

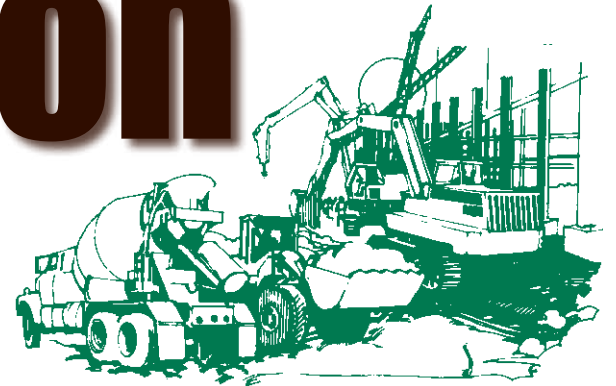
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Construction NEWS



Vol. 39 No. 8

AUGUST 2023

\$1.50

Municipalities Face Numerous Hurdles To Access Environmental Bond Funds



By JOHN JORDAN

WHITE PLAINS—Despite the historic funding levels made available through the \$4.2-billion environmental bond act that voters approved last November, the construction and environmental groups that overwhelmingly supported the referendum are eagerly awaiting the funding spigots to open so that the many-needed water, sewer and other green-related infrastructure projects in the region can move forward.

At a public hearing this month, one construction industry leader urged New York State to streamline the procurement process to make it easier for all municipalities—both large and small—to apply for funding. He said more engineering and planning resources are needed to design and deliver projects to rehabilitate or replace outdated dams, sewage treatment plants, drinking water facilities and more.

“The construction industry and its

partners in organized labor and the conservation community are excited for the opportunity to be part of the great green investment this bond act will make across New York State,” said John Cooney, Jr., executive director of the Construction Industry Council of Westchester & Hudson Valley, Inc. “Our largest concern regarding this great opportunity is in the mechanics of how government agencies and local municipalities will access public monies to build out the many projects the funding can be used for. We need to keep the process simple and attainable.”

The landmark Clean Water, Clean Air and Green Jobs Environmental Bond Act is the largest environmental bond in state history. The bond act prioritizes investments in environmental justice, climate change mitigation, shoreline restoration, flood resilience, water quality, open space land conservation, recreational resources and green jobs.

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Infrastructure Investment

The Third Street Sewer Project in the City of Mount Vernon, which began construction earlier this year, is a \$150-million partnership with the municipality, Westchester County and New York State.

State’s Diversifying Construction Workforce To Surpass Pre-Pandemic Levels Soon: Report

By JOHN JORDAN

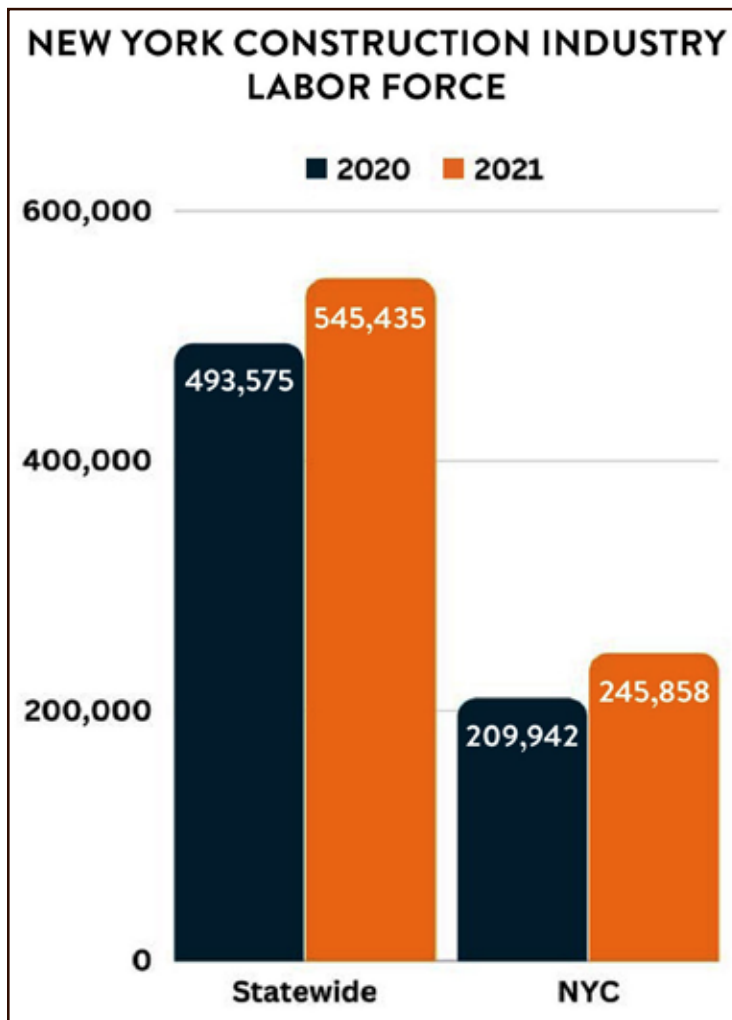
NEW YORK—A recently released report by the New York Building Congress paints a very positive outlook for the state’s construction sector as the industry becomes markedly more diverse and is expected to surpass workforce levels last seen before the COVID-19 pandemic.

New York State’s construction workforce increased by 11% in 2021 compared to the previous year, and by 17% in New York City, according to The Building Congress’ latest ‘Construction Outlook Update—Workforce Snapshot,’ released on Aug. 9

Despite being one of the hard-

est-hit industries by COVID-19 stop work orders, construction is the state’s seventh-highest employing industry, the report noted. The construction labor force grew sharply in New York State and New York City during 2021 after the shutdowns of COVID in 2020. In 2021 more than 545,000 workers were employed in the industry statewide, just under 246,000 (or about 45%) of whom worked in New York City. This reflects a 10.5% increase from roughly 493,000 workers statewide in 2020, with 17% growth in New York City, up from 209,942.

Based on analysis of more recent data by The Building Congress, the statewide con-



struction labor force is expected to exceed levels reached prior to the onset of COVID-19.

“Though limited, BLS (Bureau of Labor Statistics) data on workers employed in the ‘Construction of Buildings, Specialty Trade Contractors and Building Equipment Contractors’ largely tracks in the same direction as American Community Survey data—allowing us to make a reasonable projection that, through May 2023, the construction workforce is estimated to

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Popolopen Bridge Along Route 9W Reopened Following Repairs From Severe Flood Damage

HIGHLANDS, NY—U.S. Route 9W in the Town of Highlands in Orange County has reopened following the devastating floods that struck the Hudson Valley on July 9-10.

Unprecedented rains caused a 20-foot-deep soil mass to wash down the southern slope, which supports the Popolopen Bridge. In less than four weeks, State Department of Transportation engineers expedited the design and construction of a new support system for this vital bridge, reopening the bridge and reconnecting U.S. Route 9W to the Bear Mountain Circle, allowing vital access between West Point and the Bear Mountain Bridge to Westchester and Putnam counties, Palisades Parkway to Rockland County, and U.S. Route 6 to western Orange County.

"Mother Nature wreaked havoc on New Yorkers earlier this month, but we are one step closer to recovering from the devastating rains and flooding that hit the Hudson Valley region," Gov. Kathy Hochul said. On Aug. 4 the state reopened the Popolopen Bridge, making travel easier between West Point and destinations to the south.

The extent of damage necessitated the removal of significant amounts of soil, and NYSDOT engineers coordinated a solution to install a new geosynthetic reinforced fill-type retaining wall system. The system is a type of reinforced soil wall that uses layers of materials, such as fabrics, grids, and meshes, to strengthen the soil and hold it in place. It can be used to support bridges, roads, slopes, and other structures that need a stable foundation. State and contract crews installed the system along the steep slope and re-established the roadway for travelers, NYSDOT officials stated.

U.S. Route 9W was one of many roads across New York that suffered significant damage from the severe weather that impacted the state earlier this month. From July 9 to July 10, more than eight inches of rain were reported in parts of the Mid-Hudson Region and more than five inches of rain in Ontario County, in the Finger Lakes Region. From July 10 to July 11, parts of the North Country saw several inches of rain in a short period of time, which caused devastating flooding, closing roadways, and damaging infrastructure across impacted regions.

Widespread Damage

In the aftermath of the storm,

hundreds of NYSDOT crews and private contractors worked around the clock to repair and reopen numerous roadways in the Hudson Valley. Damaged locations included:

- U.S. Route 9W between Cornwall and the Stony Lonesome Gate entrance to West Point/Mountain Ave. in Orange County;
- U.S. Route 6/202 (Bear Mountain Bridge Road) between State Route 9D and U.S. Route 9 in the Town of Cortlandt in Westchester County;
- State Route 32 at Trout Brook Road in the Town of Woodbury in Orange County;
- Palisades Parkway between exit 15 and Bear Mountain Bridge in the Town of Highlands in Rockland County;
- The Long Mountain Circle between U.S. Route 6 and the Palisades Interstate Parkway in Rockland;



In less than four weeks, NYSDOT engineers expedited the design and construction of a new support system for the Popolopen Bridge in Highlands, NY, which was damaged by the devastating floods that struck the Hudson Valley region on July 9-10.

- State Route 9A between Skyline Drive and Saw Mill River Parkway in the Town of Mount Pleasant in Westchester County;
- State Route 116 between Norton Road and Hunt Lane in the Town of North Salem in Westchester County;
- State Route 35 eastbound

west of Mark Mead Road in Cross River in Westchester County;

- Taconic State Parkway northbound, south of Exit 37A, in the Town of East Fishkill in Dutchess County;

- State Route 22 at Hurds Corners Road in the Town of Pawling in Dutchess County.

