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Construction NEWS



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JULY 2023

\$1.50

Widespread H.V. Storm Damage Likely to Cost Billions to Repair

By JOHN JORDAN

WHITE PLAINS—The destruction caused by torrential rains and flooding that battered the region this month was historic in sections—and the expense is likely to be equally unrepresented as damage assessment totals are still being tallied. First-hand reports and pictures from impacted areas showed extensive road, bridge, rail and infrastructure damage will likely soar to billions of dollars.

At press time, damage assessments continue in Orange, Rockland, Putnam and Westchester counties from the severe weather on July 9-10. AccuWeather issued a preliminary estimate of the total storm damage and economic loss from the between \$3 billion to \$5 billion. That estimate was given before heavy rains impacted the Northeast once again the weekend of July 14-16. MTA officials believe the storm damage rivals



NYS DOT Engineers Paul Tirums, Greg Bendell and Oscar Pinheiro assess Route 9W near West Point, one of the many roads that need repairs.
PHOTO CREDIT: NYS DOT

the costs incurred from Hurricane Ida, which was approximately \$100 million. Orange County Executive Steve Neuhaus said on July 10 that the damage in the

Highland Falls/West Point area alone was in the “tens of millions of dollars.” U.S. Sen. Charles Schumer during a tour of West Point on July 17 estimated the storm damage there at more than \$100 million.

On July 14, Gov. Kathy Hochul requested a Major Disaster Declaration from President Biden to support the ongoing recovery of communities impacted by devastating flooding stemming from the week’s heavy rainstorms, which spanned across much of Upstate New York. The declaration would release critical federal financial assistance that will support recovery and reconstruction efforts in Albany, Clinton, Dutchess, Essex, Hamilton, Ontario, Orange, Oswego, Putnam, Rensselaer, Rockland, and Westchester counties, with the opportunity for additional counties to be added in the coming weeks
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Feds Commit \$6.88 Billion in Historic Funding For Long-Delayed Hudson River Tunnel Project

NEW YORK—News on the long-delayed Gateway Project came in fast and furious over the past few weeks, culminating with the announcement on July 6 of the largest federal transportation grant in history—\$6.88 billion—that will help ramp up construction on this much-needed infrastructure project.

Work on a large component of the project—the Hudson Tunnel Project—which was stalled under the Trump Administration, is now expected to begin this year and in earnest in 2024.

Once the project begins, it is expected to create more than 72,000 American jobs in the region. The Hudson River Tunnel project is part of the Gateway Program, a series of strategic infrastructure investments designed to improve rail service in New York and New Jersey. The Hudson River Tun-

nel project is particularly critical because the existing North River Tunnel was severely damaged during Superstorm Sandy in 2012. While the tunnel has been repaired frequently, its age and damaged condition present reliability concerns for more than 200,000 people who travel through the tunnel on more than 400 trains every weekday. According to a study by the Northeast Corridor Commission, commuters in 2020 were delayed more than 210 hours due to maintenance issues.

The Hudson Tunnel Project consists of two new tubes that cover four and a half miles each, and the rehabilitation of the 113-year-old existing tunnel, going from Secaucus Junction in New Jersey to Penn Station in New York. The four 21st-century tracks will connect New York



U.S. Sen. Charles Schumer said the \$6.88 billion in funding for the Hudson Tunnel Project marks the largest federal transportation grant ever, and the largest single transportation grant ever to New York State.

and New Jersey to the rest of the rest Northeast Corridor stretching from Washington D.C. to Boston. They will eliminate a single point of failure for the NEC, providing long-term resiliency, reliability, and redundancy to the regional and national rail network.

The Gateway Development Commission, the project’s sponsor, reported that the Hudson Tunnel Project has entered the Engineering Phase of the Federal Transit Administration’s Capital Investment Grants Program and that the FTA had updated the project to receive

an up to a \$6.88-billion CIG Program grant.

“Every day, 200,000 people pass through the North River Tunnel, and a closure affects not just the entire Northeast Corridor, but the entire country,” said U.S. Transportation Secretary Pete Buttigieg in announcing the record grant award. “Today, we are proud to announce that the Hudson River Tunnel project is entering the Engineering phase, moving us a huge step closer to finally revitalizing and expanding this century-old piece of American infrastructure.”

The announcement clears the way for the Hudson Tunnel Project to receive the vast majority of the federal funding needed for full construction. GDC said it expected the remainder of federal funding to become available to the project through the approximately \$4 billion in Federal-State Partnership for Intercity Passenger Rail Grant Program, Rebuilding American Infrastructure with Sustainability and Equity (RAISE), and Consolidated Rail Infrastructure and Safety Improvements (CRISI) grants that have already been applied for.

Taken together, the CIG funding, along with other federal components and Amtrak’s contribution, mean the
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NY State Earmarks \$516 Million Statewide To Repair, Replace, Local Bridges, Culverts

\$133 Million Slated for Mid-Hudson, NYC

ALBANY— New York State said it award of more than \$516 million in enhanced assistance for 216 projects to 141 local governments to rehabilitate and replace bridges and culverts while supporting resiliency and sustainability in every region of the state.

The funding, provided through the state's BRIDGE NY initiative, is aimed at helping local governments across the state harden their existing infrastructure while boosting the resiliency of bridges and culverts in the state. The state's BRIDGE NY initiative supports projects that combat climate change by reducing the risk of flooding, improves the resiliency of structures, facilitates regional economic competitiveness and prioritizes projects that benefit environmental justice communities.

"New York State is making historic investments to modernize our infrastructure and we are committed to working with our partners in local government to help ensure that their bridges and culverts are ready to meet the challenges of global climate change," Gov. Kathy Hochul said in early July. "The BRIDGE NY program provides essential funding directly to local governments to enhance the safety, resiliency, sustainability and reliability of local infrastructure, allowing more than 140 bridges to better withstand extreme weather events and keep New Yorkers safe."

The funding announcement builds upon the more than \$716 million that has previously been awarded to local governments under the BRIDGE NY initiative. As part of the state's \$32.8-billion capital plan adopted last year, \$1 billion was committed to BRIDGE NY, effectively doubling the size of the program. The awards announced were selected based on input from Regional and Metropolitan Planning Organizations and the funding will support all phases of project delivery, including design, right-of-way acquisition and construction.

The Mid-Hudson will see more than \$60 million for projects throughout the region, while New York City has secured more than \$73 million for three bridge replacement projects, all located in The Bronx.

New York State Department of Transportation Commissioner Marie Therese Dominguez said, "New York's infrastructure, especially at the local level, is among the oldest in the country, which makes investments like BRIDGE NY that harden our local infrastructure and invest in resiliency and sustainability so critically important to the Empire State's future. The safety and reliability of our transportation infrastructure is vital to the health and economic well-being of our local communities and

no state is doing more to support them than New York under Governor Hochul's leadership. The BRIDGE NY funding we are announcing today will provide critically important financial support to local governments to help make our infrastructure more sustainable and our communities stronger."

New York State County Highway Superintendents Association President Kevin Rooney, P.E. added, "Considering that local governments are responsible for the maintenance of 87% of the roads and over half the bridges in the state, BRIDGE NY funding is vital to county highway departments' efforts to maintain, rehabilitate and enhance the resiliency of our vast systems of bridges and culverts on these local roads. Now, thanks to the governor's budget

initiatives, the newest Five-Year Transportation Capital Plan and support from legislative leaders, funding levels for BRIDGE NY have doubled. This will enable counties to address more of these critical infrastructure needs that otherwise would be unfunded or delayed."

The BRIDGE NY awards in the Mid-Hudson Valley and New York City include:

Mid-Hudson Region – 24 Projects, \$60.1 Million

- \$4.614 million to Dutchess County for the replacement of the Route 103 bridge over the Saw Kill.

- \$1.5 million to Dutchess County for the replacement of the Titusville Road culvert carrying the tributary to Wappinger Creek.

- \$1.5 million to the Town of Washington for the replacement



The funding, provided through the state's BRIDGE NY initiative, is aimed at helping local governments across the state harden their existing infrastructure while boosting the resiliency of bridges and culverts in the state.

- of the Oak Summit Road culvert carrying the tributary to Sprout Creek, Dutchess County.

- \$2.538 million to Orange County to replace the decking on the Bloomburg Road bridge over Plattekill Creek.

- \$4.328 million to Town of Wallkill to perform maintenance on the Midway Road bridge over Wallkill River, Orange County.

- \$1.495 million to Orange County for the replacement of the Lower Road culvert carrying the tributary to Wallkill River, Orange County.

- \$2.927 million to the Town of Woodbury for the replacement of the Ridge Road culvert, Orange County.

- \$1.5 million to Orange County.

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PERSPECTIVE

States Pass 24 Legislative Measures in 2023 To Increase New Transportation Investment

BY CAROLYN KRAMER SIMONS

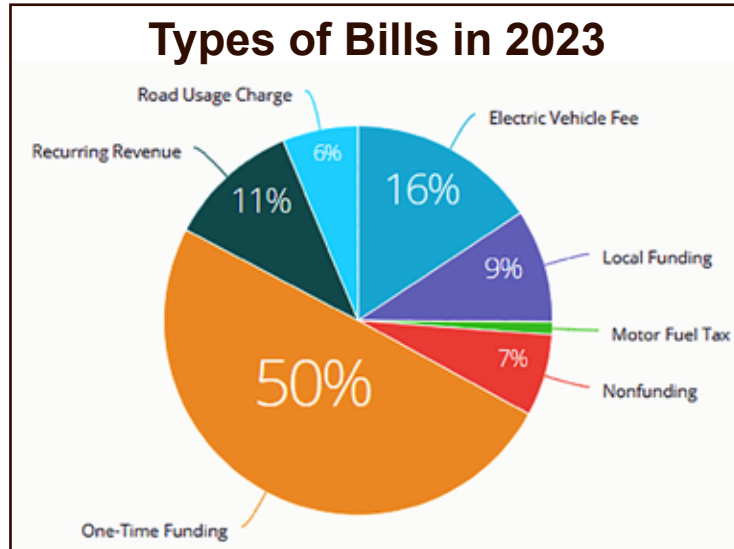
WASHINGTON—From general fund transfers to electric vehicle (EV) registration fees, 2023 has turned out to be a busy year for state transportation funding advocates. As of mid May, states approved 24 measures for a combined \$13.5 billion in new transportation revenue. Several other states are also considering bills to increase their transportation investment.

One of the most significant pieces of legislation was signed into law by Minnesota Gov. Tim Walz (DFL) May 24. The plan institutes a new retail delivery fee (50 cents per delivery of \$100 or more, with exceptions), raises the metro sales tax for transit funding, increases the motor vehicle sales tax, and indexes the gas tax to inflation (Minnesota Highway

Construction Cost Index, offset by removing the minimum markup on gasoline). The package also includes several one-time funding provisions, and in total is expected to generate \$1.3 billion over the next two years.

