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# Construction NEWS



Vol. 39 No. 4

APRIL 2023

\$1.50



## Getting the Swing of It

Kyhiem Massaquoi, 15, a sophomore at Mount Vernon High School, receives instruction from Laborers Local 60 training instructor Jeff Black, left, and Local 60 member Dwayne Farquharson, as he tries out a confined-space tripod, actual equipment used in Laborers Local 60's confined space training class offered at its apprenticeship training center in Brewster, NY. Some 700 students attended the 23rd annual Hudson Valley Construction Career Day in Rockland County on Fri., March 31. See story and photos on pages 10 and 11. Photo Credit/GEORGE DRAPEAU III

## Mid-Hudson Leaders Expect Strong Construction Market

By JOHN JORDAN

CHESTER, NY—Although some economists are predicting a recession later this year, construction activity in the Mid-Hudson Valley will continue to be strong in 2023, according to chief government officials and labor leaders in the region who participated at the ninth annual Hudson Valley Construction Industry Partnership (HVCIP) luncheon late last month.

Labor officials and county government officials presented an impressive project list of both public and private work projects that are breaking ground this year or already under construction that should keep their union members off the pines at the union halls and working on job sites throughout the region.

The meeting here at the Glenmere Mansion on March 28 drew more than 50 leaders from the public and private sector. Making presentations at the session were Rockland County

Executive Ed Day, Orange County Executive Steve Neuhaus and Ulster County Executive Jen Metzger as well as labor leaders who included L. Todd Diorio of the Hudson Valley Building

*"We are putting a massive amount of money into infrastructure."*

—Orange County Executive Steve Neuhaus

& Construction Trades Council, Stephen Reich of the Rockland County Building & Construction Trades Council and Ed Cooke of the Building and Construction Trades Council of Westchester & Putnam Counties, Inc. The moderator was John T. Cooney Jr., executive director of the Construction Industry Council of Westchester & Hudson Valley, Inc.

The highlights of the program were Mr. Diorio noting there will be about \$3 billion worth of construction work at the U.S. Military Academy at West Point in the next eight to nine years, a vast majority of which will be performed by union contractors; Ulster County Executive Metzger said that the Cresco

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## Vintage Lake Isle Masonry Dam To Finally See Long-Sought Repairs

By GEORGE DRAPEAU III

EASTCHESTER, NY—Infrastructure rebuilding in the region took a major step forward when it was announced this month that federal and state monies are on the way to restore and upgrade the Lake Isle Dam here in southern Westchester. Repairs are sorely needed for this vintage, 128-year-old masonry dam, which is one of 400 in the state rated as high hazard.

"The physical, economic and community impact of a break in the Lake Isle dam would be massive," commented New York State Assembly member Amy Paulin (D-Scarsdale) when the campaign to fix the dam took flight in 2020-2021. "It

would gravely affect Pelham, Mount Vernon, New Rochelle and Eastchester. It would also flood the Hutchinson River Parkway—with 'flood' being an understatement." State Sen. Shelley Mayer (D-Yonkers) was also instrumental in securing money from Albany.

Long overlooked for restoration, the dam will now see much of the nearly \$11 million cost needed to fix the facility come from a variety of sources: Rep. Jamaal Bowman (D-Yonkers) secured \$2.6 million from the federal government to pay for engineering studies and design work; another \$4.1 million from New York State; and Westchester County Executive George

Latimer pledged to fill in the funding needed for the project.

Sen. Mayer said, "I am very pleased I was able to secure \$2.1 million in state funding from the New York State Senate for Lake Isle Dam, with the leadership of NYS Senate Majority Leader Andrea Stewart Cousins... This joint effort led to the resolution of an enforcement action by the New York State Department of Environmental Conservation and will result in structural improvements to the dam. The funding that was able to be secured in total is a

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From left, New Rochelle Mayor Noam Bramson, State Sen. Shelley Mayer, Westchester County Executive George Latimer, State Rep. Amy Paulin and Eastchester Supervisor Anthony Colavita gathered in June 2021 by the reservoir spillway at the Lake Isle dam in Eastchester, NY, where they vowed to address long-needed improvements to the now 128-year-old masonry dam.

Photo Credit/GEORGE DRAPEAU III

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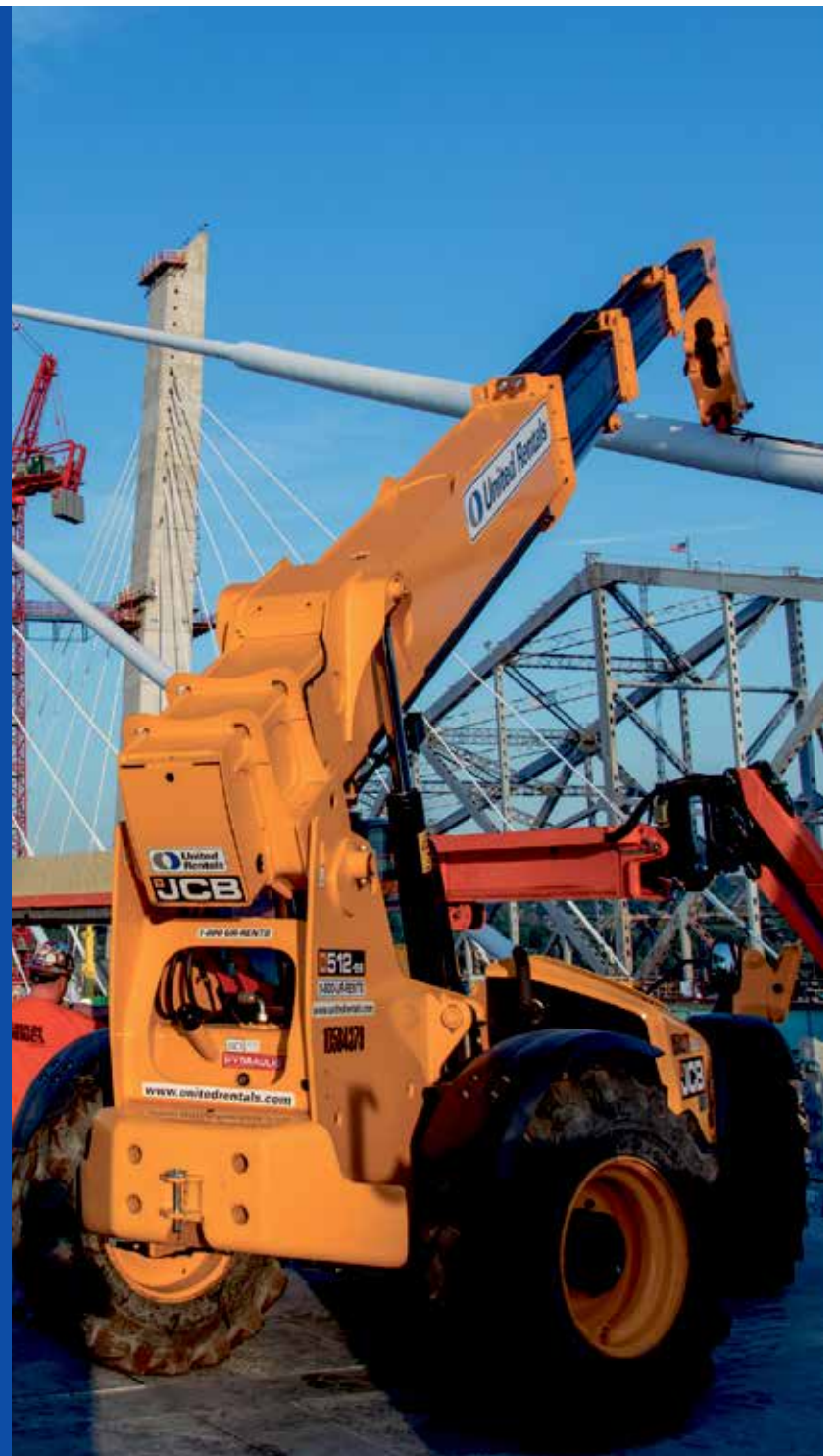
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# Mid-Hudson Leaders Expect Strong Construction Market Continued from page 1

Labs expansion in Ellenville, estimated at approximately \$200 million, will be performed under a Project Labor Agreement. She also noted that the



**Orange County Executive Steve Neuhaus**

county intends to build a new Emergency and General Operations Center that will also have a PLA in place.

Mr. Neuhaus said the Orange County Legislature has approved unanimously his plan to spend a vast majority of the \$75 million it will be receiving in federal ARPA funding on infrastructure projects.

“We are putting a massive amount of money into infra-



**Ulster County Executive Jen Metzger**

structure,” he said. Among the many private projects on the drawing boards, Mr. Neuhaus related that LEGOLAND New York will be releasing plans later this year to “double its footprint” that will include additions to the amusement park, an aquarium and expanded hotel space.

Mr. Neuhaus related that Orange County has held meetings with major computer chip tech firms, and he expects some of these companies will locate operations in the Hudson Valley in the future.



**Rockland County Executive Ed Day**

Turning to Rockland, Mr. Day said his county has plans to spend approximately \$80 million on construction-related projects, and it will be bonding \$20 million for road-related work in the county. Rockland is also planning to fund park remediations and moving forward on plans for a police training facility.

He noted that the Rockland County Industrial Development Agency currently has 17 active projects. “The economy is humming,” Mr. Day told the gathering. He also touted the strength of the Hudson Valley region, stating simply, “Regionally, no one can beat us.”

The CIC’s Mr. Cooney informed the group about the New York State FY2023-2024 budget and its impact on heavy highway work, bridge funding as well as environmental and wastewater capital programs. At press time, the governor and the State Legislature have not come to an agreement on a final budget and have ap-



From left, Mike Hamm of Operating Engineers L.U. 825, contractor and CIC Board Member Justin Darrow, Business Manager Steve Reich of Laborers Local 754, and BCA Executive Director Matt Pepe.


Photo Credits/GEORGE DRAPEAU III

proved two extenders after missing the April 1 deadline. At the moment, the organized sector of the construction industry is backing a funding plan advocated by the New York State Senate that is calling for an increase of \$8 billion for the NYSDOT capital


program over the coming four years. The Senate program is also calling for 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 and an increase of \$30 million for state touring

routes to \$130 million.



Mr. Cooney added that funding of \$16 million for design assistance to local governments, which will help streamline the process of seeking state aid for municipal projects, is a top priority for the construction industry.