NYSDOT reported it will continue repairs to the damaged bridge in the coming weeks to include the removal of the exposed wingwall, slope remediation, drainage improvements and final roadway and sidewalk repairs. Independent of the storm damage, work continues on a renovation project to replace the support eyebars and pins on the Popolopen Bridge, with anticipated completion this construction season. Motorists are urged to use caution while traveling through this area.



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DOL Updates Prevailing Wage Laws Raising Workers' Pay on Federal Jobs

WASHINGTON—The U.S. Department of Labor announced on Aug. 8 it will be “Updating the Davis-Bacon and Related Acts Regulation,” which sets the prevailing wages contractors must pay workers on federal projects.

These changes include creating new efficiencies in the prevailing wage update system and making sure prevailing wage rates keep up with actual wages which, over time, would mean higher wages for workers. It returns to the definition of “prevailing wage,” used from 1935 to 1983, to ensure prevailing wages reflect actual wages paid to workers in the local community.

The DOL also said it will periodically update prevailing wage rates to address out-of-date wage determinations.

The announcement follows a Notice of Proposed Rulemaking on March 18, 2022, which received comments from construction industry and labor stakeholders that helped inform the regulatory updates. The DOL said the updates are the most comprehensive in decades.

“Modernizing the Davis-Bacon and Related Acts is key to making sure...that



The updates to the Davis-Bacon law, which will result in prevailing wage increases for construction workers on federal projects, were met with mixed reaction from industry and organized labor representatives.

workers get the fair wages and benefits they deserve on federally funded constructions projects across the nation,” said Acting Secretary of Labor Julie Su. “This updated rule will create pathways to the middle class for more families and help level the playing field for high-

road employers because companies who exploit their workers, or who don't pay workers fairly, should never have a competitive advantage.”

The final rule's regulatory changes are also intended to improve the department's ability to administer and enforce

DBRA labor standards more effectively and efficiently, the DOL stated as well as updating the regulatory language to better reflect modern construction practices. The rule takes effect 60 days after publication in the Federal Register.

Industry reaction to the announcement was split. While the changes are aimed at raising the hourly earnings of workers for prime contractors and subcontractors on projects that receive federal funding, for example through the Infrastructure Investment and Jobs Act and the CHIPS Act, construction groups argued the new changes will raise the cost of infrastructure projects for taxpayers.

Key changes include:

- Creating new efficiencies in the prevailing wage update system and making sure prevailing wage rates keep up with actual wages which, over time, would mean higher wages for workers.

- Returning to the definition of “prevailing wage” used from 1935 to 1983 to ensure prevailing wages reflect actual wages paid to workers in the

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OBITUARY

Hugh G. 'Jerry' Keahon, Jr. Concrete Supply Executive, CIC Board Member

NEW WINDSOR, NY—Hugh G. “Jerry” Keahon, Jr., a fixture in the Hudson Valley concrete supply sector for more than five decades and a board member of the Construction Industry Council of Westchester & Hudson Valley, Inc., and related affiliated components during his long career, passed away on July 31 in New Windsor, NY. He was 83.

For most of his working life, Mr. Keahon was the president and operator of Keahon Brothers Concrete. Echoing the sentiment of his family, “Jerry had a reputation for honesty, integrity and fairness in business, and was respected by employees, contractors and coworkers alike,” said CIC Chairman George Pacchiana. His family stated that “Jerry enjoyed his career in the concrete industry where he made lifelong friends. He was always willing to share his knowledge and expertise when called upon.”

Ross J. Pepe, founding CIC president, said “Jerry Keahon's history with the CIC dates back to the early 1970s when he replaced his uncle as a board member of CIC affiliated trade group, The Contractors and Suppliers Association of Rockland County. With his quick wit, warm personality and sharp sense of the business, Jerry quickly emerged as an industry leader and invaluable resource to help guide the formation and growth of the CIC in 1978 to become New York State's most effective industry trade organization in the region.”

In 1987, as a principal of Keahon Brothers, Inc., Mr. Keahon was named president of the Hudson Valley Construction Suppliers Association, Inc., and a member company of the Concrete Producers Association of Hudson Valley, Inc. In 1988 he was named Treasurer of the Contractors Association of Rockland/Orange Counties, Inc.

In the mid 1990s, CIC consolidated numerous aligned organizations when Mr. Keahon was affiliated with Blue Circle (Raia) Materials, Inc. Mr. Keahon became a CIC Board member at that time and proudly served the industry until his passing in July. In 2001 he became affiliated with Cranesville Block Co., Inc., and by 2014 was af-



filiated with Eastern Concrete Materials, Inc.

Mr. Pepe added, “Jerry also used his business and personal skills to gather support for private institutions and charities in need of financial support to succeed and thrive through many difficult times in the economy. In particular, he was deeply committed to Dominican College (now University) where he spearheaded major capital campaign efforts. There are many in business and in the community who miss his friendly demeanor and insightful perspectives.”

The family noted Mr. Keahon was a voracious reader and loved to expand his mind with the writings of American and military history. A favorite subject was politics, and he never missed the opportunity to stir up a political debate no matter the subject or politician who was in his crosshairs that day. Borrowing a phrase from controversial journalist H.L. Menken, Mr. Keahon once said, “The problem with American politics is that we throw our bums into office.”

His family said, “He will be remembered as a loving husband, father, grandfather and friend, with a great sense of humor, and he had the ability to give everyone a nickname that perfectly captured the person. No matter the circumstance, you'd always leave with a story of something funny Jerry did while you were with him. Jerry's legacy will live on forever through the many stories he shared and the memories of those who had the opportunity to know him.”

The son of the late Hugh Keahon and Marion (Zeck) Keahon, Jerry was born Nov. 10, 1939 in Nyack, NY. He is survived by his son, Michael Keahon (wife Jennifer) of Newburgh, NY, and two grandchildren, Ryan and Katelyn Keahon. In addition to his parents, he was predeceased by his wife, Jean in 2022, his son, Shawn, in 2017, a sister, Jane Keahon Schunk, and his brother, Kevin.

A Mass of Christian Burial was held on Aug. 9 in Cornwall, NY in Orange County. Memorial contributions in his name may be made to Tunnel to Towers Foundation, 2361 Hylan Boulevard, Staten Island, NY 10306.

Regional Bid Alert

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NYS DOT - Region 9

Bid Letting Date: Aug. 24, 2023

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

Contract# D265070
PIN# 950125
FA Proj.# Y460-9501-253

Project Description: Broome Co., bridge rehabilitation, Route 1-81 Over Loughlin Road, Town of Kirkwood.

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

Goals: DBE: 6.00%

NYS DOT - Region 10

Bid Letting Date: Aug. 24, 2023

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

Contract# D265059
PIN# 005932
FA Proj.# Y001-0059-323

Project Description: Suffolk Co., highway concrete pavement repairs—NYS Rt 27 from Rte. 112 to County Rte. 101, Towns of Islip, Smithtown and Brookhaven.

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

Goals: DBE: 10.00%

Westchester County DPW

Bid Due Date: Aug. 23, 2023

Contract: 21-517 (\$100.)

Title: Catwalk Support Rehabilitation and Slope Stabilization, Water Street Pump Station, Peekskill, NY

Description: The work under this contract consists of providing all necessary labor, material and equipment required to rehabilitate the concrete foundation of the existing catwalk and the surrounding hillside which has undergone severe erosion following several storm events. The Water Street Pump Station, located in the City of Peekskill, NY, consist of a pump house with an influent chamber, a comminutor, a pump room and an emergency generator room as well as a 15-foot diameter standpipe-type collection tank. The catwalk is approximately 73-feet long and is supported at one end at the top of the adjacent hillside grade and at the other by the top of the collection tank. One intermediate support pier is located at the approximate midpoint of the catwalk. Additional improvements will also include the construction of a new retaining wall around the influent chamber to prevent storm water runoff from entering the influent chamber. A new cathodic protection system will also be installed for the steel storage tank to replace the existing system which is no longer functional.

Bid Estimate Range: \$540,000 to \$600,000

MANDATORY PRE-BID INSPECTION: Scheduled for 10:00 AM, August 7, 2023; meeting at Water Street Pump Station, 103 N. Water Street, Peekskill, NY. MANDATORY attendance is required. Bids will be rejected from contractors not in attendance at this meeting, or those who fail to sign the attendance sheet.

Contact: John Coelho, 914-995-5144.

NYS Dormitory Authority

Bid Letting 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 was scheduled 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.

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.camelot-planroom.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@teamcamelot.com for more information.

If you prefer to order a CD of the Contract Documents in place of the digital download, please send your non-refundable check/money order in the amount of \$15.00 payable to Camelot Print and Copy Centers to: Camelot Print & Copy Centers, Attn: Bid Department, 630 Columbia St. Ext., Latham, NY 12110

Bid Letting Date: Sept. 13, 2023

Title: City University of New York, City College of New York, Marshak Hall B10 Lab Renovation & Associated Asbestos Abatement

Contract: CR14 General Construction

Project# 3213309999

Sealed bids for the above work located at City College of New York, 181 Convent Avenue, New York, NY 10031 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.

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Only those bids in the hands of DASNY, available to be read at 2:00 PM local time on September 13, 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: Vadim Raskin, Project Manager, DASNY Red Trailer, 138th Street & St. Nicholas Terrace, New York, NY 10031, 646-210-3952, VRaskin@dasny.org (the Owner's Representative) and DASNY at ccontracts@dasny.org. Contacts made to other DASNY personnel regarding this procurement may disqualify the prospective bidder and affect future procurements with governmental entities in the State of New York. For more information pursuant to this law, refer to DASNY's website; <http://www.dasny.org> or the OGS website; <http://www.ogs.state.ny.us>.