Other notable measures approved this year:

- **Florida:** \$4 billion general fund transfer
- **Hawaii:** New EV road usage charge
- **Missouri:** \$2.8 billion general fund revenue and bonds for I-70
- **Indiana:** Three-year continuation of gas-tax indexing (no more than 1 cent per year)
- **Montana:** New EV registration fee
- **Texas:** New EV registration fee



- **Georgia:** Tax on EV charging sales
- **Montana:** Tax on EV charging sales
- **Utah:** Tax on EV charging sales
- **Tennessee:** \$3.3 billion general fund transfer

Half the bills passed are one-time funding measures of all bills introduced this session (111 bills) as states tap surplus general funds, COVID relief revenue, and bonds to meet federal matches and jumpstart projects.

Recurring revenue models have taken several forms, but legislation to implement or increase EV fees—including charging fees and registration fees—is the second most popular category explored by state legislatures. They represent 35 bills (16% of 2023 transportation funding legislation) introduced in the first five months of this year, a sizable increase when compared to the eight bills tracked in the previous year.

Willingness among lawmakers to pass transportation fund-

ing measures and explore new revenue models is growing as states seek to diversify revenue streams. In many cases, new revenue helps states meet federal match requirements and become eligible for potential grant opportunities.

For the latest updates on transportation development matters, visit the ARTBA Transportation Investment Advocacy Center (TIAC) at: transportationinvestment.org. ARTBA's state legislative dashboard tracks funding measures as they move through the legislative process, and the ARTBA blog provides additional context on state and local initiatives.

The Construction Industry Council of Westchester & Hudson Valley, Inc., is the New York State affiliate chapter of ARTBA.

About the author: Carolyn Kramer Simons is ARTBA's senior director, state funding policy, and managing director of its Transportation Officials Division. She can be reached at csimons@artba.org



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Skanska-Halmar JV Awarded \$1.24 Billion Contract to Make Upgrades at JFK Airport

NEW YORK—Skanska, the global construction and development firm based in New York City, and joint venture partner, Halmar International, LLC, announced on June 26 the partnership was awarded a \$1.24-billion design-build contract by the Port Authority of New York and New Jersey to carry out the design and reconstruction of John F. Kennedy International Airport's Central Terminal Area Roadways, Utilities and Ground Transportation Center in Queens, NY.

Parsons Corp. of Centerville, VA, will serve as lead designer to the Skanska Halmar JFK Joint Venture and the project will greatly improve the airport's roadway network by creating an easier to navigate and more user-friendly airport experience. Halmar is headquartered in Nanuet, NY.

"We are honored to have the opportunity to design and construct a world-class landside gateway for one of New York's most highly traveled international aviation hubs," said Michael Viggiano, executive vice president for Skanska USA Civil's East Coast region. "Not only will the project improve connectivity of JFK's roadway network, it will also enhance the overall experience for passengers traveling to and from the airport."

"Our team has worked at every major airport in the New York Metropolitan area, including more than 15 contracts working on every area of JFK Airport. We know the airport and we understand the critical nature of aircraft operations and movements security, as well as safe access and customer experience," said Chris Larsen, CEO of Halmar International, LLC. "Together with Skanska, we bring PANYNJ a reliable partner to build the future of JFK the State of New York deserves."

"Home to one of the busiest airports, in the United States' largest city, JFK International Airport is part of our nation's economic engine,"



The design-build project at JFK International Airport consists of the design and construction of the on-airport roadway transportation network.

said Mark Fialkowski, president, Mobility Solutions business unit for Parsons. "The new two main loops will simplify roadway operation and create a more travel friendly experience for the more than 62 million passengers who come through JFK each year. We are proud to build on our decades of experience in New York State, partnering with the Port Authority of New York and New Jersey to continue to move the industry forward and provide exceptional service to the region for decades to come."

The design-build project consists of the design and construction of the on-airport roadway transportation network, which includes roadway reconfiguration, maintenance and protection of traffic, intuitive wayfinding and enhanced traffic technologies, at-grade pavement, retaining walls and bridges as well as utility relocations and upgrades. The project will improve user connectivity and access to the surrounding terminals.

Also included, is the design and construction of a modern Ground Transportation Center which features: a 1,950-space multi-level vehicle parking facility equipped with electric vehicle charging stations and an eco-conscious timber facade; a 400-foot-long elevated pedestrian bridge with pedestrian canopies and energy-efficient provisions for solar paneling

The project is expected to reach final completion by December 2027.

International Union of Operating Engineers Local 137



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Attorney's Column

Court Reminds Us That 'Routine' Releases, Waivers Of Lien Operate to Bar Claims That Accrued Prior

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

The release and waiver of lien is as ubiquitous on a construction project as the payment requisition form itself—and perhaps blueprints, as well. These documents are frequently required from a contractor before that contractor's payment requisition is even processed. As a result, many of these forms are glossed over or simply signed with the logic that if it's not signed, no money will be paid (and the contractor



if a contractor who is owed money (aside from the impending payment referenced in the release and waiver of lien) signs such a document, it will operate to bar any claims to

for A.L. One to perform work at a project to construct luxury residences in North Hills, NY under the name Ritz Carlton. Four months later, A.L. One entered into another contract with Pizzarotti to perform work at what was described as the "Jardim Project" on West 27th Street in Manhattan. The contracts for both projects required that A.L. One, as a precondition to receiving its payment, provide Pizzarotti with an executed partial release

If a contractor, who is owed money (aside from the impending payment referenced in the release and waiver of lien) signs such a document, it will operate to bar any claims to recover past due monies. These claims may include pending change orders, disputed change orders, delay claims, etc.

labor and materials or equipment provided by [A.L. One], its sub-contractors and suppliers through the above-referenced date in accordance with terms of this waiver of lien and release." A.L. One had submitted 12 such releases with its payment requisitions on the Jardim Project and 10 such releases on the Ritz Carlton project.

In the summer of 2018, Pizzarotti learned that A.L. One had not paid one of its suppliers that ultimately filed mechanic's liens against both projects. Pizzarotti made demands under both subcontracts that A.L. One discharge the supplier's liens, which A.L. One declined to do. As a result, Pizzarotti terminated both contracts, retained

replacement contractors and completed both projects (the costs of which exceeded the amounts remaining on A.L. One's contracts). Pizzarotti then sued A.L. One, claiming damages for the breach of both contracts. A.L. One counter-claimed, alleging that it had not been fully paid. (The lienor supplier also sued Pizzarotti to foreclose its mechanic's liens. That lawsuit was ultimately consolidated with Pizzarotti's lawsuit against A.L. One, and both matters were decided together.) Pizzarotti moved for summary judgment dismissing both A.L. One's counterclaims and the supplier's lien foreclosure claims.

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This case serves as a reminder that contractors should approach even "routine" paperwork with due deliberation. This "routine" paperwork can have the effect of barring what may be legitimate claims (which did not seem to be the case here, but could have if the facts panned out differently).

will deal with any consequences later).

However, as a court reminds us in the recent case of *Pizzarotti IBC, LLC v A.L. One Construction, Inc.*, these documents will be enforced according to their terms. Accordingly,

recover past due monies. These claims may include pending change orders, disputed change orders, delay claims and more.

Background

In November of 2016, A.L. One Construction entered into a contract with Pizzarotti IBC

and waiver of lien—for which Pizzarotti provided the form as a part of the subcontract. In this document, A.L. One represented that the release was a "knowing and willful acknowledgement that [A.L. One] has been fully paid for all work,



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Construction Advancement Institute Awards \$75,000 In College Scholarships to Pursue STEM Subjects

TARRYTOWN, NY—As part of its mission to enhance expertise and professionalism in building and construction in the Lower Hudson Valley, the Construction Advancement Institute (CAI) this month awarded \$75,000 in grants to 15 regional undergraduate and graduate students who are enrolled this coming fall in engineering, architecture, construction technology, construction management and other related programs. CAI is the educational and advocacy organization aligned with the Building Contractors Association of Westchester & The Mid-Hudson Region, Inc.

The CAI Scholarship Committee reviewed more than two dozen scholarship applications, school transcripts and essays in June, said CAI Chairman Mark Fante of Darante Construction Ltd. of Elmsford, NY. The awards to the 15 recipients are \$5,000 grants for use in the current 2023-2024 academic year.

"The money our industry raises and disburses for college scholarships is one of several annual charity efforts performed by members of organized labor and the construction contracting community benefitting families and schools both in the Hudson Valley region and nationwide," Mr. Fante added. "Our goal is to strengthen the ranks of engineers and technologists employed at the companies that are members of our association. It's one more way the association works to keep our member companies competitive and keep our local economies growing."

Since its inception in 2009, the CAI Scholarship Program has gradually increased the number of annual awards. To date, the program has bestowed 121 grants to 74 students who have attended some 37 colleges and universities throughout the U.S. This year's grant award of \$75,000 also lifts the total scholarship awarded by CAI to more than \$539,000 since its first year when just six grants were awarded.

The following scholars

were chosen from more than 30 applicants who applied for and were carefully considered by the CAI Scholarship Committee. They are:

Christopher Altomare, 18, of Yonkers, NY, who attends Sacred Heart University in Fairfield, CT,

15 Scholars from the Hudson Valley Region Named Recipients

pursuing a degree in Electrical Engineering. He is the grandson of a member of the Bricklayers & Allied Craftworkers Local 1 New York.

Valeriy Borkun, 21, of White Plains, NY, is a junior attending CUNY Queens College in New York, pursuing a degree in Economics and Construction Management. He is the son of an employee of BCA-member company LeChase Construction Services.

Taylor Bruck, 21, of New Paltz, NY is a senior who is attending SUNY @ Binghamton, NY, pursuing a degree in Computer Science and Mathematical Science. She is the daughter of a member of International Union of Operating Engineers Local 137.

Kyle Burdick, 21, of Patterson, NY, is a junior attending Manhattan College in the Bronx, pursuing a degree in Computer Engineering. He is the son of a member of International Union of Operating Engineers Local 137.

Robert Caulfield, 22, of Blauvelt, NY, is a senior at Manhattan College in the Bronx, pursuing a degree in Civil Engineering. He is the son of a BCA-member company Yonkers Contracting.

Anthony Darrow, 18, of Hopewell Junction, NY, is a freshman attending Syracuse University in Syracuse, NY, pursuing a degree in Civil Engineering. He is the son of a BCA-member of Darlind Associates.

Eric Darrow, 18, of Hopewell Junction, NY, is a freshman attending Villanova University, Villanova, PA, pursuing a degree in Management. He is the son

of a BCA-member of Darlind Associates.

