruptions, inflation-driven materials cost increases and global tensions will continue to present ongoing challenges for the foreseeable future. As the industry embarks on new projects that will eventually be transformative for metro and city spaces, unique opportunities will present themselves as the industry moves forward to build not only from the ground-up, but in a re-imagining of existing space that will serve to move the needle on traditional boundaries for construction firms.

Office of the Future is Tenant-Centric, More Energy Efficient than Ever

Today's office must serve as more than just a place to work for attracting the right tenants and leases. The office of the future must be equipped with highly-amenitized spaces as a priority. It is also the case that new sustainability and

ergy efficiency requirements.

Not Limited to New, Class A Buildings

As construction cranes and new Class A buildings appear across the skyline in many major cities, these modern structures are being operationalized using various technologies that provide measurement and other data, whether it be static, live or monitoring and measurement. Whereas these new, Class A buildings come with high expectations for state-of-the-art technology, some of the oldest buildings in cities worldwide are also being fully operationalized. Restoration of buildings marked for adaptive reuse will be accomplished with digitization for making landmarks and other older buildings better and stronger than before. The wave of the future for office building is enabling hybrid work, sustainability, digitizing and pulling data out of real estate.

Construction Will Rely on New Technologies To Achieve Cost Reductions And Time Savings

The point is, whether it be air quality monitoring, energy usage, ambient noise, or other details, large or small, smart buildings are here now. As such, the construction industry will also be looking forward to the use of new technologies that automate design aspects as well as those that digitally record contracts with suppliers and building materials. The digital handover for construction processes will be more prominent in all phases of design and construction, from pre-construction phases all the way through to comple-

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Port Chester, Rye, Catskill Each Secure \$10M In Water Quality Grants from New York State Continued from page 10

tem at the Maybrook Wastewater Treatment Plant. This project will improve water quality by reducing pathogens in the treatment plant's discharge.

Village of Walden, Orange County, Village of Walden Salt Storage Barn \$500,000

The Village of Walden will construct a new salt storage facility located further from surface waters than the existing storage location. This structure will protect the Wallkill River and drinking water.

Town of Stony Point, Rockland County, Town of Stony Point Sanitary Sewer Improvements \$2,754,838.00

The Town of Stony Point will replace the influent pump station, grit chamber, and bar screen (headworks) at the town's sewage treatment plant to better handle peak flows through the plant and reduce sanitary sewer overflows to the Hudson River.

New York City Department of Environmental Protection for Green Infrastructure Practices (New York City) \$2 million

City-owned-street medians will be upgraded with green infrastructure practices to protect local water quality and address inland flooding challenges.

Town of Mount Pleasant, Westchester County, Town of Mount Pleasant MS4 Vacuum Truck \$400,000

The Town of Mount Pleasant will purchase a vacuum truck to clean and maintain catch basins in the town. Using this equipment will reduce sediment, debris, and other materials entering the

Kenisco Reservoir from urban areas.

Village of Port Chester, Westchester County, Village of Port Chester Sanitary Sewer Improvements Phase I \$10 million

The Village of Port Chester will upgrade its sewers from Ryan Street and Beech Street to Westchester Avenue and Smith Street. Upgrades will reduce inflow and infiltration in the system and eliminate illicit connections. The project will reduce sanitary sewer overflows and help improve the water quality of the Byram River.

City of Rye, Westchester County, City of Rye Phase III Sanitary Sewer Improvements \$10 million

The City of Rye will upgrade its sewer system by completing spot repairs and replacements, installing approximately 22,000 linear feet of pipe lining, and repairing 500 manhole defects city wide. This project will reduce the amount of untreated wastewater entering Long Island Sound during storm events.

Land Acquisition Projects Ulster County, For Aquatic Connectivity Restoration \$250,000

The county will replace a failing and undersized stream culvert in a tributary to the Sawkill Creek in Woodstock. The project will connect 2.2 miles of aquatic habitat and alleviate flooding events in the Lower Esopus Creek watershed.

Marine Habitat Restoration Save the Sound For Marine Habitat Restoration (New York City) \$749,976

Save the Sound will restore four acres of salt marsh and install oyster castles and vegetation along 1,100 linear feet of shoreline. The oyster castles and vegetation will filter nutrients from stormwater and stabilize marsh banks in Udalls Cove.

Seatuck Environmental Association, for Marine Habitat Restoration (Long Island) \$320,000

The Seatuck Environmental Association will implement a fish passage at the Mill Pond dam in Wantagh. The project will provide passage for aquatic biota and fish access to freshwater spawning habitat in Bellmore Creek.