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# Business Organizations Tell Westchester Delegation Housing Incentives Alone Will Not Work in County

By JOHN JORDAN

TARRYTOWN—The chief executives of five major business organizations in Westchester County have jointly sent a letter to the Westchester State Delegation urging them that incentives alone will not solve the housing crisis in Westchester County and therefore lawmakers should enact some key facets of Gov. Kathy Hochul's "New York Housing Compact" plan.

The letter was signed by: John T. Cooney Jr., Executive Director, Construction Industry Council of Westchester & Hudson Valley, Inc.; Jan Fisher, Executive Director, Nonprofit Westchester; Tim Foley, CEO, Building and Realty Institute of Westchester and the Mid-Hudson Region; Jana Currier, Interim CEO and COO, Hudson Gateway Association of Realtors; and Michael N. Romita, President and CEO, Westchester County Association.

Noting the recently released



## Adaptive Reuse

The "Renaissance Harrison" project will involve the demolition of the former Renaissance Westchester hotel and the construction of two residential quads—the North Quad and South Quad—two large gathering spaces to be known as the Commons and the Mansion, and two sets of triplex villas.

one-house budget proposals by the Assembly and Senate offer incentives to foster needed housing development and an increase in infrastructure spending as compared to Gov. Hochul's plan, the business groups noted in the letter: "We have consistently advocated for setting clear housing growth targets (including

transit-oriented development) coupled with consequences for not meeting those targets. Incentives alone will not succeed."

Gov. Hochul's plan sets targets for housing development and consequences for failure to meet those targets.

At press time, housing reform was one of the key issues still being debated by legislative leaders and Gov. Hochul. The budget deadline has been extended from its original deadline of April 1 to reach an agreement until the end of April 17.

The letter also cited Westchester's historic battle with the federal government over fair housing and noted that "even with court appointed supervision, repeated intervention in favor of local projects, and \$70 million of additional county spending, it took 15 years to

build 750 additional units of housing—far short of the 11,700 units deemed needed by the county's most recent housing needs assessment."

The business groups concluded by stating: "Additional support for infrastructure is welcome, as is flexibility for communities to decide how best to meet their housing goals. However, incentives alone (including the withholding of financial support), without clear growth targets coupled with consequences and enforcement for noncompliance, will bring no change in high-income, historically exclusionary suburbs such as Westchester where more housing opportunities are needed most."



## Adaptive Reuse

The ongoing redevelopment of the former AT&T office building at 440 Hamilton Ave. in White Plains will result in a 13-story Class A multifamily building, the ground-up construction of a seven-story Class A multifamily building and the construction of a six-story pre-cast concrete garage.

# NYC's Goal is to Convert Office Space into Housing

NEW YORK—A plan to address the needs to create more affordable housing in a post-pandemic New York would convert vacant office buildings into homes, thereby tackling both the city's housing crisis and lagging retail growth. A key to the proposal is more flexible zoning laws.

Mayor Eric Adams announced a list of specific recommendations for converting underused offices into 20,000 homes for 40,000 New Yorkers over the next decade. The recommendations, which were put forward earlier this year by the 12-member Office Adaptive Reuse Task Force and led by the city's Department of City Planning (DCP) Director Dan Garodnick, would change state laws and city zoning requirements extend the most flexible conversion regulations to an additional 136 million square feet of office space. The recommendations include:

- Expanding the universe of office buildings with the most flexible regulations for conversion to residential use from buildings constructed through 1961 to those constructed through 1990—easing the potential conversion process for an additional 120 million square feet of office space;
- Expanding flexible conversion regulations to all high-intensity office districts, in-

cluding Downtown Flushing and the Bronx Hub—easing the potential conversion process for an additional 16 million square feet of office space;

- Finding opportunities to allow housing, whether through conversions or new construction, in a centrally located, high-density part of Midtown that currently prohibits residential development;
- Allowing office buildings to convert into various much-needed types of housing, including supportive housing;
- Providing flexibility for offices to convert all existing space into housing, eliminating limitations that incentivize only partial conversions or make conversion projects infeasible;
- Exploring and pursuing a tax incentive program to support the production of affordable and mixed-income housing through office conversions—adding to the city's affordable housing stock without deterring other private investment in conversions and housing creation;
- Creating a property tax abatement program to incentivize retrofitting office space for child-care centers, building on Mayor Adams' "Accessible, Equitable, High-Quality, Affordable: A Blueprint for Child Care & Early Childhood Education in New York City."

“With this study, we have a roadmap to deliver on a vision for a more vibrant, resilient, prosperous, and affordable city,” Mayor Adams said. “The need for housing is desperate, and the opportunity offered by underused office space is clear—we know what we need to do.”

“These concrete reforms would clear red tape and create the incentives to create the housing we need for New Yorkers at all income levels,” he added.

Converting the city's underused office space into housing has been the subject of growing discussion; in 2021, State Sen. Michael Gianaris introduced legislation that would allow New York to buy financially distressed commercial buildings and convert them into housing for low-income and homeless New Yorkers.

A handful of newsworthy recent office-to-residential conversions in the Hudson Valley include: the \$400-million mixed-use redevelopment of the former Renaissance Westchester hotel into the mixed-use Renaissance Harrison development that will eventually feature luxury residential housing. In White Plains, the former AT&T office building is being redeveloped into a mixed-use project that will feature approximately 468 rental apartment units.

## Construction NEWS

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## Attorney's Column

# Owner's Right Limited to Itemized Statement of Lien As Contract Was Fully Performed: Court

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

As this column has often noted, a mechanic's lien is a powerful tool to help a contractor get paid. Because of the power of this tool—and the ability of a stranger to the property, and perhaps even a stranger to the contract with the owner, to affect title to the property—there are certain protections built into the Lien Law to provide balance. One of these balancing tools is the ability of an owner to demand a verified itemized statement of the lien, pursuant to Section 38



who are the subject of a mechanic's lien will use the demand for a verified itemized statement as a weapon to attempt to discharge the lien through the attrition of litigating the sufficiency of the response, as opposed to forcefully litigating the substance of the lien in

a foreclosure action. For that reason, in the recent case of *York Restoration Corp. v Pedrol Contracting Inc.*, a court reaffirmed that where a stipulated sum contract is substantially complete, a statement of the terms of that contract, together

with a statement of the amounts owing, will be sufficient to apprise the owner of the basis for the lien.

substantially completed, and as the information as to what comprised the lien was easily ascertainable by multiplying the fixed price per month times the number of months of the rental—neither of which York disputed—there was no need for anything further to satisfy Pedrol's obligations under Section 38. The court went on to note that while a more detailed statement may be required in certain complex contractual disputes, such was not required here because the owner was sufficiently apprised of the basis of the lien.

*The demand for an itemized statement of lien, like its cousin the demand for a verified statement of trust, is a useful tool to ascertain certain information in an expeditious fashion without having to await a lawsuit and its often arduous discovery process.*

of the Lien Law.

This statement is designed to provide the owner or upstream contractor with a line-by-line breakdown of what comprises the mechanic's lien (which

verified itemized statement is the cancellation and discharge of the lien. Courts have also held that defenses to the requirement to provide such a statement are very limited. Accordingly, some

with a statement of the amounts owing, will be sufficient to apprise the owner of the basis for the lien.

### Background

In August 2018, York Res-

*The penalty for failing to provide the required verified itemized statement is the cancellation and discharge of the lien. Courts have also held that defenses to the requirement to provide such a statement are very limited.*

toration and Pedrol Contracting entered into a purchase order contract whereby Pedrol would rent certain scaffolding equipment to York for use on a construction project in Manhattan. The contract required Pedrol to provide five, two-point scaffolds, including 10 motors and accessories as well as a "rigging license." Each scaffold cost \$1,200 per month, and the license cost \$400 per month. The total cost for all equipment was agreed to be \$6,400 per month. The rental ran through February of 2021, during which time York accrued \$128,000 in arrears.

To secure its right to collect, Pedrol filed a mechanic's lien on July 25, 2021 with the New York County Clerk. On August 26, 2021, York served a demand for an itemized statement, pursuant to Section 38 of the Lien Law, which required Pedrol to set forth the items of labor and material, and the value of same, together with the terms of the contract under which such were furnished, in a written and verified statement, within five days of the demand. Because Pedrol failed to comply with the demand, on Sept. 16, 2021, York brought a special proceeding to compel Pedrol to comply. Alternatively, if Pedrol did not comply with the court order compelling production, York sought a further order cancelling the lien.

In opposition, Pedrol provided a copy of the contract setting forth the terms of the rental, together with the statements previously sent to York setting forth the computation of the amounts owed. As these documents set forth the accounting by which Pedrol arrived at the amount of its lien, it argued that such were sufficient to meet Pedrol's burden under Section 38 of the Lien Law.

### Decision

The court denied York's motion and dismissed its petition. In doing so, the court focused on the language in Section 38 that an itemized statement "may" be required of a lienor, following well settled law that such language establishes that there is no absolute right to an itemized statement where it would not serve the purpose of apprising the property owner of the details of the lienor's claim. Here, the court found that as the contract had been

substantially completed, and as the information as to what comprised the lien was easily ascertainable by multiplying the fixed price per month times the number of months of the rental—neither of which York disputed—there was no need for anything further to satisfy Pedrol's obligations under Section 38. The court went on to note that while a more detailed statement may be required in certain complex contractual disputes, such was not required here because the owner was sufficiently apprised of the basis of the lien.

### Comment

The demand for an itemized statement of lien, like its cousin the demand for a verified statement of trust, is a useful tool to ascertain certain information in an expeditious fashion without having to await a lawsuit and its often arduous discovery process. However, like the discovery process in a lawsuit, these tools can be abused—particularly where, as here, a failure to comply with the demand can lead to a discharge of the lien (or, in the case of the demand for a verified statement of trust, a presumptive finding that trust funds were diverted). Accordingly, in order to prevent an overly litigious party from abusing the process in order to short circuit the lien—particularly with regard to a substantially complete project at a fixed price, where the computation of the amount owed is a matter of simple mathematics—the court will look to see whether the purpose of the statute (apprising the owner of the basis for the lien) has been met. Where it has, then any further litigation will be reserved for the foreclosure action.