Massimo Fante, 21, of Sleepy Hollow, NY, is a senior attending Cornell University in Ithaca, N.Y., pursuing a degree in Biological Sciences. He is the son of BCA-member company Darante Construction, Ltd.

Mark J. Griffin, 21, of Yonkers, NY, is a senior who attends the New York State University of Buffalo, pursuing a degree in Aerospace Engineering Mechanical Drawing. He is the son of an associate of the BCA-member company Yonkers Contracting.

Cooper Mistishin, 21, of Lake Ariel, PA, is a senior who attends Rochester Institute of Technology in Rochester, NY, pursuing a degree in Software Engineering. He is the son of a BCA-member company Peckham Industries.

Daniella Mulvey, 23, of Valhalla, NY, is attending graduate school at the University of Pennsylvania, PA, Stuart Weitzman School of Design, pursuing a degree in Masters of Architecture. She is the daughter of a BCA-member company Stratis Contracting Corp.

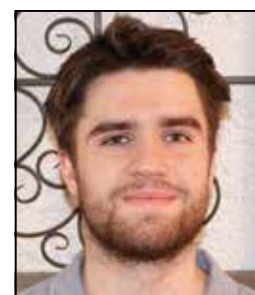
Nicholas Mulvey, 20, of Valhalla, NY, will be attending Bucknell University, Lewisburg, PA, pursuing a degree in Civil Engineering. He is the son of a BCA-member company Stratis Contracting Corp.

Robert Stepien, 22, of Wayne, NJ, is a senior attending the Stevens Institute of Technology in Hoboken, NJ, pursuing a degree in Civil Engineering. He is the son of a BCA-member company Halmar International LLC.

Kristen Stepien, 18, of Wayne, NJ, is a junior attending the Stevens Institute of Technology in Hoboken, NJ, pursuing a degree in Engineering Management. She is the daughter of a BCA-member Company Halmar International LLC.

Wyatt Yates, 21, of Chappaqua, NY, is a senior attending Virginia Tech, Blacksburg, VA, pursuing a degree in Industrial Design. He is the grandson of a member of Carpenters Local 279.

For additional information and to request an application for next year's grants opportunities, please contact Laurel Brunelle at 914-631-1033 or laurel@bcany.org.

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NY State Earmarks \$516 Million Statewide To Repair, Replace, Local Bridges, Culverts

Continued from page 3

County for the replacement of the Dunderberg Road culvert carrying the tributary to Woodbury Creek.

- \$3.135 million to Town of Plattekill for the replacement of the Old Mill Road bridge over Quassaick Creek, Ulster County.

- \$5 million to Ulster County for the replacement of the Hurley Mountain Road bridge over Esopus Creek.

- \$2.152 million to the Town of Putnam Valley for the replacement of the Horton Hollow Road bridge over Canopus Creek, Putnam County.

- \$1.496 million to Putnam

County for the replacement of the Croton Falls Road culvert carrying Mud Pond Outlet.

- \$1.476 million to Putnam County for the replacement of the Croton Falls Road culvert carrying Mud Pond Outlet.

- \$1.5 million to Putnam County for the replacement of the Peekskill Hollow Road culvert carrying the tributary to Peekskill Hollow Creek.

- \$1.3 million to the Town of Kent for the replacement of the Sagamore Drive culvert carrying the tributary to the West Branch Croton River, Putnam County.

- \$1.27 million to the Town of Kent for the replacement of the

Nimham Road culvert carrying the tributary to the Seven Hills Lake Outlet, Putnam County.

- \$928,000 to Rockland County for the rehabilitation of the Pascack Road bridge over Pascack Brook.

- \$2.911 million to the Town of Orangetown for the replacement of the Margaret Keahon Drive bridge over Muddy Brook, Rockland County.

- \$4.75 million to the City of Mount Vernon for the rehabilitation of the bridge carrying South Fulton Avenue between East 3rd Street and Beekman Avenue, Westchester County.

- \$5 million to the City of Rye

for the replacement of the Locust Avenue bridge over Blind Brook, Westchester County.

- \$769,000 to the Town of Mamaroneck for the superstructure replacement of the Rockland Avenue bridge over Sheldrake River, Westchester County.

- \$1.4 million to the Village of Irvington for the replacement of the Route 9 culvert carrying the tributary to Barney Brook, Westchester County.

- \$1.426 million to the Town of Lewisboro for the replacement of the Oscaleta Road culvert, Westchester County.

- \$5.225 million to Sullivan County for the replacement of

the BWS Road bridge over Nev-ersink River.

New York City Region – Three Projects, \$73.1 Million
\$24.568 million to NYC DOT for the replacement of the West Tremont Avenue bridge over MacCracken Avenue E. and Metro North Railroad, Bronx County.

\$28.541 million to NYC DOT for the replacement of the West Tremont Avenue bridge over I-87 (Major Deegan Expressway), Bronx County.

\$20.011 million to NYC DOT for the replacement of the bridge carrying the bus turnaround over MacCracken Avenue E., Bronx County.

Second Phase of Second Ave. Subway Begins with Solicitation of First Contract

NEW YORK—The Metropolitan Transportation Authority is advancing Phase 2 of the Second Avenue Subway with the solicitation of the first contract for construction of the future extension of the Second Avenue Subway to 125th Street in Harlem.

The long-awaited extension will deliver transportation equity to East Harlem, one of the most transit-dependent neighborhoods in New York City. As part of the July 5 announcement, the MTA also unveiled new conceptual renderings of the proposed stations for the extension, providing future riders with a first-ever glimpse into the potential station interior and exterior designs. The draft renderings are subject to further design development and are available here.

The scope of work for the first contract for Second Avenue



MTA's 125th Street Station entrance, looking south.

PHOTO CREDIT: MTA

Subway Phase 2 incorporates lessons learned from Phase 1 and will involve critical utility relocation, laying the groundwork for advancing construction of three future stations and necessary system infrastructure. The contract will be solicited as a Design-Bid-Build A+B contract, which incentiv-

izes proposers to compete on both cost and time needed to complete the work. In 2022, MTA Construction and Development saved more than \$100 million on A+B contract awards compared to estimates. The solicitation has been posted, and a contract is expected to be awarded this fall, with work to begin by the

end of the year. According to the solicitation, the due date on the contract is Aug. 30, 2023 and the estimated value of the project is between \$50 million to \$100 million.

The first contract will also include temporary streetscape modifications that will be required during construction, including new bike lanes to replace those that will be impacted by construction on Second Avenue, and building remediation in preparation for future contracts for the new subway station at 106 Street.

MTA Chair and CEO Janno Lieber said, "Phase 2 of the Second Avenue Subway is an investment in transit equity and a truly life changing project. The East Harlem community has waited decades for it, and this expansion will serve over 100,000 riders daily, connecting Harlemites to jobs, education and opportunity

throughout the region."

The solicitation announcement follows the Finding of No Significant Impact for the Central Business District Tolling Program issued by the Federal Highway Administration the previous week. Revenue from congestion pricing will support \$15 billion in funding for critical projects in the MTA's current capital program, which includes the Second Avenue Subway Phase 2. The MTA is finalizing a funding agreement with the Federal Transit Administration for the project and has ensured that federally-required contingency for the project is in place through a Capital Plan Amendment approved by the MTA Board recently, subject to approval by the MTA Capital Plan Review Board.

Additional cost containment initiatives in Phase 2 include reuse of a tunnel segment that was built in the 1970s from 110 Street to 120 Street along Second Avenue, early real estate acquisition, adoption of best value contract structures like A+B contracts, reduction in back-of-house and ancillary space, and close coordination of contracts.

The full scope of the second phase of the project will extend Q train service from 96 Street north to 125 Street and then west on 125 Street to Park Avenue, approximately 1.5 miles in total. There will be two new stations at 106 Street and 116 Street on Second Ave, and a direct passenger connection with the existing 125 Street subway station on the Lexington Avenue subway line. Phase 2 will also feature an entrance at Park Avenue to allow convenient transfers to the Metro-North Railroad 125 Street Station.

Each station will have above-ground ancillary buildings that house ventilation, mechanical, and electrical equipment, as well as space for possible ground-floor retail and community uses. The expansion will serve an additional 100,000 daily riders and provide three new ADA accessible stations. Increased multimodal transit connectivity at the 125 Street station at Park Avenue with connections to the 456, Metro-North trains and the M60 Select Bus Service to LaGuardia Airport, will allow for convenient transfers to other subway and commuter rail lines, facilitating smoother, faster transportation across the city and metropolitan region, MTA officials stated.

Phase 1 of the project extended the Q line from 63 Street to 96 Street and was New York City's largest expansion of the subway system in 50 years. Service opened on Jan. 1, 2017, with additional stations at 72 Street and 86 Street. Since its completion, the Second Avenue Subway has carried more than 130 million passengers in total, including more than 200,000 passengers on a typical pre-pandemic day.

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From left, Rockland County Director of Purchasing Paul Brennan, Rockland County Executive Ed Day and Rockland County Superintendent of Highways Charles "Skip" Vezzetti

Rockland County Signs Materials Deal With Tilcon New York

NEW CITY, NY—Rockland County posted on social media on May 28 that Rockland County Executive Ed Day signed a resolution in the amount of \$250,000 for an agreement between the county's Highway Department and Tilcon New York Inc. to provide bituminous concrete materials to be used for county road surfaces. Tilcon New York has operations in Haverstraw in Rockland County.

At the resolution signing, Rockland County Executive Day was joined by Rockland County Superintendent of Highways Charles "Skip" Vezzetti and Director of Purchasing Paul Brennan. The county reported that Tilcon New York was selected as the lowest responsible bidder as part of the procurement process for the contract.

Attorney's Column

Continued from page 6

Decision

The motion court granted Pizzarotti's motion in its entirety, dismissing both A.L. One's breach of contract counterclaims and the lienor's foreclosure claims. As to A.L. One's claims, the court, following well settled law, found that the releases and waivers of lien operated to release all claims which had accrued prior to the date on which the document was executed. As A.L. One's claims had all accrued prior to the date(s) on which the respective releases were executed, the releases and waivers of lien operated to bar those claims in their entirety.

As to A.L. One's supplier, the court again following well settled law—providing that mechanic's liens are only valid "to the extent of the sum earned and unpaid on the contract at the time of filing the notice of lien, and any sum subsequently earned thereon"—dismissed the lien foreclosure claims. In doing so, the court noted that there was undisputed evidence that Pizzarotti had expended \$3,997,664.18 to A.L. One and the replacement contractor on both projects, but that the value of A.L. One's contracts was only \$3,586,742.40. In light of the expenditure of a sum greater than the value of the original contracts, there could be no lien fund from which the supplier could recover.