Municipal Separate Storm Sewer System (MS4) Mapping: Town of Orangetown, Rockland County for MS4 Mapping \$75,000

The town will hire an engineering firm to complete comprehensive mapping of storm sewer systems in the Hackensack River, Lower Naurashaun Brook, and Lower Hudson River Estuary watersheds. Mapping will include all basic element data for regulated stormwater system management.

Town of New Windsor, Orange County, for MS4 Mapping \$75,000

The town will complete comprehensive mapping of the stormwater system. The project will include mapping of priority areas and proposed stormwater retrofits.

New York continues to increase its investments in clean water infrastructure. Most recently, in the 2023 State of the State and Executive Budget, Governor Hochul proposed investing an additional

\$500 million in clean water funding, bringing New York's total clean water infrastructure investment to \$5 billion since 2017. To leverage these investments and ensure ongoing coordination with local governments, the Governor proposed the creation of Community Assistance Teams to provide proactive outreach to small, rural, and disadvantaged communities to help them access financial assistance to address their clean water infrastructure needs.

In addition, voters approved the \$4.2 billion Clean Water, Clean Air, and Green Jobs Environmental Bond Act in November 2022, advancing additional, historic levels of funding to update aging water infrastructure and protect water quality, strengthen communities' ability to withstand severe storms and flooding, reduce air pollution and lower climate-altering emissions, restore habitats, preserve outdoor spaces and local farms, and ensure equity by investing at least 35 percent, with a goal of 40 percent, of resources in disadvantaged communities.

The grants announced earlier this month were issued following completion through the Consolidated Funding Application (CFA) process. The CFA was created to streamline and expedite grant applications and marks a fundamental shift in the way state resources are allocated, ensuring less bureaucracy and greater efficiency to fulfill local economic development needs. The CFA serves as the single-entry point for access to economic development funding, ensuring applicants no longer have to slowly navigate multiple agencies and sources without any mechanism for coordination.



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Regional Bid Alert

NYS DOT - Region 8

Bid Letting Date: April 6, 2023

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

Contract# D265004
PIN# 856433

Project Description: Orange Co.,
highway—paving/drainage—Rte. 17M
from Rte. 94 to Monroe Village Line.

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

Goals: MBE: 5.00%, WBE: 2.00%,
SDVOB: 6.00%

Bid Letting Date: April 6, 2023

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

Contract# D265009
PIN# 881397
F.A. Proj. # Y001-8813-973

Project Description: Westchester County,
SST pavement safety improvement -
Hutchinson River and Cross County park-
ways in various municipalities.

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

Goals: DBE: 4.00%

Bid Letting Date: April 20, 2023

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

Contract# D264942
PIN# 882373

Project Description: Rockland, Westchester
Cos., improvements to traffic signals,
cameras & VMS, various locations.

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

Goals: MBE: 4.00%, WBE: 4.00%,
SDVOB: 6.00%

Bid Letting Date: April 20, 2023

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

Contract# D265021
PIN# 881431

Project Description: Columbia, Dutchess,
Orange, Putnam, Rockland, Ulster,
Westchester Cos., highway - vegetation
management - various locations,
Bid Deposit: 5% of Bid (~ \$40,000.00).

Goals: MBE: 4.00%, WBE: 8.00%,

SDVOB: 0.00%

NYS DOT - Region 9

Bid Letting Date: April 20, 2023

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

Contract# D264939
PIN# 9TCR21

Project Description: Broome, Chenango,
Sullivan Cos., culvert replacements, NYS
Routes 12, 26, 41, & 55, Towns of Coventry,
Maine, Neversink, & North Norwich.

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

Goals: DBE: 6.00%

NYS DOT - Region 10

Bid Letting Date: April 6, 2023

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

Contract# D265018
PIN# 081030
FA Proj.# Y001-0810-303

Project Description: Nassau Co., bridge
rehabilitation - various locations, Towns of
Hempstead and North Hempstead.

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

Goals: DBE: 9.00%

NYS DOT - Region 11

Bid Letting Date: April 6, 2023

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

Contract# D264965
PIN# XM2420

Project Description: Bronx, Kings, New York,
Queens, Richmond Cos., highway & bridge -
general repairs - various routes
in the City of New York.