While the court here held that the appraisal requirement was met because the contract was complete and the computation of damages was relatively simple (fixed sum times number of months), the court did leave open that a more thorough statement may be required where the computation is more complicated, or where the work is disputed. Accordingly, because the sanction for failing to adequately comply with these statutory requirements is cancellation of the lien, lienors would be

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## WASHINGTON UPDATE

**Infrastructure Investment Law Is Working: ARTBA**

WASHINGTON—More than 36,000 transportation improvement projects, including at least one in every congressional district, have moved forward in the past 16 months as implementation of the federal Infrastructure Investment and Jobs Act (IIJA) continues, American Road & Transportation Builders Association (ARTBA) Chair Paula Hammond told a Congressional panel on March 28.

In her testimony, Ms. Hammond, a senior vice president with WSP USA, cited examples of how federal transportation

investments are yielding benefits for the American traveling public:

- Pittsburgh's Fern Hollow Bridge, which collapsed January 28, 2022, was reopened in less than a year as a 460-foot, four-lane span with the help of \$25 million in federal funding, including IIJA money.

- In Idaho, a 6.5-mile stretch of Highway 95 is being expanded with new lanes, wider shoulders, and more level grades.

The ARTBA chair acknowledged inflation continues to have impacts on

the states' ability to deliver projects.

"Increased material costs and supply chain challenges undoubtedly have had a dilutive impact on the law's investments," Ms. Hammond said. But she added, "It's also clear this situation would have been dramatically worse had Congress opted for another flat-funded extension of surface transportation programs. Our analysis shows there has been real market growth over the last year."

Ms. Hammond cautioned committee

members about new and well-meaning IIJA requirements related to expansion of Buy America. "If Buy America provisions are not pursued with stakeholder input and articulated clearly, it could have the opposite outcome and result in unnecessary project delays," she said.

Concluding her testimony, Ms. Hammond observed, "The initial data reveal IIJA's highway, bridge and public transportation investments are working as intended. Many more benefits for the American people are still to come."

**Biden-Harris Administration Announces \$256M For NY Clean Water Infrastructure Upgrades**

NEW YORK—Recently, the U.S. Environmental Protection Agency (EPA) announced more than \$256 million to New York from President Biden's Bipartisan Infrastructure Law through this year's Clean Water State Revolving Fund (CWSRF).

The funding will support New York communities in upgrading essential water, wastewater, and stormwater infrastructure that protects public health and water bodies. Nearly half of this funding will be available as grants or principal forgiveness loans helping underserved communities across America invest in water infrastructure, while creating good-paying jobs.

"President Biden's Bipartisan Infrastructure Law is delivering an unprecedented investment in America that will revitalize essential water and wastewater infrastructure across the country," said EPA Administrator Michael S. Regan. "Not only will these funds expand access to clean water and safeguard the environment, but more underserved communities that have been left behind for far too long will be able to access them."

"This major investment, awarded through the groundbreaking Bipartisan Infrastructure Law translates into replacing or repairing aging wastewater infrastructure, implementing water reuse and recycling, addressing stormwater and addressing the risks from emerging contaminants," said EPA Regional Administrator Lisa F. Garcia. "EPA is committed to getting these critical water resources to underserved and disadvantaged communities."

New York Gov. Kathy Hochul said, "Thanks to the Biden-Harris administration and our Congressional delegation, Bipartisan Infrastructure Law funding is already creating jobs and helping communities upgrade crucial water infrastructure. I applaud this new and significant investment of more than \$256 million that will bolster the record investments we are making in clean water, particularly in disadvantaged communities, to improve our health, environment and economy."

One example in New York involves modifications and

improvements to the City of Newburgh's combined sewer overflow system, which will allow Newburgh to address the untreated sewage that gets discharged into the Hudson every time it rains. This project received more than \$6.1 million in federal Bipartisan Infrastructure Law funds in November 2022. This phase of the

work involves the construction of 8,500 feet of new interceptor sewer ranging in size between 18 and 48 inches in diameter.

The announcement is part of the \$2.4 billion announced as part of the second wave of funding made possible by the Bipartisan Infrastructure Law and builds on the Biden-Harris Administration's commitment

to invest in America. In May 2022, EPA announced the initial allotment of \$1.9 billion from the Bipartisan Infrastructure Law to states, native tribes and territories through the CWSRF. That money is supporting hundreds of critical water infrastructure projects around the country.

President Biden's Bipartisan Infrastructure Law makes more

than \$50 billion available for water and wastewater infrastructure improvements across the country between FY2022 and FY2026. EPA is committed to ensuring every community has access to this historic investment and has centralized increasing investment in disadvantaged communities within its implementation.

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# Next Gen Leaders



## Profiles of the Industry's New Generation



## Timothy Kohany, EIT

**Age**  
37

**Current Position**  
Assistant Project Engineer

**Employer**  
Siefert Associates – Construction Engineers

**What I like about the job**  
Working at Siefert Associates is a great transition from college to design engineering. I now see opportunities where others see problems. I enjoy working on the means and methods for interesting large-scale projects such as Accelerated Bridge Construction, where creativity is crucial to develop safe and efficient designs.

**Education**  
BS Civil Engineering with structural focus  
– GPA 4.0 (May 2022) – Manhattan College  
MS Civil Engineering with structural focus (expected May 2024)  
– Manhattan College

**Proudest Accomplishments So Far**  
At Siefert Associates, I worked on NASA's Artemis II Mission, where I designed structural components of support structures for their rocket. I also co-authored the paper: "Improving Seismic Performance of Eight-Bolt Extended End Plate Moment Connection," that was published in the esteemed peer-review journal *Steel and Composite Structures*.

**Licenses & Certification**  
FE Civil, January 2022;  
NY State Intern Engineer, August 2022  
FAA Part 107 Remote Pilot License

**Words of Wisdom**  
"Whether you think you can or think you can't,  
you're right either way." —Henry Ford

**On Choice of Profession**  
My father, a Union Carpenter, taught me about simple machines and Archimedes' Law of the Lever. I immersed myself in his old books about applied mathematics, geometry, trig and, most importantly, engineering. I was fascinated by everyday things—how hundreds of feet of wire rope are made, how skyscrapers can support their own weight and how a cable can suspend a bridge to support cars driving over the Hudson River (Bear Mountain Bridge). The people responsible for these modern marvels are civil engineers.

**Goals**  
Finish my master's degree, work in structural design, obtain my PE licensure. My goal is to take the Finite Element Analysis and Modelling skills I am learning now and continue to collaborate with researchers at Manhattan College and other universities.

**Hobbies & Interests**  
I enjoy rock climbing, running and hiking with my wife. My favorite free-time activities include reading and solving math puzzles.

**Relationship to CAI/BCA**  
My father, John Kohany, is a proud Union Carpenter, serving a combined 50+ years in Local 53, Local 11, and now Local 279.

—Laurel Brunelle, Researcher

### ABOUT THE BCA/CAI SCHOLARSHIP

Since its inception in 2009, the Building Contractors Association/Construction Advancement Institute College Scholarship Program has awarded more than \$460,000 to 62 students enrolled at more than 40 colleges and universities throughout the U.S.

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## Economic Outlook

# Holding the Debt Ceiling Hostage Threatens the Economy

By MICHAEL J. PATON

**W**hat would happen if the U.S. government defaulted on its national debt?

The Federal government has a borrowing constraint commonly known as the debt ceiling. It represents the total amount of aggregate debt owed by the U.S. government to the rest of the world. When that ceiling is reached, the Treasury Department cannot issue any more debt in the form of treasury securities. On Jan. 19, 2023, the U.S. reached its debt ceiling when the national debt increased to approximately \$31.4 trillion. Until Congress



combination of the government shutdown and debt limit brinkmanship resulted in 120,000 fewer private-sector

sets and a decline in the dollar. Given a default and assuming the Treasury prioritizes its payments to cover all scheduled net interest payments, Federal spending on such important programs as Social Security, Medicare/Medicaid, veterans benefits and other transfer programs would have to be temporarily reduced. While shortfalls in disbursements would probably be made up later, consumer spending would fall in the meantime. The multiplier effects could lead to a sharp recession in the economy.

A 2013 report by the Federal Reserve noted several possible consequences of a relatively short default. They estimated that a default could result in a one-month furlough of workers that would impede federal spending (and hence real GDP) that would not be made up. This effect would shave 0.75 percentage point from the annual rate of real GDP growth in that quarter. Ten-year Treasury yields would rise about 80 basis points and BBB corporate bond yields

would increase about 220 basis points; stock prices would fall by about 30%; the dollar would

***The default would send shock waves through the domestic and global economies, threatening the supremacy of the U.S. dollar. In a worse-case scenario, the global banking system would destabilize, leading to major bank failures.***

drop by about 10%.

In general, a default would prompt a tightening in credit availability as well as a reduction in household and business confidence that would accompany the deterioration in financial conditions. Private spending would fall sharply, about one-third to one-half as large as the fall during the Great Recession (late 2008 and early 2009). The default would send shock waves through the

domestic and global economies, threatening the supremacy of the U.S. dollar. In a worse-case scenario the global banking system would destabilize, leading to major bank failures. It is unlikely that the Federal Reserve could backstop an event of this magnitude.

In summary, the risks to the economy and financial markets of a prolonged default are almost unthinkable, especially given the simple solution of Congressional passage. That is why we have never had a default. Unfortunately, given the current situation with a narrowly divided Congress, treating even a highly unlikely event as impossible is a mistake that politicians and investors cannot afford to make.

*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.*

***Federal spending on such important programs as Social Security, Medicare/Medicaid, Veterans Benefits and other transfer programs would have to be temporarily reduced. While shortfalls in disbursements would probably be made up later, consumer spending would fall in the meantime. The multiplier effects could lead to a sharp recession in the economy.***

increases it again, the Treasury Department is relying on extraordinary measures to meet the government's bond and note obligations. However, these measures cannot go on indefinitely, and the government may be at risk of default later this year if the Congress does not act, if Congress doesn't raise the debt ceiling, the government may be forced to choose between paying federal employees' salaries, Social Security benefits or the interest on the national debt. If the interest isn't paid, the government is in technical default.

In January 2013, Congress threatened not to raise the debt ceiling. Back then, the brinkmanship led to a federal government shutdown, where all but essential government offices were closed. Because of the political impasse in Congress, on the first day of fiscal year 2014 (Oct. 1, 2013), the government shut down as Congress hadn't approved the funding bill. On Oct. 17, 2013, Congress finally agreed to a deal that would let the Treasury issue debt until Feb. 7, 2014.