Comment

This case serves as a reminder that contractors should approach even "routine" paperwork with due deliberation. This "routine" paperwork can have the effect of barring what may be legitimate claims (which did not seem to be the case here, but could have if the facts panned out differently). Further, these forms can vary from contract to contract, and can be either narrow (simply a

release for the monies about to be paid) to broad, as was the case here (releasing all claims up through the date of the release). Sometimes an effectual lien waiver and release is misleadingly titled "lien waiver" when the legal effect of the language is also a release of claims.

With regard to such releases, contractors invariably ask whether they will operate to release the monies which are sought in the payment application for which the release is provided (the monies about to be paid). While the court here held that the release barred all claims up through the date of the release, there is a line of case law providing that until the payment is received, the release document serves as a mere receipt for the payment about to be received. Of course, if you execute a subsequent release before receiving such payment, that will operate as a full waiver of the claim.

In order to be reassured about what the release documents will, and will not, cover, contractors would be well advised to consult with experienced construction counsel—preferably before you sign the contract, when the terms of such documents may still be subject to negotiation.

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. He is the founder of and senior counsel to the law firm of Welby, Brady & Greenblatt, LLP, with offices located throughout the New York 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.

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Forecasted Demand for Electricity in NYC Shows 'Reliability Supply Deficit' by 2025, NYISO Reports

By JOHN JORDAN

RENSSELAER, NY—As New York State continues its push for green and renewable energy sources, The New York Independent System Operator (NYISO) on July 14 released its quarterly assessment of reliability of the bulk electric system, which found a deficit in reliability margins for the New York City area beginning in summer 2025.

The deficit is as large as 446 MW (the equivalent of nearly half the power that the now-shuttered Indian Point Nuclear Power Plant Unit 3 produced [1,040MW] during peak demand periods).

The power deficit is driven primarily by the combination of a forecasted increase in peak demand and the unavailability of certain generators, the ISO stated.

The NYISO's Short-Term As-



Before the closure of Indian Point Energy Center in Buchanan, NY, the two nuclear reactors supplied approximately 2,000 MWs of electric power, or almost 25% of New York City's usage.

essment of Reliability (STAR) studied electric system reliability for the period April 15, 2023, through April 15, 2028. Factors driving New York City's reliability need in 2025 include increased electrification of the transportation and building sectors, continued economic growth following the pandemic, and the unavailability or retirement of select "Peaker" generators under the New York State Department of Environmental

Conservation's emissions limits. That rule went into effect in May 2023.

The ISO report noted that the agency may need to keep some fossil fuel "Peaker" energy facilities open to meet New York City's power needs in 2025.

"This new STAR report reflects the extraordinary challenges of the grid in transition," said Zach Smith, NYISO's vice president of System and Resource Planning. "The reli-

ability of the electric system is essential to the health and safety for all New Yorkers as well as the state's economy. The NYISO will now work to identify solutions to the reliability need identified in New York City."

The ISO assessment found a reliability need beginning in the summer of 2025 in New York City primarily driven by a combination of forecasted increases in peak demand and the assumed unavailability of

certain generation in New York City affected by the "Peaker Rule."

"Specifically, the New York City zone is deficient by as much as 446 MW for a duration of nine hours on the peak day during expected weather conditions (95 degrees Fahrenheit) when accounting for forecasted economic growth and policy driven increases in demand," the report stated. "The deficiency would be significantly greater if New York City experiences a heat wave (98 degrees Fahrenheit) or an extreme heatwave (102 degrees Fahrenheit)."

Beyond 2025, the STAR report found that New York City's reliability margin would improve when the Champlain Hudson Power Express (CHPE) transmission line from Quebec to New York City is completed. CHPE is expected to enter service in the spring of 2026. The STAR report found that delays in CHPE's schedule could result in additional transmission security concerns. The NYISO will continue to monitor closely the development of CHPE.

The reliability need is based on a deficiency in transmission security. Transmission security analysis tests the ability of the power system to withstand disturbances, such as electric short circuits or unanticipated loss of a generator or a transmission line, while continuing to supply and deliver electricity. The NYISO first identified rapidly declining reliability margins in its 2021 Comprehensive Reliability Plan and restated those concerns in its 2022 Reliability Needs Assessment.

Reliability rules that determine the acceptable levels of transmission security are determined by several entities that are responsible for overseeing the reliability of the bulk electric system, including the North American Electric Reliability Corporation, the Northeast Power Coordinating Council, the New York State Reliability Council and the New York State Public Service Commission.

Three natural gas-fired power plants have been introduced over the past three years to help support the electric supply needed by New York City that Indian Point had been providing: Bayonne Energy Center II (120 MW), CPV Valley Energy Center (678 MW), and Cricket Valley Energy Center (1,020 MW).



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ALBANY UPDATE

Bruckner Expressway Bridge Rehab Begins

ALBANY—New York State officials announced recently the start of a \$44.7-million project to rehabilitate the bridge carrying the Bruckner Expressway over Rosedale Avenue in the Bronx.

The project will restore and modernize the bridge to enhance safety and ease travel along this vital commuter and commercial artery in the New York City Region. Around 104,000 vehicles pass over the Bruckner Expressway bridge daily—approximately 38 million vehicles every year. State-of-the-art construction materials and techniques will be used to help reduce the bridge’s long-term maintenance costs and extend the structure’s lifespan by more than 40 years. The project will build on the state’s investments to enhance infrastructure in the South Bronx and improve the quality of life for residents – investments that include the ongoing \$1.7-billion Hunts Point Access Improvement Project.

The New York State Department of Transportation announced in early 2023 that El Sol Contracting/ESII Enterprises JV won a best value selection designation for the contract. The El Sol joint venture bested seven other bidders for the project work.

“New York State continues to make historic investments in infrastructure



Construction has begun on the nearly \$45-million Bruckner Expressway bridge project.

that will reconnect communities, promote economic activity and competitiveness, and improve quality of life for New Yorkers,” Gov. Kathy Hochul said. “The Bruckner Expressway bridge over Rosedale Avenue is a vital connection in the South Bronx, and these improvements will improve its safety and resiliency to benefit the surrounding community for decades to come.”

As part of the rehabilitation, multiple

bridge spans will be eliminated and stainless steel will be used to reinforce the deck of the bridge, which will reduce the bridge’s life-cycle maintenance costs. The existing 27 span-bridge will be converted to a three-span structure, with the remaining 24 spans filled with light-weight concrete and converted to an on-grade highway section to reduce maintenance requirements. The rehabilitated bridge will also be jointless,

so moisture will no longer penetrate through joints and corrode the underside of the bridge. The wall facade of the bridge, which is currently brick, will be replaced with fibrous cement—precast concrete panels on the top and precast concrete “stone slabs” on the bottom—that are more durable and easier to maintain.

Other upgrades include new lighting as well as a new drainage system for improved resiliency. Steel girders will be painted, and some portions of Bruckner Boulevard and Rosedale Avenue under the Bruckner Expressway will be milled and paved with an asphalt overlay. Standard barriers will be installed to enhance safety for the traveling public in the event of potential impacts. The existing drainage catch basins will be removed from the traffic lanes and new ones will be installed on shoulders, enhancing rideability and ensuring that traffic is not interrupted should the catch basins need to be inspected or maintained. New traffic signal heads will also be installed on the outermost beams of the bridge. Existing light poles on the expressway and lighting under the bridge will be removed and replaced with new LED lighting. The project is slated for completion in the spring of 2026.

EFC Accepting Applications for \$425M in Grants For Local Critical Water Infrastructure Projects

ALBANY—The New York State Environmental Facilities Corporation recently announced the application period is open for \$425 million in state grants made available for critical water infrastructure projects that protect public health and the environment. Bolstered by the first spending under the Clean Water, Clean Air, and Green Jobs Environmental Bond Act of 2022, the infusion of funds will continue to help make water infrastructure investments more affordable for local governments, strengthen resiliency, combat climate change and create jobs in the manufacturing, engineering, construction, plant operations, and related industry sectors.

“EFC’s grants are a direct investment in the future of communities across New York State,” President and CEO Maureen A. Coleman said. “Coupled with the continued high level of investment for water infrastructure in the State Budget, funding from the Environmental Bond Act will help ensure that residents have safe drinking water and a clean, resilient environment while creating jobs to support local economies. Our Community Assistance Teams are ready to help small, rural and disadvantaged communities access this funding for their critical environmental infrastructure projects.”

EFC administers the Water Infrastructure Improvement (WIIA) and Intermunicipal Grant (IMG) programs working closely with the Departments of Health (DOH) and Environmental Conservation (DEC). The state has awarded more than \$2 billion in water infrastructure grants through EFC since 2015. The \$4.2 billion Environmental Bond Act approved by voters in November 2022 specifically named WIIA and IMG programs as tools to help leverage water quality improvement and resilient infrastructure funding.

The infusion of Environmental Bond Act funding will help expand the WIIA/IMG grant programs’ legacy of modernizing aging wastewater systems and protecting drinking water. This round will continue to prioritize grant awards for drinking water projects that address emerging contaminants as well as critical wastewater projects. Disadvantaged Communities will receive at least 35 percent of the benefits of this funding.

Local units of government are eligible to apply for funding for:

- WIIA grant awards for critical wastewater projects.
- WIIA grant awards for projects that address emerging contaminants above the State determined Maximum Contaminant Level (MCL).

- WIIA grant awards for other drinking water projects.
- IMG awards for joint wastewater or drinking water projects undertaken by two or

more communities to consolidate services.

Complete eligibility information and application materials are available on EFC’s

website at www.efc.ny.gov/wiia. Grant applications and required supporting documentation must be submitted by 5 p.m. on Fri., Aug. 11.



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From left, State Assemblyman Steve Otis, CIC Executive Director John Cooney, Westchester Deputy County Executive Ken Jenkins and State Assemblyman Jon Jacobson.



From left, Bricklayers Mike Clifford and Pete Clifford, CAI Chairman Mark Fante of Darante Construction Ltd., BCA Chairman Fred Sciliano of LeChase Construction Services, LLC, and BCA Board member Jon Wohl of Wohl Diversified Services.



From left, Gaetano Giardina and David Mink of L.J. Coppola Inc., Beth Cheverie of NYS Laborers Health & Safety Trust and Jack Barnes of TPH Computer Corp.

Construction NEWS PHOTO GALLERY

CIC Golf Classic Staged At Sleepy Hollow Country Club

Monday, July 10 - Scarborough, NY
*Contracting Community, Service Professionals, Organized Labor
Attended 44th Annual Summer Sports Social in Westchester*

SCARBOROUGH, NY—Despite torrential rains that flooded roadways in Westchester, Rockland, Putnam and Orange counties on Sunday, stormy skies gave way to clearing and sunshine on Monday, enabling the golf course to drain and some 120 hearty players compete here in the 44th annual CIC Golf Classic on the legendary Sleepy Hollow Country Club course.