A Pre-Bid Meeting was scheduled on Monday, July 24, 2023 at 10:00 AM via Microsoft Teams. To attend the meeting please Contact Vadim Raskin at VRaskin@dasny.org or 646-210-3952. 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>.

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Attorney's Column

Court Rules Parties are Generally Free to Shorten The Period Within Which to Commence a Lawsuit

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

Construction contracts, like other contracts, are meant to define the relationship between the parties. In that regard, the parties are generally free to negotiate the terms of that contract. It is only where the contractual language at issue is contrary to statute, against public policy, or is unreasonable, will a court decline to enforce the contract as negotiated between the parties.

While parties are generally



next instance the exact same time period may be deemed unreasonable by a different judge. In the recent case of *Cashman Dredging and Marine Contracting Co., LLC v City of New York*, a court upheld a period as short as six months.

Background

In May of 2016, Cashman Dredging and Marine Contracting Co. entered into a contract with the City of New York for the dredging of portions of Flushing Bay in Queens, NY. The contract contained a provi-

from the otherwise applicable six years, where the contract's shortened limitations period effectively nullifies the claim before it arises it will be found to be unreasonable. However,

In order to collect on this claim, on Aug. 31, 2022, Cashman commenced its lawsuit. The city moved to dismiss, arguing that the claim was untimely as it had not been brought within the six-month contractual limitations period.

Once started, the project quickly encountered problems. These problems were determined to stem from the design's failure to account for certain low tide conditions, which resulted in slope failures. While the city investigated the issue, all work was put on hold, and delays ensued. Work ultimately resumed and on Oct. 22, 2020, the project was determined to be substantially complete.

As a result of the delays, Cashman asserted a delay claim seeking \$808,013 in damages, which it set forth in its verified statement of damages on May 5, 2021. Although some negotiations were had on the delay claim, no formal determination was ever made, and no resolution was reached. In order to collect on this claim, on Aug. 31, 2022, Cashman commenced

its lawsuit. The city moved to dismiss, arguing that the claim was untimely as it had not been brought within the six-month contractual limitations period. Cashman opposed, arguing that its delay claim had not accrued because no determination had been made (which it argued was, itself, a breach of the contract), and therefore its claim was timely. Cashman also cross-moved to assert a claim to compel the city to make a formal determination on its delay claim.

Decision

The motion court granted the city's motion and dismissed Cashman's claims (and denied its cross motion relating to a formal determination on the delay claim). In doing so, the court cited the six-month limita-

Please turn to page 8

The motion court granted the city's motion and dismissed Cashman's claims (and denied its cross motion relating to a formal determination on the delay claim). In doing so, the court cited the six-month limitations period under the contract and found that the lawsuit, commenced nearly two years after substantial completion, was well outside of that limitations period.

free to negotiate to shorten (but not lengthen) the period within which to start a lawsuit (the contractual statute of limitations)

this is a very fact intensive determination, and the same shortened period may be upheld in one instance, while in the

sion that any lawsuit relating to the project must be brought within six months of the date of substantial completion.

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Municipalities Face Numerous Hurdles To Access Environmental Bond Funds

Continued from page 1

Community and industry stakeholders gathered Aug. 15 at the Westchester County Center in White Plains to hear state officials brief local municipal and business leaders on the goals and funding levels of the bond act.

In a statement prepared for the gathering, which was touted as a “Listening Tour,” Mr. Cooney said grant writing for project funding and engineering assistance for some communities are critical—made even more acute in light of other major federal and state infrastructure funding programs that are now available, including the \$1.2-trillion Infrastructure Investment and Jobs Act.

Attending the Aug. 15 hearing, Mr. Cooney pointed to a groundbreaking report released in September 2022 authored by the not-for-profit Hudson Valley Pattern for Progress. Among the report’s chief findings was that millions of dollars in state and federal funds earmarked for the Hudson Valley’s roads, bridges, sewers and other critically important infrastructure were going unspent.

The report, “Hudson Valley’s Infrastructure Gap,” covered how local municipalities, counties, towns and villages pay for their infrastructure needs. The study, which was partially

commissioned by the CIC, found overall infrastructure investment by municipalities was flat despite growing needs and aging facilities, and that the sources of money fueling this invest-

Hudson Valley Pattern for Progress, said when the report was released that it underscored the need for infrastructure planning, support and a new model to help communities access government

access the funds, many mid-sized and small municipalities do not apply for the funding because they feel “they have to do handstands” to win funding awards. “They simply cannot understand the process.”

“Communities across the Hudson Valley need help to plan for the maintenance of their infrastructure and to access the government funds that will allow them to upgrade roads, bridges, and their waterworks,” he added. “Our small towns and villages do not have the staff nor time to navigate bureaucratic systems that make it too difficult for them to receive infrastructure money. As a result, many of them are forgoing programs that are meant to help.”

Mr. Bosch added, “Our communities are entitled to much of this money, and we ought to create systems that help them put our taxpayer dollars to work more effectively and efficiently.”

Mr. Cooney added that the CIC and Hudson Valley Pattern for Progress conducted focus groups with New York State municipalities and undertook further study, which found that many smaller to midsize municipalities either were unaware of the multitude of state grants available for infrastructure projects or could not complete the often complicated and demanding application for these funds. The effort also revealed that many of the state agencies responsible for the distribution of these funds were lacking the proper number of people necessary to distribute those monies.

“New York State government, Gov. Kathy Hochul, the New York State Senate, and the New York State Assembly have put the money towards the environmental needs of our local governments. Now is the time to make sure the money gets spent,” Mr. Cooney said. “The answer is not hiring more people in the government agencies; this simply will take too long and there simply are not enough people. New York State needs to leverage the private sector through ready-set programs that need to be expanded so that the money that is available actually meets the needs of New York State’s environment.”

Among the successful programs that could be emulated are Engineering Planning Grants, which have been used to help local governments design projects and complete the detailed applications necessary for sewer projects. Drinking water projects also need this type of planning grant. Currently, New York State does not have this planning grant model available, he noted.

NYSERDA’s “Facilitated Application Grant” was also cited as a prime example how agencies can work with local governments. “The program puts private engineering firms to work with local governments to promote and create energy reduction and the use of green energy technology, Mr. Cooney explained.

New York State Assemblyman Steve Otis (D-91st District-Port Chester), a longtime champion of drinking and wastewater infrastructure grant funding, said, “Happily I have been a partner with the CIC on encouraging local governments to apply (for funding).” Given the historic funding levels now available, he said, “It is very important that Westchester and the Hudson Valley local governments take advantage of the opportunity to apply because there is more money and hopefully (the state) will plan more grants.”

He stressed the propitiousness of the moment and called upon municipalities to put in quality applications—and not let a year pass to apply for funding.

“New York State government, Gov. Kathy Hochul, the New York State Senate, and the New York State Assembly have put the money towards the environmental needs of our local governments. Now is the time to make sure the money gets spent.”

—John Cooney, Jr., executive director of the Construction Industry Council

ment was a combination of local, state, and federal money.

“One of the largest findings of the study was that despite a New York State appropriation of funding to local governments of more than \$5 billion since 2015 for local water and sewer projects, only 12% of this money has been used through today,” Mr. Cooney told CONSTRUCTION NEWS.

Adam Bosch, president and CEO of

funds for infrastructure. He noted that in many cases municipalities must first design and then bond an infrastructure project—and then engage in a complex approval process for federal and state reimbursement funds.

“The question of how that (bond act) money is going to reach the communities that need it is still an open question,” Mr. Bosch said. While large municipalities have the resources to

AT A GLANCE

\$4.2 Billion Clean Water, Clean Air, Green Jobs Environmental Bond Act Climate Change Mitigation

Up to \$1.5 Billion to Reduce Air Pollution And Fight Climate Change

Funding will support green infrastructure and renewable energy improvements to buildings statewide. Additional provisions provide relief from urban heat, and funding for communities to replace trees lost over the past 60 years.

- Not Less Than \$400 million for Green Building projects to increase energy efficiency or site renewables at state-

owned buildings and public schools.

- Not Less Than \$500 million for zero emission school buses and infrastructure.
- Not Less Than \$100 million to support climate adaptation and mitigation projects.
- Not Less Than \$200 million for projects to reduce or eliminate air and water pollution in disadvantaged communities.
- \$300 million for other projects to combat climate change.

Restoration & Flood Risk Reduction

Not Less Than \$1.1 Billion

To Protect Communities from Flood Risks

Funding will advance shoreline resiliency projects and support efforts to remove or repair aging dams and to restore fish habitats.

- Not More Than \$250 million for voluntary private property buyouts.
- Not Less Than \$100 million to support coastal rehabilitation and shoreline restoration.
- Not Less Than \$100 million for local waterfront reviv-

talization projects and projects which address inland flooding.

- \$650 million for other projects including: flood risk reduction projects, such as moving, lifting, or raising flood-prone infrastructure or structures; relocation, repair, or raising flood-prone roads; removal, alteration, or right-sizing dams, bridges, and culverts. As well as restoration projects, such as floodplain, wetland, and stream restoration; forest conservation; endangered and threatened species projects; or land acquisition.

Water Quality Improvement & Resilient Infrastructure

Not Less Than \$650 Million to Safeguard Drinking Water Sources and Reduce Water Pollution.

The Bond Act will upgrade wastewater infrastructure and replace failing septic systems. It will also fund much-needed improvements for New York’s roads, culverts, sewers, and drinking water infrastructure across the State, and support critical upgrades to water and sewer lines and

replace lead pipes.

- Not Less Than \$200 million for water improvement and infrastructure projects.
- Not Less Than \$250 million to support municipal stormwater grants.
- Not Less Than \$200 million to support other programs such as: green infrastructure.