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

Goals: MBE: 5.00%, WBE: 10.00%,
SDVOB: 0.00%

New York State Thruway Authority

Bid Letting Date: March 29, 2023

Contract: TANY 23-8A/D214912
—Amendment #1

Project Description: Administrative

Headquarters - TSOC And State Police
Renovations at Milepost 141.92 in Albany
County in accordance with the Plans and
Specifications.

Bid Deposit: \$200,000.00

Goals: MBE - 10% WBE - 10% SDVOB - 4%

Bid Letting Date: April 5, 2023

Contract: TAA 23-13B/D214916

Project Description: Preservation of the
Kaaterskill Creek and Catskill Creek Bridges
over I-87 at Milepost 111.13 and 113.22
in Greene County in the Albany Division
in accordance with the Plans
and Specifications.

Bid Deposit: \$375,000.00

Goals: MBE - 6.5% WBE -
6.5% SDVOB - 3%

Westchester County DPW

Bid Due Date: April 19, 2023

Contract: 22-532 (\$100.)

Title: Air/Vacuum Release Valves Installation,
North Yonkers
Pump Station Force Main, Yonkers, NY

Description: The work under this contract
consists of providing all necessary labor,
material and equipment required to replace
the existing surge chambers and manual
air release valves, which have exceeded
their useful life, with combination air/vacuum
release valves for automatic venting of the
54-inch diameter RCPP force main from the
North Yonkers Pump Station to the Yonkers
Joint WRRF located in Yonkers, NY. The
8,000 LF force main was constructed in
1960 and included the installation of ten (10)
surge chamber/air release valves at the high
points and the 90-foot deep inverted siphon,
crossing beneath the Domino Sugar Factory,
along the force main. These chambers and
valves helped to relieve excessive pressures
that accumulated in the 54" force main. The
manual air release valves have deteriorated
and the force main has experienced exces-
sive surge pressures in the proximity of the
inverted siphon which has resulted in dam-
age to the existing air release valve and pip-
ing at this surge chamber, which is referred
to as the North Shaft. It has been determined
that a minimum of six new air/vacuum re-
lease valves and manholes will be installed
to adequately protect the 54" force main.

Bid Estimate Range: \$1.8 million
to \$2.2 million

Mandatory Pre-Bid Inspection: 10:00 AM,
March 14, 2023; meeting at North Yonkers
Pump Station, 19 Alexander Street, Yonkers,
NY. MANDATORY attendance is required.
Bids will be rejected from Contractors not in
attendance at this meeting, or those who fail
to sign the attendance sheet.

Contact: John Coelho, 914-995-5144.

*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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Financial Management

Continued from page 17

As the real estate market continues to change, many construction firms will have the opportunity to pursue creative solutions for vacancy rates that have reached historic highs. In some cases, office-to-residential and other adaptive re-use projects may become the logical choice for firm-wide strategy

and new project planning.

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.

Attorney's Column

Continued from page 6

rights that the contractor has (and does not have) under the contract. These claim books also tailor notice and other documents to the terms of that contract, and include specific timelines clearly setting forth what notices have to be given, and when, so as to best preserve the contractor's right to payment.

While a contract on a publicly bid job cannot be negotiated, contractors would nevertheless be well advised to have experienced construction counsel review the contract pre-bid and advise of both its "highlights" and "low-lights" so as to enlighten the contractor's decision to bid or not. To borrow a late-July baseball analogy, sometimes the best trade you make is the trade you don't make. Post-bid, the contractor should have counsel prepare "claim books," which set forth the

About the authors: Thomas H. Welby, an attorney and licensed professional engineer, is general counsel to the Construction Industry Council of Westchester & Hudson Valley, Inc., 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 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.



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State Assembly Budget Shortchanges Hudson Valley Roads and Bridges

Continued from page 1

5,000 more lane miles than any other region, according to NYSDOT. Region 8 pavements are the worst in the state. The statewide average for fair and poor pavements is 43.2%—the Hudson Valley rating is 56.8%—far exceeding the next worst region, which scored 51%.

In 2021, despite its poor road and bridge conditions, three

Route 17 Expansion

Continued from page 4

Let's face it, our region is growing. Orange County has the fourth-fastest growing population in New York State, increasing at a rate of more than 9% between 2010 and 2023. Census data for 2021 shows Sullivan County as the fastest-growing county in the state.