Due to the challenging conditions, however, the morning shotgun round was cancelled. Some 120 players rallied for a long walking round of golf (re: no carts) in the afternoon at the popular summer sports social, a highlight of the construction industry's summer season in the lower Hudson Valley.

Following golf, more than 350 members, guests and leaders of the contracting community, material and equipment suppliers and organized labor were joined by government

and public works officials for the evening's reception and dinner festivities.

A summary presentation by CIC Executive Director John Cooney, Jr.—on association initiatives in the areas of apprenticeship training advancement and infrastructure renewal needs—was followed by an awards dinner that was long on raffle prizes and recognition of the golf talent present under the roof of the club's banquet tent.

In the "play-your-own-ball" format, the Low Gross winners among the men was Chris Pennessi who fired 63. Bill Bisceglia carded a 65 for Second Place Gross. Patrick Mainey was First Low Net with 68 followed by Chris Fallon with 69.

In other categories, Chris Lambrinakos claimed Longest Drive, Joe Monte won Closest to the Pin, and Mike Stier won the Closest to the Line contest.



Closest-to-the-Pin Winner Joseph Monte of Halcyon Construction Corp.



First Low Gross Runner Up William Bisceglia, P.E., of EE Cruz.



From left, Westchester Commissioner of Public Works & Transportation Hugh Greechan, Jr., Assemblywoman Dana Levenberg and Assemblyman Chris Burdick.



From left, Longest Drive Winner Chris Lambrinakos of Danella Construction of N.Y. and Patrick Mainey was the First Low Net Winner.



From left, Yonkers Contracting Company's Dean DiNatale, Tim Davidow of Zurich North America, and Yonkers CC's Paul Hubert and Wayne Wittman.



From left, Montesano Brothers with CIC Board member Dominick Montesano, Brian Tarkin, Danielle Tarkin (Montesano) and Chris Montesano.



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Safety Watch

Occupational Exposure Risks from Workplace Accidents Pose More Stringent Regulations for Employers

By COSTAS CYPRUS, ESQ.

Construction companies that maintain in-house first aid responders who would conduct clean-up operations following an accident must be properly trained and the company must have the proper control plans in place. The recent decision in *Secretary of Labor v. Denaka Partners, LP* arose from a workplace accident in which an employee unfortunately had his arm amputated.

This decision shows how employees who are designated as first aid responders that respond in the event of administering first aid or conduct cleanup of blood from equipment must not only undergo proper training but also need to be timely offered any applicable vaccines (which the employee can decline at their choosing). A written bloodborne pathogens control plan specific to both the company and its worksite should be maintained containing certain mandated information.

Denaka Partners LP (“Denaka”) manufactures specialized mechanical and industrial rubber products, in small volumes. Typically, Denaka receives a design order and begins the process of mixing and compounding rubber and then uses mills and machines to create a finished product. It employs approximately 35



used American Heart Association student workbooks as part of their training program. They also trained their employees on first aid and CPR in 2017, and which included the use of PPE, handwashing, and notification procedures following an accident, although the training was not site specific.

Mr. Balka testified during the trial that that they did not have a designated team to actually clean-up blood, and further they had not offered the Hepatitis B vaccination to employees who had completed their bloodborne pathogen training or to their designated first responders prior to this accident (but did so after this accident). They also did not have declination forms (as to the vaccine) on file. Denaka’s Controller Stacey Hepner in emails

employees within 10 days of initial assignment, such as after having received required bloodborne pathogen training, and to all employees who have occupational exposure, such as after a workplace incident. Occupational exposure is defined as “reasonably anticipated skin, eye, mucous membrane... with blood or other potentially infectious materials that may result from the performance.”

The Secretary (of Labor) argued that this safety standard applied since Denaka had trained employees as first aid responders, including, M.L., as early as 2017, and that M.L. had responded to and cleaned-up blood following the 2020 accident. Denaka argued that although it had trained some employees in first aid and bloodborne pathogens, it did not have a set of designated first aid responders. However, the court found Denaka’s argument unavailing in light of its work with machines and knives, and given its prior accidents, Denaka could reasonably anticipate that designated first aid responders would respond to an incident and they would have

occupational exposure to blood resulting from their first aid and cleanup duties. Designated first

aid providers might be exposed to bloodborne pathogens in rendering assistance to an injured co-worker and especially when it is reasonably foreseeable the type of injury that would cause bleeding.

Mr. Balka testified during the trial that that they did not have a designated team to actually clean-up blood, and further they had not offered the Hepatitis B vaccination to employees who had completed their bloodborne pathogen training or to their designated first responders prior to this accident.

aid providers might be exposed to bloodborne pathogens in rendering assistance to an injured co-worker and especially when it is reasonably foreseeable the type of injury that would cause bleeding.

Basically, if it is reasonably anticipated that an employee will come into contact with blood during his or her work duties, this standard applies, and the vaccination must be

offered within 10 days following employee training, regardless of an exposure event. Consequently, this citation was properly proven against Denaka. OSHA also cited Denaka for failing to ensure that each employee with occupational exposure participated in a training program, and for not providing the minimum required elements under the applicable safety standards for employees assigned to conduct cleanup operations after an incident involving blood or other potentially infectious materials. According to OSHA’s safety standards, such training must be provided at no cost to employees during work hours and the employer must ensure employee participation. The training must contain the text of the safety standard, an explanation of the employer’s control plan and where employees can obtain a written copy of same, an explanation of methods to recognize tasks that involve exposure, reporting requirements following an exposure

Please turn to page 16

OSHA also cited Denaka for failing to ensure that each employee with occupational exposure participated in a training program, and for not providing the minimum required elements under the applicable safety standards for employees assigned to conduct cleanup operations after an incident involving blood or other potentially infectious materials.

employees. On Dec. 18, 2020, an employee, S.H., was adjusting a blade depth on a specialized mill when he lost his balance and his shirt sleeve was caught, pulling his left arm in the mill, resulting in an amputation. S.H.’s arm and hand were lodged in the roll of product, which had to be cut away to remove them. As they awaited EMS services, Denaka employees, M.L. and P.R., retrieved trash bags while Denaka’s president, Richard Balka, retrieved bleach and they then used rags and bleach to clean up the accident area. They then disposed of the rags and their gloves, as well as S.H.’s torn clothing. Denaka had previously utilized a third-party, Capital Health, to train some employees on bloodborne pathogens, as well as CPR and first aid, and also

sent to OSHA during their investigation indicated that their first responders, included Mr. Balka and M.L. and Denaka did not have a written program for bloodborne pathogens, which was further confirmed by Mr. Balka in his testimony. However, Denaka following a 2016 inspection had provided OSHA with a bloodborne pathogens policy containing portions of a National Safety Council workbook as proof of abatement.

Following an investigation by OSHA as to the 2020 accident, multiple citations were issued to Denaka but for the purposes of this article, the citation items pertaining to the Hepatitis B Vaccination and Improper Training are discussed.

Under the relevant OSHA standard, employers are to offer the Hepatitis B vaccine to



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NYC DEP Delays Last Phase of Repairs To Delaware Aqueduct to October 2024

NEW YORK—The New York City Department of Environmental Protection announced late last month a schedule change for planned work on the Delaware Aqueduct, the world's longest tunnel, with the major work completing the project delayed one year. The project is now scheduled to begin October 2024.

The project, which calls for shutting down a portion of the aqueduct in order to attach a bypass tunnel under the Hudson River, was scheduled to begin in October of this year and last up to eight months. The shift in schedule was necessary to allow for additional pumps, as well as related drainage infrastructure and electrical support, to be installed to keep the construction zone dry and ensure worker safety during this complex repair of decades-old leaks.

"This is the largest-ever capital repair project in the history of the city's water supply and



Tunnel Boring Machine used for work on the Delaware Aqueduct.

worker safety is paramount for DEP," said DEP Commissioner Rohit T. Aggarwala. "This schedule change is being done to ensure that the men and women working 700-feet underground will be safe as they help us protect New York City's high-quality drinking water for generations to come. This schedule change will in no way impact the safety or supply of New York City's

drinking water."

DEP officials stated the agency has been working closely with Hudson Valley municipalities that rely on the Delaware Aqueduct for their water supplies to activate backup plans during the temporary shutdown as well as working with the U.S. Geological Survey to continually monitor groundwater levels in communities where the Delaware

Aqueduct leaks are located.

In March, the aqueduct was temporarily shut down and partially drained for two weeks as part of a planned test—the first such shutdown and draining of the aqueduct in 70 years. Data collected during that shutdown showed that groundwater was infiltrating the aqueduct faster than originally projected when the tunnel was not at full capacity. To account for this additional infiltration, and out of an abundance of caution for the safety workers, DEP will be securing and installing additional equipment which will push back the start of the full shutdown by one year.

While operations of the water supply system as a whole have been adjusted in anticipation of an eight-month shutdown this October, DEP will now resume normal operations, including routine downstream releases from reservoirs.

In 2010, New York City announced a \$1-billion plan to repair the aqueduct by connecting a 2.5-mile-long bypass tunnel around known leaks discovered in the 1990s—one in the town of Newburgh, the other in the Ulster County town of Wawarsing. The new bypass, being connected 700 feet beneath the Hudson River, is the first tunnel built under the Hudson River since 1957, when the south tube of the Lincoln Tunnel was completed.

Since 1992, DEP has continuously tested and monitored the leaks, which can release upwards of 35 million gallons per day. Nearly all of the water escaping the leaks happens near the Hudson River in Newburgh.

The 85-mile-long Delaware Aqueduct delivers about half of New York City's water supply—typically about 600 million gallons a day—using only gravity to carry the water from four Catskill Mountain region reservoirs. The complimentary Catskill Aqueduct provides water to the city from two reservoirs in the eastern Catskills which will be more heavily relied upon during the Delaware Aqueduct shutdowns.

The Delaware Aqueduct was put into service in 1944 when New York City Mayor Fiorello H. La Guardia opened a set of emergency gates to channel the Rondout Creek directly into the new aqueduct.

Safety Watch

Continued from page 15 event, vaccine information, and procedures for responding to an exposure incident, including what types of PPE to use and where to find them, etc.

The exposure plan in fact must contain 14 enumerated minimum requirements and training must be offered at least annually. Although Denaka had offered some training, the court found it to be inadequate, and not compliant with the standard, which required an explanation of its exposure control plan and a written control plan that was facility and company specific. Denaka had been previously cited for a violation of the same standard following a 2016 accident, and the court had previously found that the "Mr. Balka knew a bloodborne pathogen policy and training were needed but did not ensure the policy and training were developed and implemented." Although training was subsequently undertaken, it was still deficient, and this item of the Citation was also proven against the company.