Open Space Land Conservation & Recreation

Up to \$650 Million to Improve Access To and Protect Nature

Bond act funding will help preserve more lands and grow opportunities for recreation across the state.

- Not More Than \$75 million for fish hatcheries.
- Not Less Than \$150 million to farmland protections and

easements.

- Not Less Than \$300 million for open space land conservation projects.
- \$125 million for other projects including: recreational infrastructure projects, including build-out of state and municipal parks, fish hatcheries, campgrounds, etc.

Additional Funding

- \$300 million is also allocated to be used across any of the above categories.

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Attorney's Column

Continued from page 6
tions period under the contract and found that the lawsuit, commenced nearly two years after substantial completion, was well outside of that limitations period.

As to the argument that the claim had not yet accrued, the court noted that the delay claim, itself, was not articulated until after the six-month limitations period had expired. However, even following that logic to its conclusion, the court noted the contract provided that the city had only 60 days after the submission of the final statement of damages to act on the claim, so the proposed claim to compel any determination would, itself, have been time barred under that applicable statute of limitations.

Comment

This column often notes that the construction contract is the single most important document defining the relationship between the parties in our industry. Here, the court reminds us that parties are free to agree to shorten the time within which to start a lawsuit arising out of the contract. (Sometimes a party may do this unwittingly.)

There is an exception to this freedom that the limitations period cannot be so short that it runs before the claim actually accrues. However, absent such circumstances, parties would be advised that, where they have agreed to a shortened limitations period, they must exercise extra diligence to do everything they need to do to preserve and prosecute their claims within that shortened period.

Consulting with construction counsel in drafting and reviewing contracts so that you can be sure that any shortened limitations period passes the reasonableness test (and does not run before the claim accrues), and how to best timely assert any claims within that shortened period, could be very helpful. Please also study your contract at the beginning of the job—not at the end.

About the author: Thomas H. Welby, an attorney and licensed professional engineer, is General Counsel to the Construction Industry Council of Westchester & Hudson Valley, Inc., and the Building Contractors Association, and is the Founder of, and Senior Counsel to the law firm of Welby, Brady & Greenblatt, LLP, with offices located throughout the tri-state 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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Economic Outlook

Ways to Adapt to Hybrid Work And the Changing Office Economy

By MICHAEL PATON

The ripple effects of hybrid work (in office and at home) have been substantial. Untethered from their offices, residents have left urban centers and shifted their lives elsewhere, according to a recent report by McKinsey, a major global consulting firm.

New York City's urban core lost 5% of its population from mid-2020 to mid-2022, and San Francisco lost 6%. Urban vacancy rates have increased and foot traffic near stores in many major metropolitan areas remains 10% to 20% below pre-pandemic levels. Even with the end of the pandemic, the report found that employees still spend far less time working at the office than they did before the pandemic.

In early 2020, companies adopted remote and hybrid work in response to lockdowns



below-average quarterly total, June was the most active month of the quarter, with 1.8 million square feet transacted. Demand continued to be concentrated in small to mid-sized leases, as 92.0% of transactions were below 25,000 square feet. Only four new leases, each greater than 100,000 square feet were completed year-to-date, down from 17 such leases one year

ago. CBRE—a commercial real estate company). These buildings are seeking exceptionally high rents offering 15 million square feet at more than \$100 a square foot.

There are several reasons to believe that the current rate of office attendance could persist, according to McKinsey. First, the rate has remained stable since mid-2022. Second, three key numbers—the number of days per week that survey respondents go to the office (3.5), the number of days they expect to go to the office after the pandemic ends (3.7), and their preferred number (3.2)—are not far apart. Third, 10% of the people surveyed said that they were both likely to quit their jobs if required to work at the office every day and willing to take a substantial pay cut if doing so let them work from home when they wanted. That group contains many senior, high-income employees, suggesting that they may wield influence over companies' decisions.

McKinsey recommends that

major cities must adapt to this new reality; urban stakeholders could consider adopting more

In early 2020, companies adopted remote and hybrid work in response to lockdowns and health concerns. Office attendance in many major metropolitan areas dropped by up to 90%. It has since recovered substantially, but remains down by about 30%, on average.

hybrid approaches to office space. At the neighborhood and building levels, and even in the design of the floors of buildings, choosing diversity, adaptability, and flexibility rather than homogeneity can help cities thrive.

According to McKinsey,

cities can adapt to the changing market through mixed-use neighborhoods—that is, neighborhoods that are not dominated by a single type of real estate (especially offices) but instead incorporate a diverse mix of office, residential and retail space. Such hybrid neighborhoods were becoming more popular even before the pandemic. Now that the pandemic has reduced demand for offices, cities have a surplus of vacant space that could be converted to other uses. Furthermore, research shows that mixed-use neighborhoods suffered less during the pandemic than office-dense neighborhoods have. That resilience gives investors, developers and cities still more reason to engage in remaking cities to accompany real estate diversity.

About the author: Michael J. Paton is a portfolio manager at Tocqueville Asset Management L.P. He can be reached at 212-698-0800 or by email at MPaton@tocqueville.com.

Cities can adapt to the changing market through mixed-use neighborhoods—that is, neighborhoods that are not dominated by a single type of real estate (especially offices) but instead incorporate a diverse mix of office, residential and retail space.

and health concerns. Office attendance in many major metropolitan areas dropped by up to 90%. It has since recovered substantially, but remains down by about 30%, on average. As of October 2022, (latest available for the cities studied) office workers were visiting the office about 3.5 days per week.

The good news is that the labor markets remain strong. In the New York City metro area, a Cushman-Wakefield (a global commercial real estate firm) report found continued positive job growth overall with total employment approaching the February 2020 peak of 4.7 million jobs. Private sector employment climbed to an all-time high of 4.1 million jobs as increased tourism pushed leisure and hospitality employment up steadily over the past several months to about 456,000 jobs.

However, in Manhattan office demand continued to soften in the second quarter of 2023, as new leasing activity registered an eight-quarter low of 3.9 million square feet. Despite the

ago. Class-A activity (the best properties) accounted for 66.7% of new leasing volume, 23.0% of which occurred in product built or renovated since 2015.

The bad news is that about 20% of all the office space in Manhattan is either vacant or occupied by a company that is looking for someone to take it off their hands, the highest ever since the early 1990s, according to *The City*, an online publication. While New York City nears regaining all the jobs lost in the pandemic, its crucial office market is not recovering with the economy, the publication reported. Rather, it is weakening, as remote and hybrid work arrangements keep offices only partly filled and as fears of a recession make companies cautious about making any new real estate commitments even if their leases are near expiration.

The brightest spot is the most modern office buildings. Since the beginning of 2002, almost three-quarters of all new leases are in those buildings, according to research from

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LOW BIDS Every Month in the Construction NEWS

Commercial, Multifamily Starts in NYC Down 31%

2023 Top U.S. Metropolitan Areas Commercial Buildings and Multifamily Housing Construction Starts Millions of Dollars, Data through June Each Year					
	2021	2022	2023	2021-2022	2022-2023
1 New York-Northern New Jersey-Long Island, NY-NJ-PA	12,762	15,538	10,774	22%	-31%
2 Dallas-Fort Worth-Arlington, TX	4,743	8,076	6,667	70%	-17%
3 Atlanta-Sandy Springs-Marietta, GA	2,495	4,584	5,411	84%	18%
4 Miami-Fort Lauderdale-Miami Beach, FL	3,514	4,701	4,720	34%	0%
5 Houston-Baytown-Sugar Land, TX	2,723	3,628	4,696	33%	29%
6 Los Angeles-Long Beach-Santa Ana, CA	4,040	4,193	4,258	4%	2%
7 Chicago-Naperville-Joliet, IL-IN-WI	2,376	2,549	4,168	7%	64%
8 Phoenix-Mesa-Scottsdale, AZ	2,808	4,394	3,458	56%	-21%
9 Boston-Cambridge-Quincy, MA-NH	4,309	3,360	3,305	-22%	-2%
10 Washington-Arlington-Alexandria, DC-VA-MD-WV	4,032	5,475	3,122	36%	-43%
Top 10 Total	43,803	56,498	50,579	29%	-10%
Total U.S.	118,516	151,369	130,322	28%	-14%

Source: Dodge Construction Network

HAMILTON, NJ—Recently released new data from Dodge Construction Network found that the value of commercial and multifamily construction starts across the top 10 metropolitan areas of the U.S. fell 10% in the first half of 2023, relative to that of 2022. Nationally, commercial and multifamily construction starts fell 14% on a year-to-date basis through June.

Commercial and multifamily construction has suffered thus far into 2023 as tighter lending standards, higher interest rates, slowing demand and societal changes, such as continued remote work, impact the sector.

In the first half of 2023, the New York metropolitan area was the top market for commercial and multifamily starts at \$10.8 billion, but suffered a 31% decrease from the first six months of 2022. In second was the Dallas, TX, metropolitan area, totaling \$6.7 billion in the first half of 2023, a 17% decline.

The Atlanta, GA, metro area ranked third with \$5.4 billion in starts—an 18% gain over 2022 on a year-to-date basis.

The remaining top 10 metropolitan areas through the first half of 2023 were:

- Miami, FL, flat (\$4.7 billion)
- Houston, TX, up 29% (\$4.7 billion)
- Los Angeles, CA up 2% (\$4.3 billion)
- Chicago, IL, up 64% (\$4.2 billion)
- Phoenix, AZ, down 21% (\$3.5 billion)
- Boston, MA, down 2% (\$3.3 billion)
- Washington, D.C., down 43% (\$3.1 billion).