Tourism, too, is on the rise. Visitors spent \$3.8 billion in the Hudson Valley in 2021 and Orange County itself saw a 63% spike in spending. The Sullivan Catskills continues to attract upward of 4 million visitors, drawn to Bethel Woods Center for the Arts, Resorts World Catskills, The Kartrite Resort & Indoor Waterpark, new luxury lodging, endless outdoor experiences and Delaware River adventures. The four counties comprising the Catskills Region saw a 122.9% increase over 2019 and 64.1% growth over 2020, reflecting \$1.9 billion in visitor spending. The Sullivan Catskills saw a 122.8% increase over 2019 and 66.3% over 2020, reflecting \$710 million in visitor spending.

Our business communities are growing as well. We've seen the expansion of Woodbury Common and construction of Legoland, and a host of planned developments are underway. We need these investments and we need the infrastructure to support them.

Now is the time to do it. Several NYSDOT projects have already upgraded sections of Route 17, including reconstruction of the interchange at Exit 131, where Route 17 meets I-87 and Route 32 (Woodbury Common) and reconstruction of exits 122 and 125 (Legoland) to meet interstate standards. In addition, an interchange reconstruction project is underway at Exit 105 A and B in the Town of Thompson. Let's finish the work and ensure our infrastructure is equipped to handle the added capacity to improve mobility and ensure our safety now and for generations to come.

About the authors: 17-Forward-86 Coalition co-chair Maureen Halahan is president and CEO of the Orange County Partnership; 17Forward86 Coalition co-chair Marc Baez is president and CEO of the Sullivan County Partnership. To learn more, visit www.17Forward86.org.

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NYSDOT regions secured more bridge money and two regions were appropriated more pavement funding than Region 8.

"The overall conditions of New York State roads and bridges remain in decline especially those in NYSDOT Region 8," Mr. Cooney said. "The inflation of the last two years combined with an increasing share of NYSDOT capital money being spent on large but needed "signature projects" leaves the NYSDOT Core Program that funds the repair of all New York State roads and bridges in a diminished state that will only contribute to a continued decline of road and bridge conditions."

The construction trade association urged the State Legislature to address the Region 8 funding shortfalls:

- NYSDOT Region 8 (Westchester County) needs to receive a larger percentage share of overall NYS Capital Program Funding (Region 8 has the largest amount of road lane miles and highest amount

of bridges in all of New York State NYS DOT regions);

- The \$2-billion balance of increased federal aid authorized by the IIJA not spent in the NYSDOT 5-Year Capital plan should be spent and be reflected in the remaining four years of the NYSDOT Capital Plan;

- The \$421 million of COVID relief money received from the federal government directed towards NYSDOT should be reflected as an incremental increase to the overall NYSDOT Capital Plan;

- CHIPS/Marchiselli/Pave-NY/EWR/POP (Local Road Funding) needs to be increased 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;

- In reviewing the New York State Assembly One House Budget proposal, CIC was disappointed to see only one ask for a funding increase which was a \$100-million increase to the Pave-NY

program. The conditions of New York State's roads and bridges need a much larger investment to bring them into a state of good repair. In fact, the Assembly's proposed \$100-million increase could not even move the needle of improvement for NYS Region 8's road conditions much less those of the entire state.

By comparison, the New York State Senate "One House Budget" proposal does a better job addressing the transportation network's capital needs, CIC noted. It contained the "Ask" for the following increases:

- An increase of \$8 billion for NYSDOT capital program over the next four years;
- An increase of \$200 million for CHIPS to \$738 million;
- An increase of \$70 million for EWR;
- An increase of \$50 million for Bridge NY to \$250 million;
- An increase of \$30 million for state touring routes to \$130 million;
- Funding of \$16 million

for design assistance to local governments that will help simplify the process of seeking state aid for projects.

"The New York State Senate One House Budget proposal is on point and leverages the more than \$2.0 billion of federal aid received and not spent from the federal government," Mr. Cooney observed. This proposal would greatly improve road and bridge conditions in the Hudson Valley Region 8."

He concluded, "I urge the entire Hudson Valley NYS Assembly delegation to work in cooperation with the State Assembly leadership, the State Senate, and the governor's administration to adopt the Senate's One House Budget proposal as it relates to the NYSDOT Capital plan. The only way Region 8's road and bridge conditions will improve is if you, as a member of the Hudson Valley delegation, advocate for overall increased funding and a larger share of that increased funding for NYSDOT Region 8."