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



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Financial Management

New Ideas, Innovation Pushing Construction Ahead

By PHILLIP ROSS, CPA, CGMA, PARTNER

What's new in construction as the pandemic lies behind us? While construction has been through its share of suffering in a series of disruptive challenges that began in the pandemic, looking forward, we have begun adapting and finding better and more resilient ways to work. Diamonds are formed under pressure, and we endeavor to forge ahead through additional uncertainty in one of the most foundational sectors within the local and national economy.

Largely, since the pandemic, we have seen disruption at scale. Additional unexpected inflation and rising interest rates also posed new challenges as the Federal Reserve embarked on a program introducing rapid interest rate hikes that had no small impact on financing



of labor shortages and rising materials costs has resulted in new ideas and innovation in the construction process. For example, managing data that is better able to inform decisions has taken a prominent role now within the construction industry.

Technology and new col-

laboration tools can increase efficiency by connecting the right people to the right data and information for quicker and more informed decision making that has a significant contribution to overall project efficiency. The ability to connect real-time 3D data with photos, recorded measurements and notes from the field increases the ability for managers to move quickly through each step of the construction process. Over time, Artificial Intelligence (AI) can be applied to data being gathered that will better inform the future of construction planning. AI systems in construction work by aggregating data, and then analyzing the information for correlations and recognizing patterns can be used to make better decisions about managing future projects best. As more data is generated over time, the Algorithms are able to increase their predictive capabilities for optimizing efficiency. The abil-

New Projects and Issues on the Horizon

In the midst of the uncertainty, we await the start and completion of new projects on the horizon. This includes new developments in life sciences construction, healthcare, education, infrastructure in the Northeast region, airports and new skyscrapers. At the same time, there are questions concerning the future of the office and what impact this will have on office buildings. With remote/hybrid work here to stay, there are questions concerning how many people will be going into the office on a daily basis and how much office space is really needed. Every week, we are hearing about companies renewing their leases or moving and taking significantly less space for their real estate needs.

Based on this, building owners are considering how this is going to affect their office buildings, rent and cash flow—both now and in the future. They are

The outlook remains uncertain, including questions about the prospect of a slowing economy. It's also true that financial sector uncertainty in the US and decisions regarding the debt ceiling now loom large on the minds of most decision makers.

also contemplating that if the office market does not recover, what are their best choices for other adaptive uses? A, B and C buildings may each have different options as well as cost considerations for adapting their buildings. There has been much debate as to the best and most efficient alternative uses. Based on current zoning laws, there are limitations on the uses of these buildings and also the impact of the cost of conversion.

Overall, while economic stability is in question, the built environment has been strengthened throughout adversity. The impact includes greater efficiency, better hiring, more thoughtfulness about building with sustainability as

well as new fresh projects in the pipeline. Currently, we have 250,000 building professionals across the State of New York working on approximately 5,700 projects valued at \$221 billion. Construction activity is a key to economic progress, and the industry has determined to stay on course, remain patient and diligently work through one of the most unprecedented times in the history of our nation.

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.

Technology and new collaboration tools can increase efficiency by connecting the right people to the right data and information for quicker and more informed decision-making that has a significant contribution to overall project efficiency.

across the built world. This affected every aspect of the real estate cycle, including construction contractors and subcontractors. The outlook remains uncertain, including questions about the prospect of a slowing economy. It's also true that financial sector uncertainty in the US and decisions regarding the debt ceiling now loom large on the minds of most decision makers.

As a result of the pressures, construction companies have by necessity learned to become more adaptable in times of crisis. New efficiencies and solutions have risen to the top as a result. New ways of thinking and new ways of doing things have been born out of pressures that were leveraged in the form of labor shortages, supply chain issues and rising materials costs.

By rising to the challenge, we are witnessing a new form of resiliency in the industry. For one, the added pressure

laboration tools can increase efficiency by connecting the right people to the right data and information for quicker and more informed decision making that has a significant contribution to overall project efficiency. The ability to connect real-time 3D data with photos, recorded measurements and notes from the field increases the ability for managers to move quickly through each step of the construction process. Over time, Artificial Intelligence (AI) can be applied to data being gathered that will better inform the future of construction planning. AI systems in construction work by aggregating data, and then analyzing the information for correlations and recognizing patterns can be used to make better decisions about managing future projects best. As more data is generated over time, the Algorithms are able to increase their predictive capabilities for optimizing efficiency. The abil-

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Widespread H.V. Storm Damage Likely to Cost Billions to Repair

Continued from page 1

as the damage assessment process continues.

Additionally, Gov. Hochul said she is requesting federal support for homeowners in Ontario and Orange counties, as well as an expedited damage assessment process. New York will also be engaging with the U.S. Small Business Administration to pursue low-interest recovery loans for impacted private businesses in the coming weeks.

Flooding from the storm caused numerous closures of state and local roads, as well as disruption of Metro-North commuter rail service due to damaged rail lines, particularly on the Hudson Line. In addition to Orange County, sections of Rockland, Putnam and Westchester counties also experienced significant storm damage.

MTA Metro-North Railroad announced the return of full Hudson Line service Thursday, July 13, following clean up from severe storm dam-

age. Metro-North was able to restore nearly full service on the line with a few cancelled trains due to continued work on the tracks.

"The damage to the Hudson Line and Wassaic Branch caused by Sunday's storm resembled the aftermath of Hurricane Ida, so to be able to get service back in three days is remarkable," said Metro-North Railroad President and LIRR Interim President Catherine Rinaldi. "Metro-North crews literally worked around-the-clock to get us here. I want to thank the riders that were impacted most by the storm for their patience, and of course to the Metro-North family for stepping up once again."

After the first weekend of heavy rain, Gov. Kathy Hochul, Orange County Executive Neuhaus and other state, county and local officials chronicled the road, bridge and sewer infrastructure damage and power outages in the area from the storm that claimed the life of one Orange

County resident. First responders rescued people from flooded homes, and from cars stranded on flooded roadways throughout the region. Mr. Mr. Neuhaus and Gov. Hocu, who both declared a State of Emergency for Orange County, said the state would be looking for financial assistance from the federal government to help pay for and expedite repairs. Putnam County Executive Kevin Byrne declared a state of emergency in Putnam County due to the storm damage there.

Rockland County, however, was spared the havoc experienced in other Hudson Valley counties.

"We were very fortunate that the storm tracked to the north, and that the damage in Rockland was mostly shoulder work caused by torrents of runoff," said Superintendent of Highways Charles "Skip" Vezzetti in Rockland County. "There's just so much you can do and then it becomes overwhelming," he explained from past experiences and costly recoveries.

Among the major public assets in the Hudson Valley still crippled by the storms included equipment such as loads, trucks and excavators that were damaged by flooding. At press time, the Palisades Interstate Park Commission was still assessing the full extent of equipment damage from the flooding which shut down the Bear Mountain Traffic Circle.

Locally, Town of Yorktown Supervisor Tom Diana declared a state of emergency on July 10 in response to significant storm damage that included a sinkhole behind Town Hall, compromised culverts, boulders moved into roads, washed out roads and flooding.

"As the water recedes, I'm sure we're going to find more damage," Supervisor Diana said. "There are roads washed out all over the place, so we advise everyone to use caution when they drive. Do not drive into standing water because you don't know how deep it might be."

Responding to initial storm damage, Gov. Hochul explained the first step is assessment. "Assess the damage, assess the monetary value of the damage so we can put in our request for FEMA assistance to help the communities have the resources they need to rebuild we'll be putting in all those requests, working with our local partners to make sure we have an accurate assessment of the cost and the damage done."

She later noted that in the past nine months, New York State has seen a storm that caused more snow fall in a 24-hour period in the history of the state and a few weeks ago Canadian wildfires brought some of the most unhealthy air that state has seen in a generation.

The storm on Sunday and Monday, July 9-10, was categorized as a 1,000-year event that resulted in only the second time ever, the National Weather Service issued a flash flood emergency in the state. The last time was Hurricane Ida.

As of July 18, state and municipal governments have made great strides since the initial storms in opening impacted roads, but weather forecasts call for more rain in July, which could add to the damage and possibly impact roads and bridges that were re-opened days earlier.

State officials credited Department of Transportation highway maintenance crews and contractor forces, damage assessment and bridge inspection teams who have worked tirelessly to safely reopen state roads across Central New York, the North Country, Long Island and the Hudson Valley Regions.

On July 16, state officials announced the following roads/bridges had been reopened in the Hudson Valley region:

- U.S. Route 6/202 (Bear Mountain Bridge Road) is open in both directions between State Route 9D and U.S. Route 9 in the Town of Cortlandt, Westchester County
- U.S. Route 9W is open in both directions with reduced lanes in the areas between Cornwall and the Stony Lonesome Gate entrance to West Point/Mountain Ave. This encompasses 4.8 miles of roadway including the major entrance into West Point from the north, restoring the main commuter route.
- State Route 32 at Trout Brook Road, Town of Woodbury, Orange County is open with one lane of alternating traffic via a temporary signal.
- U.S. Route 9W is open in both directions south of the Bear Mountain Bridge through Rockland County. The vital connection from Route 9W to Bear Mountain Circle, over the Bear Mountain Bridge to Route 6 (Goat Trail) has been re-established.
- The New York State Bridge Authority has reopened the Bear Mountain Bridge to all traffic.



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West Point Under Siege

The US Military Academy at West Point on the Hudson River in Orange County suffered devastating flooding, which also pummeled surrounding communities where flash flooding left cars stranded, homes in residential areas submerged and sections of roadways destroyed.



Highland Falls, NY, in Orange County became the epicenter of the flooding disaster with eight inches of rain falling in hours.



Deadline for Resiliency Grants Extended by NYS to Aug. 11

ALBANY--Communities statewide that face aftermath recovery from the severe weather emergencies this month have more time to apply for certain resiliency-related state grants. The new Aug. 11 deadlines provide communities impacted by storm damage additional time to apply for resources to help improve water quality, strengthen flood resiliency, and mitigate climate change.

"Extending the deadline will give flood-stricken communities time to finish their applications for projects that will protect public health, prepare for future severe weather events, and create jobs that boost local economies," said Gov. Kathy Hochul. The deadline for the following grant programs was July 28.

- Water Infrastructure Improvement (WIIA) and Intermunicipal Grants (IMG): \$425 million is available to fund critical wastewater and drinking water infrastructure projects. This amount is made available through a combination of existing state resources and the voter-approved Clean Water, Clean Air and Green Jobs Environmental Bond Act.

- In addition, certain resiliency-related programs available through the governor's Consolidated Funding Application are also extended:

- Water Quality Improvement Projects

(WQIP): \$75 million is available to fund projects that directly improve water quality or aquatic habitat, promote flood risk reduction, restoration, and enhanced flood and climate resiliency or protect a drinking water source.