The top 10 metropolitan areas accounted for 39% of all commercial and multifamily starts in the United States in the first half of 2023, up from 37% in that of 2022.

Commercial and multifamily starts are comprised of office buildings, stores, hotels, warehouses, commercial garages and multifamily housing. Not included in this ranking are institutional projects (e.g., educational facilities, hospitals, convention centers, casinos, transportation terminals), manufacturing buildings, single family housing, public works and electric utilities/gas plants.

In total, U.S. commercial and multifamily building starts fell 14% to \$130 billion on a year-to-date basis through six months. Multifamily starts lost 17%, declining to \$61 billion, and commercial starts fell 11% to \$70 billion. In the first half of 2023, across the top 10 metro areas, commercial building starts rose 1% to \$27 billion, while multifamily starts fell 21% to \$24 billion.

“The wind has gone out of the sails for the commercial and multifamily sectors,” stated Richard Branch, chief economist for Dodge Construction Network. “Starts are likely to worsen still in the second half of the year, as interest rates head even higher. Tighter financial conditions and significant market shifts have led to precipitous declines in starts across many metropolitan areas. However, even as markets begin to recover next year, significant structural change in the sector could lead to a tepid recovery with levels well below what was seen before the pandemic.”

In the New York metropolitan area, multifamily starts were down 39% in the first half of 2023 following a robust first half of last year, with the largest multifamily projects to break ground being the \$500-million 7112 Park Ave project and the \$414-million North Cove mixed-use building. At the same time, commercial starts fell 11% due to a pullback in parking structures and retail, offsetting gains in hotel, warehouse and office construction. The largest commercial projects to get started in the first half of 2023 were the \$100-million Rolex headquarters and the \$94-million College Point Logistics Center.



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Putnam Exec Byrne Hosts Public Meeting On Peekskill Hollow Road Construction Project

CARMEL, NY—Putnam County Executive Kevin Byrne hosted a townhall-style meeting on Aug. 3 to address Putnam Valley residents about the much-anticipated Peekskill Hollow Road construction project. Nearly 100 residents of Putnam Valley attended the event to hear from representatives of the county and from the selected

contractor, ELQ Industries, Inc., about the company's plans to finish the project.

"We are committed to making this entire process more transparent for the residence of Putnam Valley," County Executive Byrne said. "With the help of Legislator William Gouldman we've made tremendous progress in accelerating the bidding process

and selecting a new contractor that will finish construction on this critical infrastructure project." Mr. Gouldman is Chair of the Physical Services Committee in Putnam.

Mr. Byrne added county officials have been speaking about the Peekskill Hollow Road construction project with the community for many years. **Please turn to page 20**



Putnam County Executive Kevin Byrne and officials met with residents at the Putnam Valley Firehouse to discuss road and bridge construction work that has been recommenced on Peekskill Hollow Road.

State's Diversifying Construction Workforce to Surpass Pre-Pandemic Levels Soon: Report

Continued from page 1

comprise about 575,000 workers." These projections were "before we consider factors such as federal infrastructure spending toward workforce development, and the influx of migrants into the construction industry as legal employment becomes possible for these individuals. It is conceivable that by the end of this year, our industry will finally be back to pre-pandemic levels of employment, a major milestone in our recovery," the report stated.

With increased infrastructure spending by New York State and massive funding from the Bipartisan Infrastructure Law and a strong private investment climate, the industry is poised for growth in the years to come.

"The construction industry's labor force is the bedrock of progress in New York state," commented Carlo A. Scisura, president & CEO of the New York Building Congress. "With skill, dedication and unwavering commitment, these hardworking individuals literally shape the skyline, build our communities and propel our economy forward. From towering skyscrapers to vital transportation and infrastructure projects, their expertise ensures the realization of our boldest visions. As we forge ahead, let's recognize and celebrate the immense importance of the construction industry workforce as they build the structures and the prosperity of our great state for future generations."

Gary LaBarbera, president of the New York State Building Trades, added, "With the state continuing to invest in a number of critical infrastructure projects that are set to create thousands of family sustaining careers for working class New Yorkers, it is encouraging to see that our construction labor force is growing and diversifying in tandem with our economic recovery. As we look to get these important initiatives completed efficiently and masterfully, we must maintain a commitment to expanding our construction workforce development and providing more accessible pathways to the middle class for tradesmen and tradeswomen of all backgrounds. A more diverse and growing union construction industry strengthens our overall economy, and we look

forward to continuing to offer these opportunities to hard working New Yorkers through our pre-apprenticeship and apprenticeship programs."

The industry across the state remains diverse, with an uptick over the last year. Recent data shows that the state's workforce identified as 43% non-white, while 66% of New York City workforce members identified as non-white—both figures represent a 3% increase from the previous year. In New York City, the workforce is getting younger. The percent of professionals under 25 increased from 4.9% to 5.7%, a testament to the professional development and workforce training programs available to young people, the Building Congress stated in its report.

Other key data points from the report that examined data from the latest U.S. Census Bureau's American Community Survey, which represents the construction workforce in 2021, include:

Demographics

- 43% of statewide workers identify as nonwhite, up from 40% in 2020. Comparatively, the workforce in NYC is 66% nonwhite, up from 63% in 2020.
- Statewide, 9.4% of all con-

indicated that English was not their primary language, with 40% speaking Spanish. That was up nearly 2% from 2020.

Income

The report noted that the construction industry continues to be "a path to the middle class for workers of all walks of life, speaking a variety of different languages, and hailing from all around the globe. The construction workforce prides itself on this growing diversity, continuing a long history of employment opportunity for New York's immigrant community."

• In 2021, 52% of the state's construction labor force reported a household income of \$100,000 or above, with 39% having annual incomes above \$125,000. Within New York City, the percentages were 50% and 37%, respectively.

• For households with female construction workers, the average household income was even higher, as 42% had annual incomes above \$125,000. Within New York City, 44% of such households had incomes above \$125,000.

Recommendations And Insights

Facilitate Work Authorization for Migrant Construction Workers: The report

New York City and New York State must invest in the infrastructure, including increased transit connectivity and housing that is affordable and accessible to job sites, to support the construction workforce.

struction industry workers are women, slightly down from 10% in 2020. The decline within New York City was steeper, going from 8.7% in 2020 to 7.9% in 2021.

• 66% of women in the industry across the state have some college education or higher, compared to 37% of men in the industry. Within NYC, 64% of women have some college education or higher,

• Within New York City, 64% of women have some college education or higher, the same percentage as men.

• 37% of statewide workers indicated English was not their primary language; 25% of the workforce speaks Spanish as their primary language.

• Within New York City, 58%

found that only 21% of the statewide workforce, and 35% of New York City's workforce did not have full citizenship status. To support migrant workers and the workers that left their citizenship status unreported, expedited paths to work authorization should be explored. Streaming work permits for asylum seekers and decreasing fees for federal certification and required training courses would help recent immigrants overcome barriers to work. Adequate support and resources must be available for the 37% of statewide and 58% of citywide workers that indicated that English is not their primary language.

Ensure New York is a Func-



Source: New York Building Congress

tional and Livable Place for the Construction Workforce: 41% of the construction workforce in New York City travels to work via public transportation and more than half (53%) commute 45 minutes or more to work. Statewide, 35% of workers commute 45 minutes or more to work. New York City and New York State must invest in the infrastructure, including increased transit connectivity and housing that is affordable and accessible to job sites, to support the construction workforce.

Support and Enhance Professional Development for Young Employees: Forty-six percent of construction workers in New York are between the ages of 25 and 45 years old. Just 6.6% of the workforce is under 25, signaling a need to invest in professional development programs across the state. A successful example is the Building and Construction Trades Union's apprenticeship and pre-apprenticeship programs, known as the Apprenticeship Readiness Collective (ARC), which shows high retention rates and placement levels. High school and college programming to recruit young people to careers in the building industry should be expanded nationwide. In addition, the Building Congress encourages state lawmakers to maximize the amount of funding available under the Infrastructure Investment and Jobs Act (IIJA) for workforce development.

Create a Centralized Platform to Support Mi-

nority and Women-Owned Businesses: Statewide, only 9.4% of all construction industry workers are women. Investing in minority and women-owned businesses (MWBs). To foster a positive and significant improvement in construction workforce diversity, there should be one centralized platform for MWBs to bid on state, city, and public authority projects. The New York State Legislature took the first step by passing nation-leading legislation to help MWBs do business in New York—now it's time to streamline and ensure this process is as smooth as possible, the Building Congress stated in the report.

Maintain Reliable Pathways to the Middle Class: The construction industry takes pride in being a gateway to the middle class. A total of 52% of the state's construction labor force reported a household income of \$100,000 or above, with 39% having annual household incomes above \$125,000. This figure is even higher for households with female construction workers, where 42% reported annual household incomes over \$125,000. The Building Congress calls on the city, state and federal government to maintain a steady stream of projects through the IIJA and Inflation Reduction Act by coordinating program applications, expediting approvals, and getting funding to job sites as soon as possible.

Construction NEWS PHOTO GALLERY

18 Students Share \$90,000 in College Scholarships From CIC's Louis G. Nappi Management-Labor Fund

By GEORGE DRAPEAU III

TARRYTOWN, NY—Eighteen college and graduate students will begin the fall semester each with a \$5,000 grant from the Louis G. Nappi Construction Labor-Management Scholarship Fund for studies in Engineering, Architecture, Mathematics and Applied Sciences for the 2023-2024 academic year. The announcement of the \$90,000 in scholarships awards was made by John Cooney, Jr., executive director of the Construction Industry Council of Westchester & Hudson Valley, Inc.