The Council of Economic Advisers estimated that the

jobs created during the first two weeks of October and slowed economic growth by as much as 0.6%.

According to WealthManagement.com, a financial services and wealth management consultant, uncertainty regarding the current debt limit could have serious economic consequences. In the case of a complete U.S. default, there are few precedents to rely on to help forecast what could happen. Although other countries have defaulted on their sovereign debt, those defaults occurred in situations when countries could not feasibly continue to service their debt. However, other nations that have defaulted are not the world's leading reserve currency—the dollar. Putting it mildly, the world's economy is tied to the U.S. and the global financial system is tied to the U.S. dollar.

In the case of a prolonged default, liquidity in financial markets could be severely impaired. Default might increase the reluctance of investors to hold Treasury securities and dollar-denominated assets in general, leading to a higher risk premium on all U.S. as-



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# Construction NEWS PHOTO GALLERY



Students take turns at compaction.



Plumbers & Steamfitters L.U. 21 showcasing skills.



Painters DC9 guides a high school student.



Laborers L.U. 60 found students eager to try out equipment.



Welding always attracts attention. Ironworkers L.U. 417 and 580 were among the 17 trade locals that attended the apprenticeship career exposition.

## Students Explore Career Opportunities At Union Apprenticeship Expo

Rockland Community College • March 31

Photo Credit/ED CODY



From left, RCC Kevin Stump, Westchester County Board of Legislators David Tubiolo, Local 1 Michael Clifford, Project Coordinator Lucy Redzeposki, Local 1 Peter Clifford, Teamsters Local 456 Anthony Tortora, Putnam County Executive Kevin Bryne, Teamsters 456 Dominick Cassanelli, Teamsters 456 Joseph Sansone, Rockland County Executive Edward Day, Westchester County Board of Legislators James Nolan, Executive Director of the Building Contractors Associations Matthew Pepe, Workforce Development Institute MaryJane Bertram, Rockland Workforce Development Board Debbie Thomas, Rockland Workforce Development Deborah Studnitzer, Congressman Mike Lawler's office Donna Chiapperino, Teamsters Mike Martinez and Victoria Cafarelli from Assemblywoman Dana Levenberg's office.

Photo Credit/GEORGE DRAPEAU III



# 700 Hudson Valley Students Learn About Trade Skills, Careers at 23<sup>rd</sup> Annual Construction Career Day

SUFFERN, NY—Highschool students from across the Hudson Valley met with trade-industry experts to participate in skills-building activities and learn about careers in the trades at the annual Hudson Valley Construction Career Day held on Fri., March 31.

Approximately 700 students filled the Rockland Community College Fieldhouse in Suffern, NY to explore diverse careers in the construction and building trades, and learn about the financial and educational advantages of apprenticeship training. Union and private-sector companies engaged students with hands-on demonstrations with a dozen trade activities, including excavating, masonry, welding, carpentry and soldering.

Construction Career Day is designed to reinvigorate the industry's labor force with young talent by introducing them to entry-level jobs. The event marks the organizations' 23<sup>rd</sup> year of supporting tomorrow's workforce through the sponsorship support of the Construction Industry Council of Westchester & Hudson Valley, Inc. (CIC), and the Building Contractors Association of Westchester & The Mid-Hudson Valley, Inc. (BCA). Attendance profiles over the years have peaked at 65% minority, and females represented nearly

a quarter of the participants (23%).

This year's Construction Career Day showcased 18 Union Locals and six exhibitors supporting the expo. In addition to the hundreds of students attending from 21 regional high schools, some 62 chaperones participated to help manage the event.

"The demand for skilled labor is increasing, and we're seeing infrastructure investments at the state and federal levels, so there is clearly a need for these critical skills," said Matthew Pepe, executive director of the BCA. "Apprenticeships offer young people the opportunity to learn and earn as they prepare for good-paying jobs right in their communities. We're proud to be a part of this important effort to enhance our workforce, invest in our communities and strengthen our overall economy."

Registered apprenticeship programs in the building and construction trades provide participants with a high-quality and nationally recognized credential that certifies occupational proficiency in the construction industry. Programs follow a "learn-while-you-earn" model, as participants earn wages that are graduated upward as the apprentice accumulates

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Raven Astudillo, 17, a junior at Roosevelt High School in Yonkers, receives pointers in laying concrete block from instructor Chris Brozowski of Bricklayers Local 1 at the 23<sup>rd</sup> annual Hudson Valley Construction Career Day in Rockland County.

Photo Credit/GEORGE DRAPEAU III

## BCA's 66th Annual Golf Outing

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# Making a Career of It



Laurel Brunelle of the BCA and Construction Advancement Institute at the CIC/BCA exhibit.

Photo Credit/GEORGE DRAPEAU III

## Local Trades, BOCES Team Up For Job Fair for Young People

### *Regional Union Event Draws 200+ Students and Parents*

By GEORGE DRAPEAU III

YORKTOWN, NY—The prospect of lucrative careers for young people attracted more than 200 parents and their high-school age children to Putnam/Northern Westchester BOCES on March 23 where networking was on the mind of many. Some students, already equipped with welding and electrical skills acquired at PNW BOCES, were eager to introduce themselves to 18 union officials and partners at the job fair.

There are a growing number of young people who are ditching the ideal of earning a college degree, noted Cathy Balesrieri, director of Career and Technical Education at PNW BOCES. Plumbers, electricians, carpenters, mechanics and other jobs are waiting for young people

who want to go to work, she told the FOX5 Television News Reporter that evening.

“I think there has been a real shift; it was always ‘college college,’” she said, referring to the traditional guidance heard from high school guidance counselors. But now, she said, “We have all these openings with incredible opportunities for a lifelong career.” She reported that the career-training facility this year hit an all-time high in attendance in its 50-year history, with the largest enrollment jump to some 1,500 juniors and seniors learning a trade. “Hundreds more are now wait-listed to get into some of the most popular programs.”

“This actually trains our kids to be something,” added Yorktown Town Supervisor Tom Diana who visited the

job fair, which was staged in the early evening, from 6:00 pm to 9:00 pm, making it convenient for working families to attend.

Among the young people visiting the trade displays was high-school Junior Ryan McCartney who brought along his dad. Ryan said he began when he was 12 years old working on cars and finding scrap metal. He quickly learned welding and mechanical skills so that he could eventually race cars. He joined the BOCES in his sophomore year, and now has his sights set on a career in plumbing and welding. He’s eager to go to work.

“I’m the guy who is going to show up on time, the first guy to clock in 15 minutes early, I want to go to work,” Ryan said. “That’s what matters.”

## Thank You, Partners!

Building Contractors Association  
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Bricklayers & Allied Craftworkers Local 1  
Construction Industry Council  
DC9 Finishing Trades Institute  
Drywall Finishers Local 155  
Glaziers Local 1087  
Heat & Frost Insulators Local 91  
IBEW Local No. 3  
Laborers Local 60  
Metal Polishers/Refinishers Local 8A-28A  
North Atlantic States Regional Council of Carpenters  
NY Helmets to Hardhats  
Operating Engineers Local 137  
Operating Engineers Local 15 A, B, C, D, G, H  
Painters, Decorator, Paperhangers DC9 Local 155  
Painters and Allied Trades DC9  
Plumbers & Steamfitters Local 21  
Sheet Metal Workers Local 38  
Structural Steel & Bridge Painters Local 806  
Teamsters Local 456  
Tile, Marble & Terraza Local 7



News media from Cablevision News 12 interviewed students at the BOCES career opportunity event.

Photo Credit/GEORGE DRAPEAU III

Left, Yorktown Town Supervisor Tom Diana being interviewed by Fox5/WNYW TV News Reporter Richard Giacovas.

Photo Credit/LAUREL BRUNELLE



# Newburgh Announces Major Milestone In \$32M Sewer Improvement Project

NEWBURGH, NY—The City of Newburgh announced on April 4 the successful completion of the first of three underground tunnels planned for the city’s \$32-million North Interceptor Sewer Improvement Project.

The first phase of the project was completed by a specially designed tunnel boring machine (TBM) capable of “microtunneling”—an innovative, remote-operated trenchless construction method that allows for simultaneous excavation and pipe laying with minimal disruption to residents. Over a period of 35 days, the TBM broke through 487 feet of solid rock, traveling a path along Colden Street, between

First Street and Second Street to complete the first tunnel.

The prime contractor on the project is Kubricky Construction Corp. of Queensbury, NY. The subcontractor performing the tunneling work is SECA Underground Corp. of Baltimore, MD.

This first section of new sewer tunnel was created by launching the TBM from inside a 50-foot-deep shaft excavated at the intersection of First Street and Colden Street, and boring the new tunnel in a northerly direction to a receiving shaft excavated at the intersection of Second Street and Colden Street. The TBM was then extracted from the Second Street shaft

and commenced boring the next section of tunnel along Colden Street between Broadway and First Street on March 30<sup>th</sup>.

The North Interceptor Sewer Improvement Project is the largest and most significant infrastructure project to take place in the city in decades, City of Newburgh officials stated. The project commenced construction in April 2022 and will be completed in the spring of 2024.

At completion, the project will have installed 8,700 linear feet of new, larger-gravity sanitary sewer piping to make upgrades to the city’s combined sewer infrastructure

City of Newburgh Manager Todd Vennings said, “The \$32-million North Interceptor Sewer Improvement Project is part of \$100 million in infrastructure projects underway throughout the City of Newburgh that will continue to revitalize our local economy.”



The North Interceptor Sewer Improvement Project is the largest and most significant infrastructure project to take place in the City of Newburgh in decades.

## Vintage Lake Isle Masonry Dam

Continued from page 1

good example of all levels of government working together to improve our infrastructure and to solve potential legal problems to benefit homeowners and our communities.”

In an email to CONSTRUCTION NEWS, a spokesperson for Westchester County Executive George Latimer said a recently completed engineering report by Mott MacDonald is now being reviewed, and the estimate cost for repairs is \$10.9 million. The county said it will continue to explore all sources of federal and state funds, working with Congressman Bowman, Sen. Meyer and Rep. Paulin. It is also exploring if any of the \$4.2 billion Environmental Bond Act, which was approved by voters in November, would be available.