- Green Innovation Grant Program (GIGP): \$15 million is available for projects that utilize green stormwater infrastructure design and green technologies.

- Engineering Planning Grants (EPG): \$3 million is available to help fund engineering reports for wastewater projects.

- Non-Agricultural Nonpoint Source Planning and MS4 Mapping Grant: \$3 million is available to reimburse the cost of planning reports for nonpoint source water quality improvement projects and mapping of Municipal Separate Storm Sewer Systems (MS4s).

The online application and eligibility information for the WIIA and IMG programs are available at <https://efc.ny.gov/wiia>. WIIA and IMG applications are due no later than 5 p.m. on Friday, Aug. 11.

The CFA is available at <https://apps.cio.ny.gov/apps/cfa/>. Applications for WQIP, GIGP, EPG and non-agricultural non-point source and MS4 planning grants are due no later than 4 p.m. on Friday, Aug. 11.

Feds Commit \$6.88 Billion in Historic Funding For Long-Delayed Gateway Hudson River Tunnel Project

Continued from page 1

entire project is poised to have the federal funding it needs to undertake early work construction this year, and major construction in 2024. In addition, the States of New York and New Jersey, and the Port Authority of New York and New Jersey have committed to fully funding the local share of the project. The overall Gateway Program project cost has been pegged at approximately \$17.18 billion.

In addition to the Hudson River Tunnel project, U.S. DOT has provided support for the Gateway program including through a CIG grant agreement for Portal North Bridge, a Mega grant for the Hudson Yard Concrete Casing, which will provide the opening of the new Hudson River tunnel on

the New York side, and most recently a \$25-million RAISE grant for Tonnelle Avenue, which will provide the opening of the tunnel on the New Jersey side. The Hudson River Tunnel project is also under consideration for Federal Railroad Administration grant funds.

The next phase of the CIG Program process is negotiating and reaching a Full Funding Grant Agreement between the FTA and GDC, which is expected in 2024. GDC applied to enter the critical Engineering phase in October 2022 and worked in partnership with the FTA on a risk assessment and an updated financial plan for the project.

"The Gateway Program is an essential economic engine for New York and the nation,

and the Hudson Tunnel Project moving into the Engineering Phase of the FTA's Capital Investment Grants program is a great achievement," said New York Gov. Kathy Hochul.

U.S. Sen. Charles Schumer at a press event staged at a site overlooking the west side rail yard where portions of the Gateway Tunnel construction will take place, said the \$6.88 billion in funding marks the largest federal transportation grant ever, and the largest single transportation grant ever to New York State.

"For a long time now, the Gateway project has been my passion. It's a labor of love. And after many false starts and obstacles placed in our way, Gateway is full speed ahead with \$6.88 billion ready to go and

be used for critical work and construction," Sen. Schumer. "Gateway's future is assured and the most important public works project in America is all systems go."

Alicia Glen, New York Commissioner and GDC Co-Chair said, "Entering into Engineering is the biggest step yet in making the entire Hudson Tunnel Project a reality. Between this action and the clear commitment from our federal partners for additional funding, we will have the resources needed to meet our commitment to the region and nation to build a new rail link between New York, New Jersey, and the entire Northeast Corridor."

Early work is expected to begin later this year on both the Tonnelle Avenue Bridge

and Utility Relocation Project in New Jersey and the Hudson Yards Concrete Casing - Section 3 in New York. GDC recently announced the launch of procurements for two major components of the project, and GDC shortlisted potential Project Delivery Partners.

In late June, a \$25-million (USDOT) RAISE Grant to fund the Tonnelle Avenue Bridge and Utility Relocation portion of the project was announced.

Earlier, \$700 million from the President's Proposed Fiscal Year 2024 Budget and the Capital Investments Grants Program was earmarked for the project and President Biden announced a \$292-million grant to fund the Hudson Yards Concrete Casing - Section 3 project.

Regional Bid Alert

NYSDOT - Region 8

Bid Letting Date: July 27, 2023

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

Contract# D265026
PIN# 814168
FA Proj.# YS30-8141-683

Project Description: Ulster Co., safety - signal installation - US Route 44/State Route 55 and Bruynswick Rd, Town of Gardiner.

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

Goals: DBE: 6.00%

NYSDOT - Region 9

Bid Letting Date: Aug. 10, 2023

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

Contract# D265062
PIN# 950123
FA Proj.# Y001-9501-233

Project Description: Broome Co., pedestrian bridge removal - over I-81, Town of Dickinson.

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

Goals: DBE: 2.00%

NYSDOT - Region 10

Bid Letting Date: July 27, 2023

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

Contract# D265064
PIN# 051662
FA Proj.# Y001-0516-623

Project Description: Nassau Co., asphalt resurfacing - Northern State Parkway from Meadowbrook State Parkway to Wantagh State Parkway, Town of North Hempstead and Village of Westbury.

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

Goals: DBE: 10.00%

Westchester County DPW

Bid Due Date: July 26, 2023

Contract: 22-513

Title: Resurfacing and related improvements to Pines Bridge Road, C.R. #1323, from Brookside Lane to New Castle/Yorktown line, a distance of 2.86 miles, Town of New Castle, NY.

Description: The work under this contract consists of providing all labor, material and equipment required for the milling and resurfacing of 2.86 miles of Pines Bridge Road. Additional work such as guide rail, swale resurfacing, drainage adjustments and repairs, installation of a basin and pipe, and new pavement markings are included.

Bid Estimate Range: \$1.4 million to \$1.7 million

Pre-Bid Inspection: None Scheduled.

Contact: Anthony Ventarola, 914-995-2565.

New York State Thruway Authority

Bid Due Date: August 2, 2023

Contract: TAA 23-21B/D214929

Description: Replacement of the Cauterskill Road Bridge at MP 112.57 in Greene County in accordance with the Plans and Specifications.

Goals: MBE - 6% WBE - 6% SDVOB - 2%

Bid Deposit: \$375,000.00

New York State Dormitory Authority

Bid Due Date: Aug. 15, 2023

Title: City University of New York, Bronx Community College, Small Business Concerns and Minority Business Concerns Only, Plaza & Façade Rehabilitation and Related Asbestos Abatement at New Hall

Contract: CR37 General Construction

Project# 3428309999999

Sealed bids for the above work located at Bronx Community College, 2155 University Avenue, Bronx, New York 10453 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.

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

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

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

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

Only those bids in the hands of DASNY, from Small Business Concerns or Minority Business Concerns as defined under the Small Business Concerns Set Aside Program, in accordance with Section 1699-m of the Public Authorities Law of the State of New York, available to be read at 2:00 PM local time on August 15, 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: Samir Rimawi, Project Manager, Bronx Community College, 2155 University Avenue, Bronx, New York 10453, 718-933-9535, srimawi@dasny.org, (the Owner's Representative) and DASNY at ccontracts@dasny.org. Contacts made to other DASNY personnel regarding this procurement may disqualify the prospective bidder and affect future procurements with governmental entities in the State of New York. For more information pursuant to this law, refer to DASNY's website; <http://www.dasny.org> or the OGS website; <http://www.ogs.state.ny.us>.

A Pre-Bid Meeting was scheduled on Thursday, July 6, 2023, at 10:00 AM at Bronx Community College, DASNY Field Office, 2155 University Avenue, Bronx, New York 10453. Contact Samir Rimawi at 917-295-5291. All prospective bidders are strongly encouraged to attend.

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

bid price prior to submittal of the bid.

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

To view the Contract Documents online, click the following link: www.camelotplanroom.com or type it into your web browser. Then click on the Public Jobs link on the left side of the page. If you would like to purchase the Contract Documents and become a registered planholder click the link "Register for an account" and follow the steps to create a free account (if you have not previously set one up). Once you have a Login and Password, log in to the planroom. To order a DIGITAL DOWNLOAD of the Contract Documents and be placed on the bidder's list, add the Contract Document(s) to your cart and proceed to the checkout. All major credit cards are accepted online. A purchase of a digital download is required to become a registered planholder. Printed sets of the Contract Documents are also available to planholders for an additional cost and may be ordered through the online planroom or by mailing a check. The purchase of the digital downloads and printed sets are non-refundable and non-returnable. Please contact Camelot's Bid Department at (518) 435-9696 or email them at camelotbids@team-camelot.com for more information.

Bid Due Date: Sept. 6, 2023

Title: City University of New York, Bronx Community College, Bronx Express Facilities and HAZMAT Abatement Rebid

Contract: CR17 General Construction

Project# 3472609999

Sealed bids for the above work located at Bronx Community College, 161 West 180th Street, Bronx, New York 10453 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 - DARIA KHANAFIEV." DASNY will not be responsible for receipt of bids which do not comply with these instructions.

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

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

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

All bid openings will be made available for viewing live via Zoom at www.zoom.us. To enter the meeting, select "Join a Meeting" then enter Meeting Id 353 471 6521, Password 351895. Individuals are strongly

encouraged to utilize this public viewing option as an alternative to in person attendance at bid openings.

Only those bids in the hands of DASNY, available to be read at 2:00 PM local time on September 6, 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: Samir Rimawi, Project Manager, 2155 University Avenue, Bronx, New York 10453, 917-295-5291, srimawi@dasny.org (the Owner's Representative) and DASNY at ccontracts@dasny.org. Contacts made to other DASNY personnel regarding this procurement may disqualify the prospective bidder and affect future procurements with governmental entities in the State of New York. For more information pursuant to this law, refer to DASNY's website; <http://www.dasny.org> or the OGS website; <http://www.ogs.state.ny.us>.

A Pre-Bid Meeting will be held on Tuesday, August 1, 2023, at 10:00 AM at Bronx Community College, DASNY Field Office, 2155 University Avenue, Bronx, New York 10453. Contact Samir Rimawi at 917-295-5291. Contractors must submit their company name and contact information to Samir Rimawi at srimawi@dasny.org to sign up for the pre-bid meeting. Failure to do so may prevent the contractor from gaining access.

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.

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New York City DEP

Bid Due Date: July 28, 2023

Contract: CSO-FC-FB, 82623WP01583

Title: Flushing Creek CSO Floatables Control System

E-PIN: 82623B0081

Estimate Range From: \$ 11,475,000.00 to \$ 15,525,000.00

Bid Due Date: Aug. 2, 2023

Contract, PS-324, 82623WP01564

Title: Reconstruction of Canal St. Pump Station, Manhattan

E-PIN: 82623B0040

PLA

Estimate Range From: \$ 19,329,011.90 to \$ 26,151,016.10

Bid Due Date: Aug. 24, 2023

Contract: KENS-EAST-2, 82623W000187

Title: Kensico Site Preparation

E-PIN: 82623B0041

PLA

Estimate Range From: \$ 70,975,000.00 to \$ 96,025,000.00

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

WHAT'S NEW & WHO'S NEWS

Trottenberg Appointed Acting FAA Administrator

WASHINGTON – President Joe Biden has designated Polly Trottenberg to serve as Acting FAA Administrator. The President intends to appoint Katie Thomson, the FAA's current chief of staff, as the deputy administrator. Keith Washington, currently DOT Deputy Assistant Secretary for Administration, will serve as the agency's acting chief of staff., USDOT announced on June 8.