As a major construction industry financial-aid program, the Louis G. Nappi Fund was established in 2009 by Mr. Nappi (1920-2014), a former CIC Chairman (now Emeritus). It was Mr. Nappi's vision that the hard sciences of Mathematics and Engineering were essential pathways for the U.S. to re-establish American companies as world leaders in transportation and infrastructure construction.

The scholarship fund is a living testimony to Mr. Nappi who served as CIC Chairman from 1986 to 1991, Mr. Cooney explained. "Lou's commitment to Engineering and Science lives on today in these scholarships and through these students as many of them have graduated and have entered the workplace. Lou believed that giving students the financial means to pursue higher education and advanced degrees would help our nation's construction and building industries regain global competitiveness and preeminence."

Scholarship Committee Chairman William Mascetta, president of Transit Construction Corp. of Yonkers, congratulated the winners and their parents at the July awards luncheon, adding, "This year was of particular importance as we celebrate the 15th anniversary of the Nappi Scholarship Program. He thanked the entire Scholarship Committee members from Organized Labor and the contracting community, including the CIC staff for their efforts to create, organize and publicize the scholarship opportunities. "I also thank the students and parents over the years for their dedication and efforts in reaching this successful milestone that epitomizes the goal of our founder, Louis G. Nappi, for our entire industry." He also acknowledged a member of the Nappi family present, Dean DiNatale, who is the grandson of Mr. Nappi and a member of the scholarship committee.



Class of 2023 CIC Louis G. Nappi scholarship recipients and committee members at an awards luncheon in late July. Seated front row from left, Robert Stepien, Kirsten Stepien, Lindsay Benza, Taylor Bruck, Justin Ely, Hailey Weber, Jenna Weber, Andrew Fortunato, Max Messina. Second row seated, Mark Griffin, Lindsay Benza, Rene Lopez, Robert Caulfield, Nicholas Mulvey and Kyle Burdick. Standing, Scholarship Committee members Dean DiNatale, Karen Zedda, Thomas Welby, Esq., Joseph Sasson of Teamsters L.U. 456, Mike Moreria of Laborers L.U. 60, CIC Chairman George Pacchiana, Jeff Loughlin of Operating Engineers 137, Scholarship Committee Chairman William Mascetta, CIC's Matthew Pepe and Phil Benza. Photo Credit/ED CODY

Mr. Mascetta stressed the importance to this year's scholarship recipients to engage and take ownership of your role and responsibility. "The importance of taking on challenges and related risk will yield the rewards of experience and opportunities to learn and successfully grow in the industry," he said.

Marking its 15th anniversary, the Louis G. Nappi Scholarship Fund has now awarded more than \$940,000 in the form of 221 grants to some 101 students attending more than 75 colleges and universities throughout the U.S. Scholarship recipients reside mainly in the Lower and Mid-Hudson Valley and are related to employees of CIC-member companies or affiliated unions. The participating labor unions are Laborers International Union of N.A. Local 60, International Union of Operating Engineers Local 137, and the International Brotherhood of Teamsters Local 456.

For information on the program and application, visit the association's website, www.cicnys.org.

Scholarship Winners

Julia Maria Apostolou, 21, of Yorktown Heights, NY, is a senior studying Civil Engineering at the University of Delaware. She is the daughter of James Apostolou who is a member of Teamsters L.U. 456. Julia Maria also received a Louis G. Nappi Scholarship grant in 2020.

Lindsay Benza, 18, of Mount Kisco, NY, is a freshman studying Science of Nursing at Villanova

in Pennsylvania. She is the daughter of an executive with the Arben Group, a CIC-member company.

Taylor Bruck, 21, of New Paltz, NY, is a senior studying Computer Science and Mathematical Science at SUNY Binghamton University in Binghamton, NY. She is the daughter of Thomas Bruck, a member of Operating Engineers L.U. 137. Taylor also received Louis G. Nappi Scholarship grants in 2020, 2021 and 2022.

Kyle Burdick, 21, of Patterson, NY, is a junior studying Computer Engineering at Manhattan College in the Bronx. He is the son of a member of Operating Engineers L.U. 137.

Robert Caulfield, 21, of Blauvelt, NY, is a senior studying Civil Engineering at Manhattan College in Riverdale, NY. He is the son of Timothy Caulfield of Yonkers Contracting Co., Inc., a CIC-member company. Robert also received a Louis G. Nappi Scholarship grant in 2020, 2021 and 2022.

Justin Ely, 19, of Chester, NY, is a sophomore studying Civil Engineering at Union College in Schenectady, NY. He is the son of Jordan Ely of Argenio Bros., a CIC-member company. Ely also received a Louis G. Nappi Scholarship grant in 2022.

Massimo Fante, 21, of Sleepy Hollow, NY, is a senior studying Biological Sciences at Cornell University in Ithaca, NY. He is the son of Mark Fante of Darante Construction Ltd., a BCA- and CIC-member company. Massimo also won Louis G. Nappi Scholarship grants in 2020, 2021 and 2022.

Andrew Fortunato, 19, of Fairfield, CT, is a sophomore studying Economics and Mathematics at Bates College in Lewiston, ME. He is the grandson of a member of Operating Engineers L.U. 137.

Mark Griffin, 21, of Yonkers, NY, is a senior majoring in Aerospace and Mechanical Engineering at the University of Buffalo. He is the son of Lisa Griffin and nephew of Vincent Romagnoli of Yonkers Contracting Company, Inc., a CIC-member company. Mark also won a Louis G. Nappi Scholarship grant in 2021 and 2022.

William Jacobs, 18, of Blauvelt, NY, is a sophomore studying Civil Engineering at the University of Pittsburgh in Pennsylvania. He is the son of an employee of Frontier Kemper, a CIC-member company.

Rene Lopez, 17, of New Rochelle, NY, is a freshman studying Exercise Science at CUNY Lehman in the Bronx. She is the daughter of a member of Laborers L.U. 60.

Max Messina, 18, of Purdys, NY, is a sophomore studying Integrated Business and Engineering at Lehigh University in Bethlehem, PA. He is the son of an employee of Ben Ciccone, Inc., a CIC-member company.

Nicholas Mulvey, 20, of Valhalla, NY, is a junior studying Civil Engineering at Bucknell University. He is the son of Dennis Mulvey, an employee of Stratis Contracting Corp., a CIC-member company.

Emilia Perri, 18, of Lynbrook, NY, is a freshman studying Biology at the University of Virginia in Charlottesville, VA. She is the granddaughter of a member of Laborers L.U. 60 of Hawthorne, NY.

Robert Stepien, 21, of Wayne, NJ, is a senior studying Civil Engineering at the Stevens Institute of Technology in Hoboken, NJ. He is the son of Robert Stepien, Sr., an employee of Halmar International, a CIC-member company. Robert also received a Louis G. Nappi Scholarship grant in 2022.

Kirsten Stepien, 19, of Wayne, NJ, is a junior studying Engineering Management at the Stevens Institute of Technology in Hoboken, NJ. She is the daughter of Robert Stepien, Sr., an employee of Halmar International, a CIC-member company. Kirsten also won a Louis G. Nappi Scholarship grant in 2022.

Hailey Weber, 18, of Southbury, CT, is a freshman pursuing a STEM curriculum at the University of Connecticut. She is the daughter of James Weber, a member of Operating Engineers L.U. 137 of Briarcliff, NY.

Jenna Weber, 21, of Southbury, CT, is a senior pursuing Biology at Pennsylvania State University in State College, PA. She is the daughter of James Weber, a member of Operating Engineers L.U. 137 of Briarcliff, NY. Jenna also won a Louis G. Nappi Scholarship grant in 2022.



Julia Maria Apostolou



Lindsay Benza



Taylor Bruck



Kyle Burdick



Robert Caulfield



Justin Ely



Massimo Fante



Andrew Fortunato



Mark Griffin



Rene Lopez



Max Messina



Nicholas Mulvey



Emilia Perri



Robert Stepien



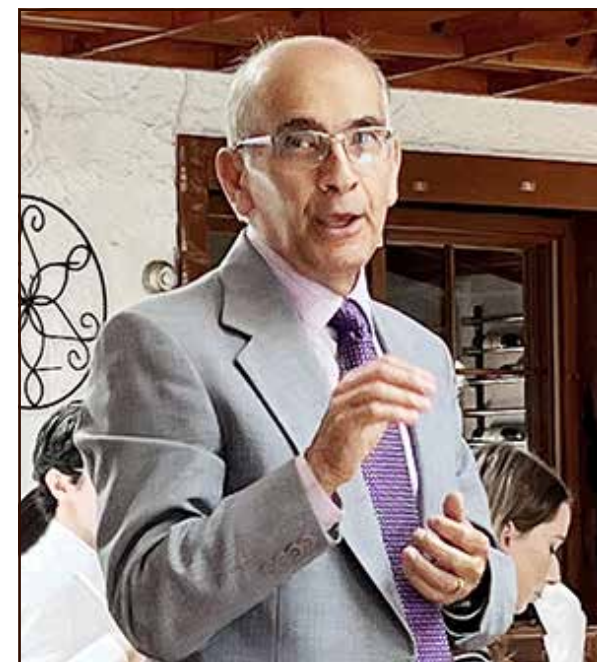
Kirsten Stepien



Hailey Weber



Jenna Weber



Special Guest Dr. Moujalli Hourani of Manhattan College's Civil and Environmental Engineering Department.

'Chart Your Own Course in Life'

Dr. Moujalli Hourani of the Civil and Environmental Engineering Department at Manhattan College in the Bronx joined the Nappi Scholarship luncheon, providing perspectives for the students moving into their new chapters of life.