“Partnering closely with all levels of government, we are excited to see this project continue to move forward,” Mr. Latimer said. “This report is the next step in determining what needs to be done to fix this long standing, and often debated, problem facing the residents in the immediate path of the dam. I thank our partners in government who all understand what needs to be done and are also eager to make it happen.”

In its present state, the dam is an amalgam of beauty, with its old-world charm that adds a stunning touch of gilded-age heritage to lower Westchester. But it is also an example of an aging public works facility that has long outlived its useful life. Classified as a high-hazard dam by the state, the dam’s failure could result in death and destruction downstream.

“Although a break isn’t imminent, we can’t wait until another once-every-100-years weather event happens to take action—especially since, given climate change, these types of events are happening with much more frequency than once every 100 years,” Rep. Paulin added. Lake Isle is surrounded by some 50 single-family homes and more than 85 townhouse condominiums. The 62-acre lake holds back some 190 million gallons of water – enough water to fill Olympic size swim-

ming pools that would stretch, end over end, from the Gov. Mario M. Cuomo Bridge to the Kingston-Rhinecliff Bridge in Ulster County.



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## CIC and BCA



# Announce Scholarship Programs Are Open for 2023-2024 School Year

### 2023 Louis G. Nappi Construction Industry Labor-Management Scholarship Program

Application Link:  
[https://app.smarterselect.com/  
programs/86774](https://app.smarterselect.com/programs/86774)

#### DESCRIPTION

The Louis G. Nappi Construction Industry Labor-Management Scholarship Program grants up to fifteen (15) \$5,000 College scholarships each year to students majoring in Applied Sciences, Technology, Engineering, Mathematics, Architecture or any other major as deemed acceptable by the Scholarship Committee.

#### REQUIREMENTS

Students must be related\* to: a member of the Construction Industry Council of Westchester and Hudson Valley, Inc. (CIC); or a contributor to any IAF of (CIC); or a member of the following unions contributing to this scholarship program: Laborers International Union of N.A., Local 60; International Union of Operating Engineers Local 137; International Brotherhood of Teamsters, Local 456.

*\*(For purposes of this program related shall mean biological or legally adopted children or grandchildren, spouse; or as otherwise determined by the Scholarship Committee.)*



### 2023 Construction Advancement Institute Labor-Management Scholarship Program

Application Link:  
[https://app.smarterselect.com/  
programs/88581](https://app.smarterselect.com/programs/88581)

#### DESCRIPTION

Up to ten (10) scholarship awards of \$5,000 each will be awarded to students studying Engineering, Architecture, Construction Technology, Construction Management or related industry courses of study as determined by the selection committee.

#### REQUIREMENTS

Students must be related\* to: a member of the Building Contractors Association of Westchester and Mid-Hudson Region; or a contributor to the Construction Advancement Institute (CAI); or a member of the following unions contributing to this scholarship program: Carpenters Local 279, International Union of Operating Engineers Local 137, Laborers Local 235 or Bricklayers Local 1 (formerly Local 5).

*\*(For purposes of this program related shall mean biological or legally adopted children or grandchildren, spouse; or as otherwise determined by the Scholarship Committee.)*

**Scholarship Program Deadline is Thursday, June 1, 2023**



## Safety Watch

# Construction Companies Have an Up-Hill Battle Proving Misconduct Defense with OSHA Violations

By COSTAS CYPRUS, ESQ.

OSHA violations are issued from the observation of unsafe practices at jobsites regardless of whether an accident has occurred. Typically, these violations arise from employee(s) not following a company's own safety rules. However, the burden to prove the employee misconduct so as to dismiss an OSHA violation is generally high and the recent decision in *Secretary of Labor v. Elmer W. Davis, Inc.* is informative as to the extensive policies and procedures a construction company has to have in place to successfully argue it.

Elmer W. Davis, Inc. (EWD) is a commercial roofing contractor based in Rochester, NY, employing 150 to 300 people depending on seasonal needs. On April 30, 2021, EWD assigned two employees, Ory Leach and Cody Pritt, to repair seams on a low-slope roof of a one-story commercial building in Rochester. The roof to be repaired was rectangular and not more than 50 feet wide, and its slope



he began to do some roofing work himself thus performing work while simultaneously acting as safety monitor for Mr. Pritt. Mr. Leach's action of simply holding the trowel violated EWD's own work rule that safety monitors engage in no activity other than monitoring.

As Mr. Leach and Mr. Pritt were on the roof, an OSHA Compliance Officer (CO) that was driving by noticed them working near the roof's unprotected edge without using any fall protection. He took

that a violation occurred" that "this is a case of misconduct."

On May 3, 2021, EWD formally disciplined both Mr. Leach and Mr. Pritt for their conduct on the roof, the disciplinary notices of each employee imposed a one-week suspension in accordance with EWD's progressive discipline policy. Subsequently, OSHA issued a Citation that alleged one serious violation asserting a violation of the standard which prescribes permissible fall protection systems and practices for "roofing work on low-slope roofs" with the alleged violation description providing that "On or about 4/30/2021,... the employer did not enforce the use of fall protection for employees engaged in roof work ... Employees were exposed to falling 15 feet to lower levels while working near the roof edge with no fall protection."

Following the hearings, the Administrative Law Judge (ALJ) found that the Secretary (of Labor) had proven by a preponderance of the evidence (i.e., that it was more likely than not) the employee's conduct was in violation of the applicable standards, which

provides that employees working on low-slope roofs with unprotected sides and edges

***EWD's work rule was adequate because it both "effectively implemented the requirements of the standard" and was "designed to prevent the cited violation."***

six feet or more above the lower level shall be protected by implementing a guardrail system, safety net system, personal fall arrest system, warning line system and safety monitoring system. As set forth in the standard, a compliant safety-monitoring system shall conform to criteria that a safety monitor shall be on same walking/working surface and within visual sighting distance of employee being monitored, be able to communicate orally with the employee and that the safety monitor shall not have other responsibilities which would take the monitor's at-

tention from the monitoring function. The acting foreman violated these rules when he began to do some roofing work, which would have reasonably taken his attention away from his monitoring function.

However, EWD was successfully able to prove the affirmative defense of unforeseeable employee misconduct and overcome the "substantial evidentiary hurdle." To establish this affirmative defense an employer must prove the following evidence by a preponderance of the evidence:

1) it established work rules to prevent the violation; 2) these rules were adequately communicated to the employees; 3) it took steps to discover the violation; 4) and it effectively enforced the rules when infractions were discovered. Under the first element it was found that EWD's work rule prohibited safety monitors from engaging in any activity other than monitoring employees and if Mr. Leach had complied with this company's rule his conduct would have conformed to the mandate that a safety monitor have no "other

Please turn to page 16

***While Mr. Pritt did the roofing work, Mr. Leach held a hand trowel Mr. Pritt had been using and he began to do some roofing work himself, thus performing work while simultaneously acting as safety monitor for Mr. Pritt. Mr. Leach's action of simply holding the trowel violated EWD's own work rule that safety monitors engage in no activity other than monitoring.***

was less than 4 in 12 (vertical to horizontal); the roof's edge was unprotected and three of its four sides were about 15 feet above ground level. Upon arrival the employees decided that the roof's configuration permitted them to solely use a safety monitoring system and did not require implementation of further fall protection based on EWD's work rules.

Mr. Leach was the designated foreman of the two-person crew based on seniority, and as crew foreman Mr. Leach decided he would act as the safety monitor for Mr. Pritt while he performed the repair. EWD's work rules for safety monitoring prohibited Mr. Leach from engaging in any roofing work while he was acting as safety monitor for Mr. Pritt, and Mr. Leach was aware of this rule. While Mr. Pritt did the roofing work, Mr. Leach held a hand trowel Mr. Pritt had been using and

multiple photographs showing Mr. Leach standing near the unprotected edge with his back to the edge facing away from Mr. Pritt, and the hood of Mr. Leach's sweatshirt pulled fully over his head, limiting his peripheral vision. After observing and photographing the employees for approximately 10 minutes, the CO identified himself to them and asked them to come down from the roof. CO briefly interviewed the employees. EWD's Safety Director Tim Crumb, had also been called by Mr. Leach and arrived at the site. After discussion with the CO, Mr. Crumb summoned the employees over in which it was established that the employees partook in safety training on fall protection that Tuesday, and EWD established that employees must always have a monitor. The next day, on May 1, 2021, Mr. Crumb sent the CO an email stating that "no doubt

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## Safety Watch Continued from page 15

responsibilities which would take the monitor's attention from the monitoring function."

EWD's work rule was adequate because it both "effectively implemented the requirements of the standard" and was "designed to prevent the cited violation." Under the second element, adequate communication of a work rule may be accomplished through training and here EWD adequately communicated its work rule. EWD's written "Corporate Safety Program" addresses the role of a safety monitor in fall protection and is covered during orientation of new employees, in addition to annual training on fall protection training for its employees, and alongside regular participation by its field employees in toolbox talks and on-the-job training.

Additionally, Mr. Leach and Mr. Pritt attended refresher training on the use of a safety monitoring system three days before the violation occurred. Under the third element of effective implementation, a safety program requires diligent effort to discover and

discourage violation of safety rules by employees, and one of the factors used to determine whether employer effectively enforced its safety rules are the efforts it takes to monitor adherence to those safety rules. EWD established this element by showing it had a designated foreman who is responsible for worksite safety; a separate safety director who devotes much time visiting jobsites monitoring compliance with work rules, alongside another member of EWD's safety department who also conducts worksite inspections. Furthermore, EWD also hires outside safety consultants to conduct unannounced inspections and requests that its insurance carriers conduct their own unannounced inspections.

As to the last element, it must be shown that an employer effectively disciplines employee misconduct. Pre-inspection and post-inspection disciplinary measures may be considered in determining whether an employee has effectively enforced its work rules. EWD's progressive discipline policy prescribes an

oral warning, as the sanction for first-time rule violations, but an employee's first-time failure to use required fall protection is an exception, warranting the more severe sanction of a one-week suspension, or at the option of the sanctioned employee, in lieu of suspension, completing an OSHA-authorized training course on their own time.

Since 2013, EWD had formally disciplined employees on 83 occasions, including for violations of fall protection violations. The two employees here were similarly disciplined with one-week suspensions. Therefore, this affirmative defense was established, and the citation was vacated.