USDOT also announced current Deputy FAA Administrator A. Bradley Mims is moving to the Office of the Secretary and will lead the Office of Small and Disadvantaged Business

Utilization at DOT. Tyra Redus will be the office's permanent deputy director.

"I am pleased to announce a team of experienced leaders to guide the FAA," said U.S. Transportation Secretary Pete Buttigieg. "I am grateful to Billy for his service during one of the most challenging and dynamic times in aviation, and I have full confidence in Polly's steady hand during the search for a permanent administrator."

Ms. Trottenberg has more than 30 years of public service at all levels of government. She has served various transportation roles during two presiden-

tial administrations, including U.S. Transportation Deputy Secretary, Under Secretary for Policy and Assistant Secretary for Transportation Policy. Prior to her current role as DOT Deputy Secretary, she led the New York City Transportation Department from 2014 to 2020 and also served as a legislative staffer in the U.S. Senate for 12 years and at the Port Authority of New York and New Jersey. Ms. Trottenberg's designation was effective immediately.

Ms. Thomson has served various roles at the FAA during two presidential administrations, including chief counsel



Polly Trottenberg
Acting FAA Administrator and chief of staff. She has nearly a decade of experience at the Transportation Department as senior counselor to the

secretary, general counsel and the director of the Bipartisan Infrastructure Law.

Mr. Mims has a 40-year background in transportation in multiple roles within the government, as well as the private sector. Previously, Mims served as President and CEO of the Conference of Minority Transportation Officials (COMTO), the nation's leading advocacy organization for minority professionals and businesses in the transportation and infrastructure industry. During the Clinton Administration, Mims served at the FAA and the Department of Transportation.

Ewald To Lead Orange County Parks



From left, Orange County Executive Steven Neuhaus and Travis Ewald, Orange County Commissioner of Parks, Recreation and Conservation

GOSHEN, NY—Earlier this month, Orange County Executive Steven M. Neuhaus named Travis Ewald as the county's Commissioner of Parks, Recreation and Conservation.

Mr. Ewald, who previously served as Deputy Commissioner in the county's Department of Public Works, begins his new position on September 1st. He will replace Jim Brooks, who is retiring later this summer. Mr. Brooks served as Parks Commissioner for more than five years. The county's Parks, Recreation, and Conservation Department manages and maintains more than 3,400 scenic

acres of parkland.

"Travis has been an asset to the county's DPW, and I know that he will be successful in his new role," Orange County Executive Neuhaus said. "Travis is hard-working, has a great vision, and is easy to work with. He is very enthusiastic about his new role, and I know that Travis will enhance our already outstanding Parks Department."

Mr. Neuhaus also thanked Brooks for his service to the county. "Jim was eager to tackle a variety of important projects, including the extension of the Heritage Trail, and was always able to

get them completed. He was a wonderful team player and served the taxpayers of Orange County well. I wish Jim and his family all the best in his retirement."

Mr. Ewald was hired as the county's Deputy DPW Commissioner in 2015, managing the Department of Public Works Division of Engineering along with Orange County's highways and bridges. A Town of Crawford resident, he has been involved with many Orange County Parks construction projects, including the Heritage Trail expansion through the Village of Harriman and the City of Middletown.

Putnam County Reorganizes Highway & Facilities Dept.

CARMEL—Putnam County Executive Kevin Byrne announced on July 6 he had recently signed into law the reorganization of the Putnam County Highway and Facilities Department into the Putnam County Department of Public Works.

The name change and rebranding is a move to better reflect the diverse scope of work and capabilities of the department and its employees, county officials stated. This change was highlighted in March of this year as a priority in County Executive Byrne's 2023 State of the County.

The newly named Department of Public Works will encompass the existing divisions of Highways, Facilities, Engineering, and Parks. This reorganization reflects the comprehensive range of services provided by the dedicated employees of the department, including infrastructure maintenance, road construc-



Putnam County Executive Kevin Byrne signs the departmental reorganization legislation into law.

tion, building management, engineering projects and park maintenance. By adopting the DPW name, the county aims to highlight the diverse skill set and significant contributions of its employees.

This recent change follows a series of other changes introduced by the Byrne Administration that updated various job classifications to more accurately reflect the jobs, skills and trainings the DPW employees were already providing. The changes were

welcomed by public employees, giving additional recognition and compensation that was long overdue, and came at a savings as it was implemented over a period that relies on vacant positions which were unfilled via attrition, according to an announcement by the Byrne Administration.

County Executive Byrne expressed his confidence in the capabilities of the department and its ability to continue delivering exceptional services to the residents of Putnam County. "Our public employees in the Department of Public Works consistently demonstrate their expertise and dedication in carrying out their responsibilities. This reorganization is a testament to their hard work and commitment to maintaining our county's infrastructure. By adopting the DPW name, we celebrate their versatility and acknowledge the vital role they play in enhancing the quality of life for our residents and county

employees."

"This change accurately reflects the diverse range of services provided by our county employees and highlights their expertise and dedication," said Putnam County Legislator Bill Gouldman, Chair of the Physical Services Committee. "The Department of Public Works plays a critical role in maintaining our infrastructure and ensuring the safety and quality of life for our residents. I commend County Executive Byrne for prioritizing this important reorganization and look forward to seeing the continued success of the Department under its new name."

As part of the new branding, the county website has been updated with a number of new features that increase transparency and awareness for residents. This includes updates for, and descriptions of upcoming and ongoing projects DPW is involved in that can be viewed at putnamcountyny.com/public-works/projects.

The reorganization and re-

branding of the department will not affect its ongoing operations or the services provided to the community. The transition to the Department of Public Works has been implemented smoothly, ensuring continuity and efficiency in delivering essential services to Putnam County.

During his address in March of this year, County Executive Byrne emphasized the need for a name change, stating, "The very name Highway & Facilities does not accurately communicate all the incredible work our county employees do in this department. As it presently stands, this department already has multiple divisions to include Highways, Facilities, Engineering, and Parks. Our public employees in this department are capable of, and already do, so much more than maintain our roads and county buildings, and they deserve a brand that shows that.

St. Thomas Aquinas College Appoints New Board Chair, Elects Three Trustees

SPARKILL, NY—St. Thomas Aquinas College announced on July 5th the appointment of Dominic D'Adamo as Chair of the Board of Trustees, and new Vice Chairs Dr. Jack Kopnisky, Executive Chairman of Webster Financial Corporation, and Irene Pappas, President of BNY Mellon Retail Services and President of BNY Mellon

Transfer Agency Inc., as well as the addition of three new Trustees elected to the Board of Trustees for a four-year term as of July 2023.

Mr. D'Adamo previously served as the Board's Vice Chair and is a retired Senior Financial Executive with broad-based experience in finance and accounting in the

Financial Services, Risk Management & Insurance Broking, Managed Care, and Life Insurance Industries. Dominic served as a First Lieutenant in the U.S. Army (Infantry), and during his tour in the Republic of South Korea was awarded the Imjin Scout Insignia for commendable participation in operational missions in

and along the Korean DMZ. He holds a Bachelor of Business Administration in Accounting and Master of Business Administration in Finance and Investments from Baruch College.

"We are thrilled to announce Dom as our new Chair, who will work closely with Vice Chairs Dr. Jack Kopnisky and

Irene Pappas, while welcoming three new members to our Board," said St. Thomas Aquinas College President Ken Daly. "They each bring innovative new perspectives and a tireless commitment to a transformative education so that our students will flourish and thrive – igniting their

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LOW BIDS

Callanan, Constar, Morano Bros., Annseal Land NYSDOT Work

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

Callanan Industries Inc. of Albany, NY was the lower of two bidders at \$3,434,943.50 for pavement resurfacing on NY Route 28, Hurley Mountain Road to Waughkonk Road in the towns of Kingston and Ulster in Ulster County.

Constar Inc. of Central Islip, NY was the lowest of eight bidders at \$18,218,395.00 for bridge work, namely maintenance, at various locations

in the boroughs of Bronx, Kings, New York, Queens and Richmond.

Morano Brothers Corp. of Croton-on-Hudson, NY was the lowest of four bidders at \$4,126,151.00 for highway resurfacing on Route 35/202 from Taconic State Parkway to Rt. 118 in the Town of Yorktown in Westchester.

Annseal Inc. of Johnson City, NY was the lower of two bidders at \$1,660,315.00 for region wide crack seal and mastic at various locations in Dutchess, Orange, Putnam, Rockland, Ulster and Westchester counties.

Laura Li Industries Wins Road Resurfacing Job

WHITE PLAINS, NY—The Westchester County Department of Public Works recently announced that **Laura Li Industries** of Purchase, NY was the lowest of six bidders at \$2,222,222.00 for roadway milling, resurfacing and additional improvements at various locations. These include Heathcote Bypass (C.R. #143) in the Village

of Scarsdale; Pearl Street (C.R. #43) in the Village of Port Chester; Pelham Shore Road (C.R. #65A) in the Village of Pelham Manor; Lake Street (C.R. #32B) in the City of White Plains; and Virginia Road (C.R. #35 & #51) in the towns of North Castle and Mount Pleasant, a total distance of 1.53 miles in Westchester.

St. Thomas Aquinas College Appoints New Board Chair, Elects Three Trustees

Continued from page 21

passions to make a profound difference in the world.”

The new trustees include: Natasha Deschene of National Grid, James (Jim) McCue formerly of Citibank, and William (Bill) Madden '81 of Veolia North America.

The Board of Trustees also announced that Mrs. Virginia Ripp '73 will continue to hold

the position of Secretary and welcomed back Dr. James Mooney, former Chairman of Virgin Media Inc. after a planned one-year leave. The Board of Trustees is also thankful for the service of its former Trustees who are leaving as of July 2023: Chair Peter Skae, Sr. Mary Murray, O.P., and Sr. Peggy Scarano, O.P. '70. Chair Skae recently announced

the donation of the “Eye to the Sky” SKAE Astronomy Center on campus, which will include a state-of-the-art Telescope Observatory, as well as a classroom for astronomy and astrophysics programming. President Daly noted: “We are so grateful to Chair Skae for his dedicated leadership of the College and his incredible generosity and stewardship.”

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