"You should be so proud of yourself to receive the Louis Nappi Scholarship," said Dr. Hourani who serves as director of Graduate Programs, Civil and Construction Management. In a more sobering tone though, he offered advice to the grant recipients. Mindful that institutions of higher learning are driven by economics, he

cautioned, "Do not believe the school's administrators and teachers when they say we care about you. They care about your tuition! Therefore, work hard but do not let the degree decide who you are going to be."

Looking back in history, he noted that Winston Churchill won the Nobel Prize for Literature, not for his politics and military achievements. "Enjoy learning, enjoy the history course, the music and the dance courses. And please remember what the world-renowned psychiatrist Carl Jung once said, 'I'm not what happened to me, I am what I

choose to become.'"

Dr. Hourani noted that the CIC Chairman Emeritus Louis Nappi "created something big with this scholarship, and we are counting on you to give and contribute to this scholarship in the future."

He concluded with more words of wisdom on career/life balance from former British Prime Minister Churchill. "We make a living by what we get, but we make a life by what we give." Make sure to end every email and every call to your loved ones with 'I LOVE YOU!'"



Scholarship Committee Chairman William Mascetta of Transit Construction Corp.

REGIONAL ROUNDUP

New \$24M Medical Examiner's Office Underway in Orange

GOSHEN, NY—Orange County officials broke ground on Aug. 3 on a new Medical Examiner's Office being built adjacent to the county's Emergency Services Center on Wells Farm Road here.

"The new Medical Examiner's Office is necessary for our growing county and will provide comfort and compassion for grieving loved ones during a very difficult time," said Orange County Executive Steven M. Neuhaus. "It will allow Medical Examiner Dr. Jennifer Roman and her staff to conduct their work in a cutting-edge facility designed to best serve our community. I appreciate the hard work of our construction team and the bipartisan support of the county legislature to develop this new building."

The state-of-the-art,



Chairwoman of the Legislature Katie Bonelli speaks at the groundbreaking as Orange County Executive Steven M. Neuhaus looks on. In the background are, from left, Legislators Barry Cheney and Joe Minuta.

18,175-square-foot facility at 22 Wells Farm Road is set to be completed in the fall of 2024. The new Medical Examiner's

Office will include a dignified public entrance and waiting area, a family viewing room, an autopsy room, and an isolation autopsy room.

The project will cost \$24 million, which will be funded through the American Rescue Plan Act (ARPA). The county received \$74,770,002 in ARPA funds through a \$1.9-trillion stimulus package Congress passed in March 2021 to assist counties in their recovery from the economic and public health impacts of the COVID-19 pandemic. Butler Construction of Montgomery, NY is the contractor for the project.

Also at the event were Deputy County Executive Harry Porr, Chairwoman of the Legislature Katie Bonelli, Health Commissioner Dr. Alicia Pointer, Medical Examiner Dr. Jennifer Roman and Department of Public Works Commissioner Erik Denega. Legislators Barry Cheney, Joe Minuta, Paul Ruszkiewicz, Kathy Stegenga, Janet Sutherland and Pete Tuohy also attended the event.

"The Medical Examiner's Office plays a critical role in investigating deaths, but they do much more," Dr. Pointer said. "Some of their functions include collection of data related to the opioid epidemic, child fatality review and prevention, and preparation for mass casualty events. This new facility will allow the Medical Examiner's Office to continue to do their work with professionalism and respect as they face new challenges and increased responsibilities."

The Orange County Medical Examiner's Office investigates sudden, unexpected, and unnatural fatalities in Orange County to ensure the accurate cause and manner of death certification. In 2022, the Medical Examiner's Office investigated 1,081 deaths and conducted 514 autopsy and external examinations.

LOW BIDS Every Month in the Construction NEWS

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Safety Watch

Company Owners Must Not Simply Delegate Its Worker Safety Programs to Employees

By COSTAS CYPRUS, ESQ.



Power saws, shears, presses and other machines typically used in construction require one or more methods of machine guarding to protect operators from the hazards created by using these machines, and companies cannot merely delegate such duty to its own employees.

The recent decision in *Secretary of Labor v. Good Food Concepts, LLC d/b/a Ranch Food Directs* is instructive as to the need for machine guarding. Although this matter arose from an unfortunate accident involving use of a meat grinder, the use of equipment with similar hazards are common in the construction industry. Even if a company has stringent work rules in place they do not act as a substitute for guarding when an employee is in the zone of danger.

Ranch Foods is a meat processing business, which also operates a retail store in Colorado, that had approximately 15 employees in 2021. The owner of Ranch Foods, Michael Callicrate, visited the store twice a day, four to five times a week. Although he oversaw store operations, he delegated management and supervision to the store's general manager, John Morrill and the head of the meat department, John Wichman. Mr. Morrill

company also posted a Code of Safe Practices in the common area along with other labor law materials and schedules.

Ranch Foods did not have a formal safety and health training plan; employees were given a handbook that contained the company's disciplinary policy. Specific safety and equipment training was expected to be conducted by an employee's immediate supervisor. Mr. Wichman, with more than 50 years' experience in the meat industry, trained new meat-cutters regarding the operation of meat cutting tools and machinery, and was responsible for ensuring the employees operated the machinery safely. The employee involved in this underlying accident (hereinafter referred to as "Ms. Doe") had been trained by Mr. Wichman in the use of the meat grinder

Mr. Wichman did not use any training materials nor videos, nor had he reviewed the grinder's manual or OSHA publications pertaining to the safe use of meat grinders. Mr. Wichman trained this worker to avoid using her fingers to push the meat down the throat of the grinder but even though he knew it was dangerous, Mr. Wichman used his own fingers to push meat down the throat to about two inches (of the total 4-3/4 inches in length) since he was comfortable with this practice given his experience, but he advised employees not to do so because it was unsafe. No written rule existed prohibiting this practice and he had never formally reprimanded any employee for doing so.

On June 11, 2021, Ms. Doe was operating the meat grinder when it jammed. She reversed the machine but was unsuccessful. She then observed that extra meat was on the side of the throat, so she reached into the throat to push it toward the auger. At that point her right hand was caught and pulled into the grinder. Mr. Wichman unplugged the

grinder and called for an ambulance. The arriving EMS personnel, upon deliberation,

On June 11, 2021, Ms. Doe was operating the meat grinder when it jammed. She reversed the machine but was unsuccessful. She then observed that extra meat was on the side of the throat, so she reached into the throat to push it towards the auger. At that point her right hand was caught and pulled into the grinder.

transported Ms. Doe with the grinder to the hospital. After emergency surgery and reversing the grinder's motor, Ms. Doe's hand was freed, and four fingers were amputated.

OSHA received notice that a worker had lost four fingers in

a meat grinder and on June 15, 2021, a Safety Officer investigated the store, interviewed employees and took photographs. Following the investigation, Ranch Food was issued multiple citations. The relevant citation for our discussion pertained to violation of the safety standard which requires one or more methods of machine guarding to protect the operator and other employees in the machine area from hazards, such as those created by point of operation, ingoing nip points, rotating parts, flying chips and sparks, by methods such as barrier guards, two-hand tripping devices, electronic safety devices, etc. The citation set forth that Ranch Foods failed to ensure that the grinder was guarded effectively or that tools other than hands were used for pushing small amounts of meat through the grinder when the stomper was ineffective.

The Administrative Law Judge found that the cited standard applied in this instance. **Please turn to page 20**

The practice of inserting their fingers in the meat grinder to dislodge meat within two to four inches from the rotating auger... established that this was a common practice for which it was foreseeable that an operator would put their hands within the zone of danger.

had held his position for 3-1/2 years and typically he would visit the store every day to pick up receipts from the prior night and discuss any issues/needs with the employees during these visits. He was charged with safety compliance and discipline at the store and could remove employees for safety violations, although he had never conducted any internal safety audits nor examined any of the equipment. If equipment was not operating properly, he expected his employees to report these problems and stop using that machine.

The company relied on "observation by managers and other employees" to ensure a safe work environment, but safety violations were not documented unless disciplinary action was required. The

and the use of a stomper, an 18-inch cylindrical tool that is used to push meat down the throat of the grinder, as well as cleaning and disassembling the grinder's components. The operator would place meat in the hopper and push down the throat of the grinder toward auger and blades that ground the meat. The stomper could also be used to push the meat down the grinder throat, but sometimes the stomper was ineffective, and operators would use their fingers to dislodge meat from the walls of the throat. The grinder jammed frequently, and Mr. Wichman had trained this employee how to clear the jam by reversing it and then re-running it. If the jam did not clear, the operator was expected to disassemble and clean the machine.



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ALBANY UPDATE

\$739M Kew Gardens Interchange Project Honored by American Assoc. of State Highway and Transportation

ALBANY—New York Gov. Kathy Hochul announced earlier this month that a major project recently completed by the New York State Department of Transportation—the Kew Gardens Interchange—was named a winner of the Northeast Association of State Transportation Officials region in the “Best Use of Technology & Innovation, Large Project” category.

This year, 36 state transportation departments participated in the competition, nominating 81 total projects. The award was presented at the NASTO Annual Meeting on July 11 in Wilmington, DE.

“The Department of Transportation’s Kew Gardens Interchange project was a massive undertaking that utilized innovation and technology to improve the transportation infrastructure in Queens, all while reducing bottlenecks and helping keep traffic moving,” Gov. Hochul said. “To be recognized on a national level for this work is a testament to our efforts to make the lives of New Yorkers better. I thank the American Association of State Highway and Transportation Officials for this recognition and send my sincere congratulations to the entire New York State Department of Transportation team for their



The completed Kew Gardens Interchange in Queens, NY.

PHOTO CREDIT: HALMAR INTERNATIOAL

hard work on this project.”