*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](mailto:ccyprus@wbglp.com). The articles in this series do not constitute legal advice and are intended for general guidance only.*

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## Financial Management

# For Firms Working Within an ESG Framework, What is the Immediate Outlook for the Future

By PHILLIP ROSS, CPA, CGMA, PARTNER

In 2004, a major report entitled “Who Cares Wins” was issued from the United Nations to encourage all stakeholders in business to consider and adhere to ESG standards referring to Environmental, Social and Governance.

The Environmental encourages policies that are environmentally sustainable and minimize harm to the climate or immediate environment. Social pertains to diversity, equity and inclusion and other relationships with suppliers and surrounding communities where companies operate. Governance pertains to issues in executive pay, shareholder



not be exempt and will need to develop business models and create project delivery strategies with ESG goals in mind.

Carrying through on imple-

**Construction industries will become increasingly more proactive in replacing emissions-intensive and non-renewable materials with more environmentally friendly choices that present a lower carbon footprint.**

rights, leadership and other internal controls.

ESG was originally looked upon as a solution for establishing more fair practices in which the idea of measurable goals for each component was introduced. Today, with all good intentions, ESG still lacks a consistent framework and standardization for quantifying and measuring each component. Although industry wide standards are non-existent at this point, compliance is still imminent and companies have begun the process.

To date, some 58% of companies in America’s S&P 500 index at least publish a sustainability report, up from 37% in 2011. More and more, ESG is taking center stage across many industries in the built world, including construction contractors.

As commercial buildings have been cited as responsible for nearly 40% of all total carbon emissions, contractors and others involved in construction will need to decide upon a framework for reporting of these new standards that include more sustainable practices at the core.

Previously, new regulations around LEED certification and WELL buildings have been a first step in raising the bar in energy efficiency and more sustainable operating practices, but this is just scratching the surface. Greater levels of transparency and reporting standards will become more requisite for every aspect of a business in the future where construction contractors will

menting ESG initiatives and getting the reporting right is a challenge for all businesses today. ESG in construction will have its own challenges as we make decisions on measurable frameworks to be developed for the total impact made by firms on their surroundings, their employees and other stakeholders. This includes labor and hiring practices, the use of sustainable materials, supply chain procurement, and even the social impact we have on the communities where we operate.

### E—Environmental

Environmental impact will be a large consideration given that construction activity is a large consumer of natural resources and raw materials. Construction industries will become increasingly more proactive in replacing emissions-intensive and non-renewable materials with more environmentally friendly choices that present a lower carbon footprint. Alternative materials will be sought after to create a closer net-zero built environment, while balancing that with the durability and strength provided by traditional materials such as cement and steel, which reportedly create 8%-9% of global emissions. For example, Mass Timber, which has a negative carbon impact, is currently being used in lieu of traditional building products in certain circumstances when feasible, as there are limits when compared with the strength and durability of concrete and steel.

### S—Social

Social considerations will include diversity, equity and inclusion, or DE&I. These initiatives will include programs and mission statements that strive to include people from more diverse backgrounds that include differences in socioeconomic upbringing, race, ethnicity, religion and gender, for example. Other social considerations will include education and career development pathways, health and support to ensure well-being, as well as the importance of making meaningful impact in the community.

### G—Governance

Governance will include area in practice strategy, policy, ethics, stakeholder engagement and supply chain management. Altogether, contractors, architecture and engineering firms and all involved in the real estate development cycle will embark on the planning and commitments necessary to bring each of the aforementioned areas into a framework for ESG standards and reporting.

**ESG Reporting Will Include the Paradox of Combining Quantitative, Subjective Data**

**ESG still lacks a consistent framework and standardization for quantifying and measuring each component.**

**Although industry wide standards are non-existent at this point, compliance is still imminent and companies have begun the process.**

It’s also true that ESG in construction will bridge both financial and non-financial data, requiring seamless methodologies and technology solutions to keep accurate records and provide decision makers, board members and other stakeholders with a holistic view of the firm’s ESG framework, including all environmental, social and governance factors.

ESG going forward will act to forge operations in construction firms and their affiliates. ESG will come with new challenges for the industry as the industry sets out to define measurable frameworks for reporting. These reporting challenges will be accentuated as they arrive on

the heels of current concerns in the industry, such as economic slowdowns, and rising interest rates, among others. Altogether, the new standards will require detailed reporting and a clear strategy for achieving goals in ESG at a time when post-pandemic challenges remain and linger for those in the business of construction.

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



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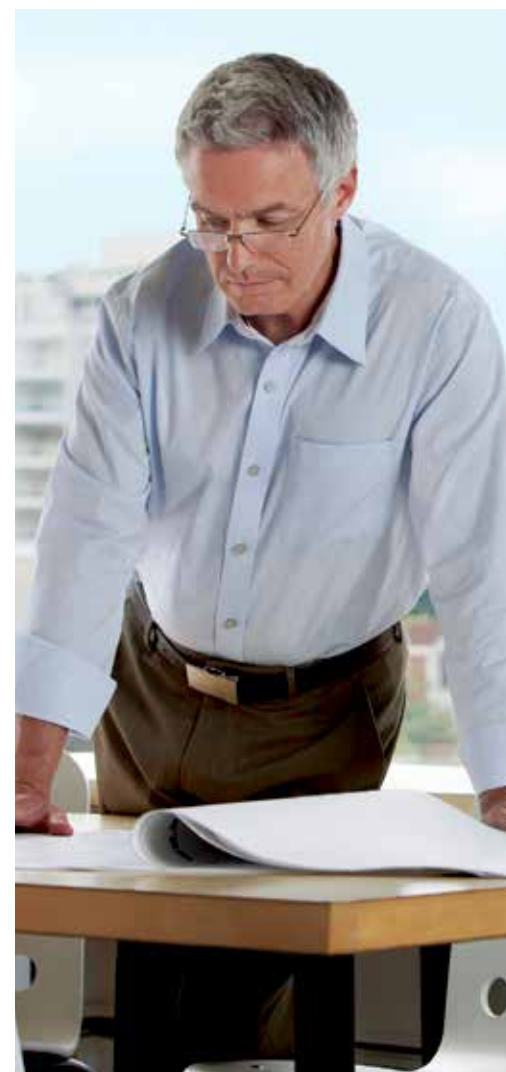
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## WHAT'S NEW &amp; WHO'S NEWS

## Crowley Elected President and CEO Of Building Trades Employers Assoc.

NEW YORK—Elizabeth Crowley, a former New York City Council Member, will succeed Lou Coletti as President and CEO of the Building Trades Employers Association. Crowley, who worked as a union restorative painter on prized landmarks before serving on the City Council, is the first woman to lead the organization that is New York's largest contractor association.

"It is an honor to be entrusted President and CEO of the Building Trades Employers Association," Crowley stated. "I look forward to working with BTEA member companies to advance the construction industry as it addresses pressing needs of people in our communities, drive innovation, and add to a more sustainable and resilient skyline that is built by a diverse and inclusive union workforce."

Addressing issues of importance facing the industry, the city, and the planet, Ms. Crowley is committed that the BTEA will continue its work to promote safety, bring more women and diversity to the construction industry, increase resiliency in the built environment, and lead in the fight against climate change.

As a member of the New York City Council, Ms. Crowley successfully fought for a record amount of funding for construction of schools, and passed resolutions that strengthened construction



Elizabeth Crowley

safety standards, expanded opportunities for Minority and Women Owned Business Enterprises, and funded programs that provided industry training including Nontraditional Employment for Women.

Pat Di Filippo, Executive Vice President of Turner Construction Company and Co-Chair of the BTEA, said, "Elizabeth is a proven leader, a relationship builder, and has a passionate commitment to make the lives of New Yorkers and members of our industry better."

Peter C. Vrankovic, President of KSW Mechanical LLC and Co-Chair of the BTEA, said, "It is wonderful that the BTEA will be led by someone who entered the industry as a skilled union labor craft person. I am confident that Elizabeth will

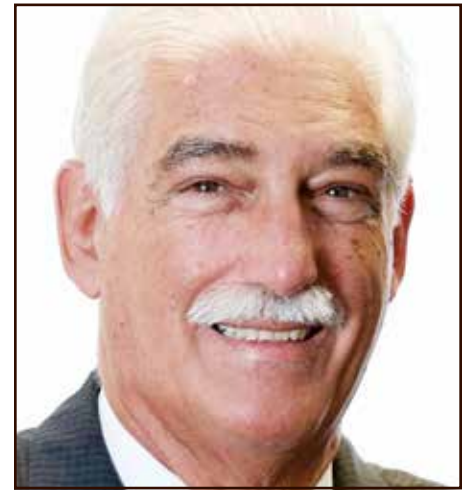
always have the workers who live and work in this city in mind as she affects positive change in our industry."

Gary LaBarbera, President of the Building and Construction Trades Council of Greater New York, added, "BTEA member companies are the most diverse and inclusive companies and organizations in the industry. I am excited to work with Elizabeth on our common goals for inclusion and expanding opportunities for union labor in every corner of the city."

Lorraine Grillo, former First Deputy Mayor of New York City and who also led the New York City Department of Design and Construction (DDC), and the New York City School Construction Association said, "Elizabeth brings unique experience and wonderful perspective to this role. She understands that it is so important to provide opportunities to diverse members of the community while building the physical infrastructure of the communities we serve."

Mr. Coletti, who is retiring as President & CEO of the BTEA, "I look forward to seeing Elizabeth's leadership and vision continue to advance the BTEA. It has been an honor to lead this organization, see it grow, and make a positive impact on the lives of so many people who work in the construction industry."

After leaving BTEA, Mr. Coletti will



Lou Coletti

launch a consulting firm that will work with the International Design Intelligence Organization to focus on strategies, processes, technologies, and the use of data to reduce real estate development and construction costs in New York City.

The Building Trades Employers Association is the construction contractor's unified advocate for construction safety standards, professional development, government affairs and public relations. BTEA has more than 1,200 general and specialty trade subcontractor member firms. BTEA is committed to fostering communication between public officials, public and private owners, labor and the general public.

## The Source in White Plains Sold to Hines for \$110M

WHITE PLAINS—Commercial brokerage firm CBRE announced recently that The Source mixed-use property in Downtown White Plains has been sold to Hines U.S. Property Partners.