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Think ahead

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Business Manager
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Better Building Begins Here

LOW BIDS

Bothar, Accent Stripe, Paleen, Coyle, Verde Win Public Works

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

Bothar Construction LLC of Binghamton, NY was the lowest of four bidders at \$735,735.85 for scour project repair involving six bridges in the towns of Chenango, Fenton, Fremont, Nichols and Hancock in Broome, Delaware, Sullivan and Tioga counties.

Accent Stripe Inc. of Orchard Park, NY was the lower of two bidders at \$2,996,097.05 for highway pavement markings at various federal-aid eligible state highways in Broome, Chenango, Delaware, Otsego, Schoharie, Sullivan and Tioga counties.

Paleen Construction Corp. of Somers, NY was the lowest of four bidders at \$2,095,540.00 for rehabilitation of catch basins at Rte. 9 and Rte. 113 to Dorsey Lane in the Town of Hyde Park and Poughkeepsie and in the City of Poughkeepsie in Dutchess County.

Coyle Industries Inc. of Hopewell Junction, NY was the lower of two bidders at \$1,400,400.82 for highway-stormwater maintenance at various locations in Columbia, Dutchess, Orange, Putnam, Rockland, Ulster and Westchester counties.

Verde Electric Wins Thruway Authority Bid

ALBANY—The New York State Thruway Authority reported recently that **Verde Electric Maintenance Corp.** of Mount Vernon, NY was the sole bidder at \$4,392,494 for replacement of its equipment at various locations in the New York Division in the Bronx, Westchester, Rockland, and Orange counties.

Read Attorney's Column Every Month in
Construction NEWS

NEW YORK CITY UPDATE

EPA, NYC Begin \$1.6B Project To Protect Gowanus Canal Waters

NEW YORK—New York City Mayor Eric Adams, New York City Chief Climate Officer and New York City Department of Environmental Protection (DEP) Commissioner Rohit T. Aggarwala, and U.S. Environmental Protection Agency (EPA) Region 2 Administrator Lisa F. Garcia broke ground on May 15 on the first of two underground storage tanks that will have the combined capacity to prevent up to 12 million gallons of sewer overflow during rainstorms, stopping it from polluting the Gowanus Canal.

The groundbreaking marks an important alignment among city leadership and the EPA to get these projects on track after Gowanus was categorized as a Superfund site in 2010. These two major infrastructure projects will make an estimated \$1.6 billion investment in Brooklyn's waterways and public spaces, significantly improve the health of the canal, and create 3.6 acres of new public waterfront open space and amenities for the Gowanus community.

"Today's groundbreaking will protect the Gowanus Canal from pollution and deliver acres of new public spaces and waterfront access to New Yorkers," said Mayor Adams. "This project is a powerful statement about our city's adaptability and determination, and we're not stopping here in Gowanus. We want to make sure that every waterway in New York City is clean enough for the dolphins we saw in the Bronx River to swim in, and whenever we have opportunities to bring new public open spaces to communities that are crying out for them, we're going to seize those chances."

The Gowanus Canal was originally a tidal

creek winding through marshland, but, in the 1860s, it was converted into a 100-foot-wide, 1.8-mile-long canal for industrial use. Chemical plants, oil refineries, and other heavy industries operated next to the canal and discharged their waste into it. Sewer overflows only added to this pollution. The EPA declared the location a Superfund site in 2010 and kicked off efforts to clean the canal and remediate the area.

By intercepting the overflow from the sewer system during rainstorms, the underground tanks—announced as part of today's groundbreaking—will help keep the remediated canal clean. In addition to the sewage overflow tanks at the center of today's announcement, as a part of the Superfund designation, EPA is in the process of dredging approximately 581,000 cubic yards of polluted sediment from the bottom of the canal and capping the bottom to prevent further contamination.

Breaking Ground on First Tank

The announcement celebrates the groundbreaking of what will be the first tank, located at the north end of the canal, bounded by Nevins Street, Butler Street and Degraw Street. Over the last year, the city has cleared the project site, including carefully deconstructing and salvaging the brick, terracotta, and bluestone elements of the 1913 Gowanus Station building, which will be reconstructed as a part of the project. The city is kicking off the \$329 million contract for the excavation and construction of the tank that will hold up to 8 million gallons of combined sewage during rainstorms, as well as the waterfront public open space that will sit on top of the tank.

Join the Construction Industry Council

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.

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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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- Influence legislation at federal, state, and local levels to secure capital funding and to ensure beneficial laws
- Inform members about public and private bid lettings and awards
- Educate members on the latest requirements of laws, rules and regulations affecting daily business operations.



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