Hines U.S. Property Partners is the flagship commingled U.S. core plus fund for Hines, which is headquartered in Houston. No financial terms of the transaction were disclosed by CBRE in the sale of the 262,000-square-foot mixed-use, grocery-anchored property on Bloomingdale Road and Maple Avenue. *The Wall Street Journal* reported that Hines U.S. Property Partners acquired The Source for \$110 million from UBS Realty Investors, LLC. In 2005, Bloomingdale Road Investors LLC, an



The Source totals 262,000 square feet and is currently 99% occupied.

entity controlled by UBS Realty Investors LLC, acquired The Source for \$153 million. R Squared LLC of New York City, which built the shopping center

for \$96 million, was the seller.

The CBRE team of Jeffrey Dunne, David Gavin, Steve Bardsley and Travis Langer represented the seller and

procured the buyer. The Source is 99% occupied and features anchor tenants Whole Foods, Dick's Sporting Goods, Raymour & Flanigan, The Cheesecake Factory, and White Plains' new location for the DMV. Danone also leases the top floor of the property on a long-term basis for its US Headquarters, along with the Hudson Gateway Association of Realtors.

CBRE's Dunne said, "The offering represented a unique opportunity to purchase a Whole Foods-anchored center offering highly stable income and no near-term rollover. Whole Foods and Dicks' recent renewals further affirm the property's strong position within the market."

## OBITUARY

### Arthur 'Douglas' Jobson, Town Supervisor Longtime Highway Superintendent Passes

A staple in Stony Point, NY and Rockland County politics, Arthur Douglas Jobson (known as Douglas), passed away at the age of 85 on Mon. April 10.

Mr. Jobson was an active member of Local 964 Carpenters Union for 18 years, prior to launching a career in local politics, joining the Stony Point Town Board in 1974. He served two terms until successfully running for Superintendent of Highways in 1977, repeatedly being reelected until he was named Rockland County Highway Superintendent in 1996. He remained in that position until he retired in 2000. However, his retirement was put on hold when he was elected Stony Point Supervisor in 2004. He was born in Stony Point



on Oct. 13, 1937, the oldest son of Mary Pondi Jobson and the Honorable Arthur Jobson. He graduated from Haverstraw-Stony Point High School.

Mr. Jobson was truly a son of Stony Point, having lived

his 85 years within walking distance of his childhood home on Alison Avenue. A home known by young couples in Love, from far and wide that would arrive by train looking to be married by The Justice of the Peace, which led to makeshift ceremonies in the family garden, instilling a sense of public service to the community that would remain with him the rest of his life.

He was married to June Wood Jobson on Feb. 1, 1965; and they recently celebrated 58 years of marriage. A proud member of the Stony Point Lions Club, Stony Point Volunteer Ambulance Corp, and honorary member of the Stony Point Fire Department's Wayne Hose Co No 1, he was a Veteran, having served two

years in the US Army.

He is survived by his wife, son Douglas Jobson of Stony Point, son Jason Jobson of Manhattan, brother Thomas Jobson (wife Patricia) of Newburgh NY, and sister Joyce (husband Joseph) Anginoli of Stony Point.

The family would like to thank the professional health care providers at Montefiore Medical Center in NYC and at Nyack Hospital who helped successfully treat Douglas for bladder cancer over the course of several years, reaching remission in 2022, and prior to the discovery of brain tumors in March 2023. Additionally, the family would like to thank the caring professionals at Care One Rehabilitation Center in Paramus, NJ that made his

last days with us dignified, pleasant, and gave him the best possible care.

Among the public officials who shared condolences on Mr. Jobson's passing was Rockland County Executive Ed Day, who said in a statement: "It has been a pleasure to have known Doug for all of these years as both a colleague and a personal friend. Our condolences go out to his family during this difficult time. He will be missed."

"On behalf of the entire Rockland County Legislature, I offer our deepest sympathies to Supervisor Jobson's loved ones and friends, including his son and our colleague, County Legislator Douglas J. Jobson," Rockland County Legislative Chairman Jay Hood Jr. Please turn to page 21



# Regional Bid Alert

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## NYSDOT - Region 8

### Bid Letting Date: May 4, 2023

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

Contract# D265024  
PIN# 811111

Project Description: Columbia Co., highway - resurfacing - Route 980C to Rt 22 to Mass. State line, Town of Lebanon.

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

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

### Bid Letting Date: May 4, 2023

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

Contract# D265029  
PIN# 881409  
F.A. Project# Y001-8814-093

Project Description: Westchester Co., highway - resurfacing - US Rt. 1 Bronx/Westchester County Line To City Of New Rochelle Line, Town of Pelham, Village of Pelham Manor.

Bid Deposit: 5% of Bid (~ \$750,000.00), Goals: DBE: 10.00%

## NYSDOT - Region 9

### Bid Letting Date: May 4, 2023

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

Contract# D265037  
PIN# 980756  
F.A. Project# Y240-9807-563

Project Description: Allegany, Broome, Chemung, Chenango, Delaware, Otsego, Schoharie, Schuyler, Steuben, Sullivan, Tioga, Yates Cos., Geotech subsurface exploration, various locations.

Bid Deposit: 5% of Bid (~ \$125,000.00), Goals: DBE: 0.00%

## New York State Dormitory Authority

### Bid Due Date: April 25, 2023

Title: New York State Office for People with Developmental Disabilities, Hudson Valley DDSO, Tall Oaks II BMS and Equipment Upgrades

Contact# CR17 HVAC

Project# 3593709999

Sealed bids for the above work located at Hudson Valley DDSO, 238 Tall Oaks Drive, Middletown, New York 10940 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 - JAMIE CHRISTENSEN." 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.

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](http://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 April 25, 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 Headley, Project Manager, DASNY, Rockland Psychiatric Center, 140 Old Orangeburg Rd, Building 19, Orangeburg, New York 10962 845-398-1055 [theadley@dasny.org](mailto:theadley@dasny.org) (the Owner's Representative) and DASNY at [ccontracts@dasny.org](mailto: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, April 10, 2023 at 10:00 AM at Hudson Valley DDSO, 238 Tall Oaks Drive, Middletown, New York 10940. Contact Christopher Headley at 845-398-1055. All prospective bidders are strongly encouraged to attend.

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>.

### Bid Due Date: May 3, 2023

Title: State University of New York Purchase, Building 45 Asbestos and Hazardous Materials Abatement - Phase 8

Contract# CR4 General Construction

Project# 3561009999

Sealed bids for the above work located at SUNY Purchase, Building No. 45, 795 Anderson Hill Road, Purchase, New York 10577 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 - JAMIE CHRISTENSEN." 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.

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](http://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 May 3, 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: Paul Goncalves, Sr. Project Manager, SUNY Purchase, 735 Anderson Hill Road, Harrison, New York 10577, 845-222-3823, [pgoncalv@dasny.org](mailto:pgoncalv@dasny.org) (the Owner's Representative) and DASNY at [ccontracts@dasny.org](mailto: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 Wednesday, April 19, 2023, at 10:00 AM at DASNY Field Office at SUNY Purchase, 735 Anderson Hill Road, Purchase, New York 10577. Contact Paul Goncalves at 845-222-3823. All prospective bidders are strongly encouraged to attend.

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>.

### Bid Due Date: May 16, 2023

Title: New York State Office for People with Developmental Disabilities, Hudson Valley DDSO, Hostel 1804 Tall Oaks I BMS HVAC Upgrade and Hazardous Materials Abatement

Contract# CR19 HVAC

Project# 3593709999

Sealed bids for the above Work located at Hudson Valley DDSO, 240 Tall Oaks Drive, Middletown, New York 10940 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 - JAMIE CHRISTENSEN." 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.

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](http://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 May 16, 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 Headley, Project Manager, DASNY, Rockland Psychiatric Center, 140 Old Orangeburg Rd, Building 19, Orangeburg, New York 10962 845-398-1055 [theadley@dasny.org](mailto:theadley@dasny.org) (the Owner's Representative) and DASNY at [ccontracts@dasny.org](mailto:ccontracts@dasny.org). Contacts made to other DASNY personnel regarding this procurement may disqualify the prospective bidder and affect future procurements with governmental entities in the State of New York. For more information pursuant to this law, refer to DASNY's website; <http://www.dasny.org> or the OGS website; <http://www.ogs.state.ny.us>.

A Pre-Bid Meeting is scheduled on Monday, May 1, 2023 at 10:00 AM at Hudson Valley DDSO, 240 Tall Oaks Drive, Middletown, New York 10940. Contact Christopher Headley at 845-398-1055. All prospective bidders are strongly encouraged to attend.

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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# State IDA Project Value Increased 10% in 2021

## Total Tax Exemptions Rise to Nearly \$1.9B

By JOHN JORDAN

ALBANY—Assomecritics of Industrial Development Agencies continue to call for additional oversight over their decisions and tax breaks granted to developers, a report released on April 11 indicates that a total of 107 local and county Industrial Development Agencies in New York State added \$126 billion to the New York State economy in 2021.

The report issued by New York State Comptroller Thomas DiNapoli indicated the total value of projects approved by IDA for incentives in 2021 grew by 10.4%, or \$11.9 billion over the previous year. The total number of IDA projects increased by 1.5%. Meanwhile total tax exemptions granted to developers by the IDAs in New York State grew by nearly 8%.

New York State Sen. James Skoufis (D-SD42) of Cornwall has been a vocal critic of IDAs statewide and specifically the Orange County IDA. He included a provision in the pending budget bill from the Senate to require a monitor to oversee the county's IDA operations.

"IDAs can play an important role in helping local economies and businesses expand," Comptroller DiNapoli said. "This report provides taxpayers with a look at the financial and project data reported by local IDAs so they can track their activities. The tax breaks IDAs provide can impact local taxes, so it's important to ensure these projects are creating or retaining the jobs and economic benefits they are supposed to. Publishing this information, including IDA costs, helps to increase their accountability."

Since 2011, the number of active IDA projects has remained relatively stable, but total project value has been increasing, according to the report. Average project value over the

period increased 76% from \$16.5 million per project in 2011 to \$29.2 million in 2021. County IDAs were responsible for 61.2% of all active IDA projects in 2021, followed by towns (18.5%), cities (12.3%), New York City (7.4%), villages (0.5%), and city-town IDAs (0.1%).

Some of the key findings of the Comptroller's report are:

- Tax exemptions for IDA projects totaled almost \$1.9 billion, an increase of \$134 million, or 7.7%, over 2020. The largest exemptions in any year are property tax exemptions, which totaled \$1.7 billion, or 89.1% of the total exemptions.

- Net tax benefits for IDA projects (reflecting total tax exemptions minus payments in lieu of taxes) totaled almost \$1.1 billion for the year, an increase of \$87 million (9%) from the previous year. This continues a longer-term trend of increasing net tax benefits.

- Project operators estimated that 221,287 jobs would be created during the life of their projects, with a median salary of \$40,000. This is 3,942 fewer jobs (1.7%) than in 2020. Another 241,236 jobs were retained with a median salary of \$45,000.

- IDAs had total revenues of \$132 million, an increase of \$60 million from 2020. The New York City IDA had the largest revenues at \$14.6 million, \$12.3 million of which was attributed to the project finance fees from the refunding bond closings of Yankee Stadium LLC and Queens Ballpark Co. LLC (Citi Field).

- Total IDA expenses in 2021 were \$79.3 million, down \$5.4 million from 2020. The largest operating expense category for IDAs was professional service contracts for accounting, legal, or marketing services (\$21.7 million, or 27%, of the total). Erie County IDA had the highest expenses (\$9 million), followed by New York City IDA

(\$6.8 million), and Genesee County IDA (\$5.9 million).

- IDAs reported 359 new projects in 2021, led by Finger Lakes region IDAs, which reported 80 new projects with a combined project value of \$1.9 billion, followed by Long Island IDAs with 69 new projects with a combined project value of nearly \$2.8 billion.

- The number of "clean energy" projects, increased from 25 to 85. Some of the increase is a result of the election by some IDAs to reclassify existing projects, but 34 of the 60 new clean energy projects were approved in 2021. North Country IDAs reported 30 clean energy projects in 2021, far outpacing other regions. In addition, Western New York IDAs reported 18 such projects and Southern Tier IDAs reported 14.

- Legislation enacted in 2020 temporarily authorized IDAs to provide loans and grants to small businesses and not-for-profit corporations during the COVID-19 State disaster emergency. Erie County IDA, which established a COVID-19 Emergency Grant Program in July 2020, was responsible for \$5.8 million (68.1%) of all reported grants and donations in 2021.

Three IDAs—Town of Concord IDA, Town of Corinth IDA and City of Mount Vernon IDA—did not submit their data in time for this report. The Comptroller's report also contains information on Local Development Corporations, a related type of local authority.

The report summarized data as reported by IDAs for fiscal year end 2021 through the Public Authorities Reporting Information System (PARIS) and is not independently verified by the State Comptroller's Office. While most IDAs operate on a calendar year basis, several, including the New York City IDA, do not.

## 2021 IDAs BY THE NUMBERS

107  
Active IDAs

4,324  
Projects  
\$126 billion  
Total Project Value

## NET TAX EXEMPTIONS

\$1.9 billion Total Tax Exemptions  
– \$830 million Payments in Lieu of Taxes (PILOTs)

\$1.1 billion Net Tax Exemptions

## IDA CONDUIT DEBT

\$5.9 billion Debt Outstanding

## JOBS DATA

221,305  
Jobs to be Created  
\$40,000  
Median Salary

241,251  
Jobs to be Retained  
\$45,000  
Median Salary

177,164 Net Jobs Gained

## IDA FINANCES

\$132 million Revenues  
\$79 million Expenses

## 700 Hudson Valley Students Learn About Trade Skills, Careers at 23<sup>rd</sup> Annual Construction Career Day

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greater skills and experience on the job.

### 'Blue Collar to New Collar'

Mary Jane Bertram, Hudson Valley regional director for the Albany, NY-based Workforce Development Institute, talked about the importance of investing in technical training and new technology skills, and going from "blue collar to new collar."

"Providing our youth with a variety of options to good-paying, family sustaining wages is an important mission and one that we are happy to assist with," Ms. Bertram said. "These are careers that are local careers that provide a way for people to raise a family, buy a house and to retire—it is a beautiful thing to have those benefits that continue for a lifetime."

A number of local, state

and federal representatives attended the event and talked about the importance of the trades as a career option for students who aren't necessarily college-bound.

"This is about the American Dream. I cannot believe the amount of people who are here today, trying to be a part of that," said Rockland County Executive Ed Day. "I have been coming here for 18 years, first as a county legislator and now as the county executive. What I feel most satisfied about, going back all those years, is that I know a number of these young people who now have good-paying jobs, are raising families and have their own homes. This is a path to move forward and have a good life."

Putnam County Executive Kevin Byrne said, "There are so many different opportunities for our young people to pursue

in New York, in Putnam County and the Hudson Valley. And, those opportunities aren't just out of higher education, but through apprenticeship programs and through our friends in the labor community. You have an opportunity to not only learn from groups like this, but to work with them and stay in New York, stay in the Hudson Valley."

Also attending CCD were Donna Chiapperino, district representative for U.S. Rep. Mike Lawler; Victoria Cafarelli, representative for Assemblymember Dana Levenberg; and Westchester County Legislators James Nolan and David Tubiolo.

For information about apprenticeship programs, visit <https://cicbca.org/resources>. For information about the CIC and BCA, visit [www.cicnys.org](http://www.cicnys.org).

## Attorney's Column

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well advised to consult with experienced construction counsel to determine what kind of a response is necessary under your particular set of circumstances.

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

Hudson Valley, Inc., and 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 downstate 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.

## Arthur 'Douglas' Jobson

Continued from page 18  
said. "Supervisor Jobson was a near-lifelong public servant who was always approachable and who was respected by both residents and other elected officials, no matter their political party affiliation."

Rockland County Legislator Michael Grant said,

"Doug Jobson was always a gentleman who not only appreciated public service, but who was also involved in organizations active in the North Rockland community. He was extremely giving to the community—of his time, his expertise and his commitment to making things better."



## LOW BIDS

### NYS DOT Selects 8 Bidders For Project Work in Region

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

**Northbrook Contracting Corp.** of Peekskill, NY was the lowest of five bidders at \$5,090,000. for pavement-pedestrian improvements—Route 6 and Route 125 in the towns of Cortlandt, Yorktown and Mamaroneck in Westchester County.

**Doyle Contracting Inc.** of Pearl River, NY was the lowest of three bidders at \$547,450. for culvert rehabilitation along I-84 in the Town of Deerpark in Orange County.

**Westmoreland Construction Inc.** of the Bronx, NY was the lowest of seven bidders at \$21,222,707.98 for retaining wall rehab/corrective maintenance of some 76 walls in New York City.

**AAD Contracting Inc.** of Poland, OH was the lowest of two bidders at \$1,424,519.20 for bridge washing and deck sealing at various bridges in

Columbia, Dutchess, Orange, Putnam, Rockland, Ulster and Westchester counties.

**ELQ Industries Inc.** of New Rochelle, NY was the lowest of three bidders at \$3,893,708.50 for pavement resurfacing on Route 52 from Fowler Avenue in the Town of Carmel to Route 311 in the Town of Kent in Putnam County.

**Elderlee Inc.** of Cross Oaks, NY was the lower of two bidders at \$2,303,990. for guiderail requirements contract at four locations on NY Routes 8, 10, 23 and 97 in Delaware, Otsego and Sullivan counties.

**Constar Inc.** of Central Islip, NY was the lowest of seven bidders at \$18,899,100. for highway and bridge general repairs at various routes in the City of New York.

**Argenio Brothers Inc.** of New Windsor, NY was the lowest of four bidders at \$5,750,750. for highway paving/drainage on Route 17M from Route 94 to Monroe Village line in Orange County.

### Laura Li, ELQ, R. Pugni & Sons ITG Larson Win County Projects

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

**Laura Li Industries, LLC** of Purchase, NY was the lowest of three bidders at \$3,279,111. for roadway rehabilitation of Central Westchester Parkway from North Broadway to the Grant Avenue Bridge, for a total distance of approximately 0.77 miles through the City of White Plains and Town of North Castle, NY.

**ELQ Industries Inc.** of New Rochelle, NY was the lowest of three bidders at 1% Overhead

Plus Profit for emergency repair of leaks for Westchester County Sewer and Water Districts at various locations throughout Westchester.

**R. Pugni & Sons, Inc.**, of Katonah, NY was the lowest of six bidders at \$5,745,366. for public restroom facilities, septic system infrastructure and site improvements at the Alfred B. DelBello Muscote Farm in Somers, NY.

**ITG Larson Inc.** of White Plains, NY was the lower of two bidders at \$4,428,004.79 for county-wide installation of access control and security equipment at various locations in Westchester County.

### Westchester County Looking for Large Block of Space for DOH Offices

WHITE PLAINS—Commercial property owners and developers in Westchester have until May 15 to submit proposals for leasing new office space that will be used by the Westchester County Department of Health. Details about space requirements are listed in a recently released RFP (Request for Proposals).

Primarily the new office space will be used to consolidate the Westchester County Department of Health's executive and administrative offices that are currently located in eight buildings throughout Westchester into one more efficiently planned space. According to the RFP, the county is seeking approximately 50,000 rentable square feet of office space plus and approximately 4,000 rentable square feet of storage space.

Westchester County Executive George Latimer said, "This is about more than cost-saving benefits—this consolidation will improve the outcomes for our services and ensure we support our employees with quality spaces that meet today's exacting standards. The recently completed Westchester County Real Estate Master plan is a direct result of our continued

response to listening and responding to the needs of our employees, our residents, and those who do business in Westchester."

Westchester County Director of Operations and Chairperson of the County of Westchester Industrial Development Agency Joan McDonald added, "We realized during the COVID-19 pandemic that we had some inefficiencies that were exacerbated specific to the Department of Health. Like many aspects of the pandemic, we found we needed to change how we perform our work and serve the county. With this consolidation and leasing opportunity we are excited about the positive outcomes for the county operations and the local office market."

To learn more about the issued RFP, leasing space requirements or to submit a lease proposal by May 15 go to: <https://rfp.westchester.gov/rfp/rfps>

Consolidation efforts will be supported by Jones Lang LaSalle Brokerage, Inc. Please direct questions to: Al Gutierrez, Managing Director at [al.gutierrez@jll.com](mailto:al.gutierrez@jll.com) and William Korchak, Managing Director at [william.korchak@jll.com](mailto:william.korchak@jll.com).



## CIC & BCA Spring Membership Meeting

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LOCAL 60, WESTCHESTER, Anthony Ascencao, Business Manager

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LOCAL 190, ALBANY, Anthony Fresina, Business Manager

LOCAL 235, WESTCHESTER, Dario Boccarossa, Business Manager

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