Sponsored by the American Association of State Highway and Transportation Officials (AASHTO), AAA, and the U.S. Chamber of Commerce, the America’s Transportation Awards competition recognize the projects and programs that make their communities better places to live, work, and play. Now in its 16th year, the awards help to showcase why transportation infrastructure is so vital.

The \$739-million Kew Gardens Interchange project in Queens, which was completed in late 2022, revamped one of the metropolitan area’s most

heavily traveled corridors, creating faster travel times, safer merging and exiting, and more reliable connections for the hundreds of thousands of commuters, travelers, and local businesses who use it daily to reach the John F. Kennedy International Airport, LaGuardia Airport, and other key destinations throughout the region. The Kew Gardens Interchange project also recently earned a National Recognition Award in the American Council of Engineering Companies (ACEC) Engineering Excellence Awards competition, which was announced by state

officials in April 2023.

The fourth and final phase of the project, which cost approximately \$366 million, was awarded in December 2018 to a design-build team led by Halmar International of Nanuet, NY.

The Best Use of Technology & Innovation category recognizes new technology and/or creative/innovative solutions implemented by a state department of transportation as part of a transportation project. Overall, there were three categories for the awards: Operations Excellence, Quality of Life/Community Development,

and Best Use of Technology & Innovation.

After all regional meetings have taken place over the summer, the three highest scoring projects from each region will be named the “Top 12” and will go on to compete for the top two national prizes. The Grand Prize is chosen by an independent panel of judges while the People’s Choice Award is determined by the public through online voting. Winners will be announced at the AASHTO Annual Meeting in Indianapolis, IN this November.

New York State Department of Transportation Commissioner Marie Therese Dominguez said, “The transformative Kew Gardens Interchange project has led to less congestion and enhanced safety while improving climate resiliency and promoting multi-modal transportation. This award belongs to all the dedicated women and men of the New York State Department of Transportation who make projects like this possible and whose focus is to advance safe transportation for all. Our sincere thanks to America’s Transportation Awards—it is an honor to have the Kew Gardens Interchange recognized as a transformative, climate-conscious projects that has changed a transportation system for the better, in Queens and beyond.”

WASHINGTON UPDATE

222,000 U.S. Bridges Need Repair; Price Tag: \$319B

WASHINGTON—More than 222,000 U.S. bridges need major repair work or should be replaced, according to the American Road & Transportation Builders Association’s (ARTBA) analysis of the recently released U.S. Department of Transportation 2023 National Bridge Inventory (NBI) database released on Aug. 16. That figure represents 36% of all U.S. structures.

If placed end-to-end, these bridges would stretch more than 6,100 miles and take over 110 hours to cross at an average speed of 55-miles-per-hour,

according to ARTBA Chief Economist Dr. Alison Premo Black, who conducted the analysis. Based on average cost data submitted by states to USDOT, Black calculates it would cost more than \$319 billion to make all needed repairs.

States currently have access to \$10.6 billion from the 2021 federal Infrastructure Investment and Jobs Act’s (IIJA) bridge formula funds that could help make needed repairs, with another \$15.9 billion to be available in the next three years.

As the end of FY 2023 approaches on Sept. 30, states have

committed \$3.2 billion, or 30% of available bridge formula funds to 2,060 different bridge projects, with \$7.4 billion still coming.

Eight states committed more than two-thirds of their available bridge formula funds: Idaho (100%), Georgia (100%), Alabama (97%), Arizona (88%), Indiana (81.5%), Florida (80%), Texas (78%), and Arkansas (68%).

“The good news is that states are beginning to employ these new resources to address long-overdue bridge needs,” ARTBA President & CEO Dave Bauer said. “The better news is that more improvements are on

the way.”

“Most bridges are inspected every two years, so it takes time for repairs and rehabilitation efforts to show up in the annual federal data,” said Dr. Black. “What we do know now from other market indicators is that there are more bridge projects in the pipeline.”

Among other findings in ARTBA’s analysis:

- The number of bridges in poor condition declined by 560 compared to 2022. At the current pace, it would take 75 years to repair them all.

- Over the last five years, the

share of bridges in fair condition continues to grow. In 2023, nearly half of all U.S. bridges (48.9%) were in fair condition.

- There are 31 states that have committed less than 33% of their available bridge formula funds as of June 30.

- States have four years to commit formula bridge program funds for specific projects, giving them additional flexibility to decide when to make investments.

The full findings, including state-by-state rankings, are available at: www.artbabridgereport.org.

USDOT Launches Project Delivery Center To Improve Efficiency, On-Time Completions

WASHINGTON – The U.S. Department of Transportation has launched the Project Delivery Center of Excellence to help recipients of federal infrastructure funds deliver projects more efficiently and effectively, from concept to completion. The center will serve as a central resource for innovative practices and will bring project managers together to enable knowledge sharing and peer-to-peer learning.

“This USDOT Project Delivery Center of Excellence that we are launching is important because it is so important to deliver good projects well—meaning on time, on task, on budget,” said U.S. Transportation Secretary Pete Buttigieg. “I know that in the months ahead the Center of Excellence at Volpe will only continue to grow and evolve in this purpose of better supporting project delivery staff, project sponsors, and everyone working

on this both inside and outside the department.”

Since President Biden signed the Bipartisan Infrastructure Law in 2021, USDOT and the entire Biden-Harris Administration has hit the ground running to take advantage of this once-in-a-generation opportunity to rebuild the nation’s infrastructure—and is already delivering major progress.

Among the initial plans announced on July 31 by the

USDOT for the Project Delivery Center of Excellence:

- Simplifying the contracting process by providing newer, less experienced grant recipients with an off-the-shelf, high-quality model that they can use to ensure consistency and quality in design and construction contracts.

- Centralizing project delivery methods best practices and convening information exchanges.

- Providing a central repository and disseminate national best practices and case studies in successful, innovative project development, project delivery, and cost containment efforts.

- Working in partnership with the American Society of Civil Engineers and Association of Consulting Engineering Companies to develop and distribute templates and model language for transportation construction contracts.

Financial Management

Successful Succession in a Family-Run Business Requires Planning for Construction Industry Owners

By PHILLIP ROSS, CPA, CGMA, PARTNER

By their very nature, family businesses in the construction industry can thrive on the strength of relationships that run deeper than those between unrelated co-workers. Accordingly, family-run construction businesses present challenges specific to their structure and ownership. Only 30% of family-owned businesses survive into the second generation, and a mere 12% carry into the third, according to the Family Business Alliance. This indicates that many of these businesses may not have the proper guidance to assist with generational planning.

To ensure your construction business remains a thriving enterprise for a next generation, serving multiple generations of your family, here are some tips to bear in mind.

1. Let Employment in the Family Construction Venture be Voluntary

Letting members of the next generations decide for them-



the company even if they are not family members.

3. Build Relationships

Not only do you have to build things, but you must also build significant bonds based on mutual respect with subcontractors, clients and employees. Forming a strong understanding of your best or most highly-skilled workers is essential, enabling you to come up with incentives and strategies to keep them motivated and deeply engaged in the business

traditions are honored and passed on, but it is important to remember the importance of innovation in the construction industry. In any business, it is essential to embrace change. That commitment could translate into regularly attending construction industry conferences and tracking trade insights to stay on top of emerging trends. It may also require that the family members who cover different roles in the company regularly pursue additional education and training that will keep them current with the ways their disciplines evolve. On a company-wide scale, it may also require having the willingness to shift the core function of the construction business if the demand for once-mainstay construction projects and services wanes and new areas of opportunity emerge.

6. Consider Setting Boundaries Between Work and Family Life

Running a family construction business can often feel like a 24/7/365 endeavor. As a consequence, burnout can be a problem. To avoid that, it is necessary to create some separation between family life and work life. For

Letting members of the next generations decide for themselves whether they want to work in the family construction enterprise helps the passing-down of leadership roles be more organic and is a good way to ensure the business' longevity.

example, consider avoiding having work-related discussions during family time at home, during vacations or at family get-togethers. Another idea is to appoint back-ups in the construction business who can be on call when each family member needs to take breaks from overseeing the business operations. No one person should be assumed to be indispensable. Having adequate back-up is essential.

7. Develop and Communicate the Succession Plan Well Ahead of a Transition

Having open communications about the future of the construction business and planning for its transfer well in advance of the time it will

occur can reduce stress and foster an orderly transition in the ownership. A child or grandchild may elect to pursue a different career path, so regular discussions about future commitments will make passing the baton easier and more organic. Identify as early as possible those individuals who have the skills and desire to assume the next generation ownership. These individuals may even be non-family members if they represent the best chance for the company to succeed into the next generation.

Finding the

Best of Both Worlds

To capitalize on a family's unique connection and com-

Please turn to page 19

In any business, it is essential to embrace change. That commitment could translate into regularly attending construction industry conferences and tracking trade insights to stay on top of emerging trends. It may also require that the family members who cover different roles in the company regularly pursue additional education and training that will keep them current with the ways their disciplines evolve.

selves whether they want to work in the family construction enterprise helps the passing-down of leadership roles be more organic and is a good way to ensure the business' longevity. In fact, those who want to dedicate themselves to the family construction business might even benefit from working at other organizations in the construction industry for a time and bringing that perspective and knowledge back to the family entity.

2. Bring in Outside Expertise as Needed

Running any construction business requires multiple skill sets—everything from marketing and sales to accounting and technology management. To cover this wide range of skills, consider hiring talent from outside the family to fill in any gaps in training or experience. Come up with a fair compensation plan for these individuals that will engender loyalty to

setting. These dedicated employees can become invaluable key individuals who may even hold high-ranking positions, fostering a harmonious integration of both talent and familial ties within the company. Promotions and compensation should be based on merit and should not be assumed based on being a family member.

4. Manage with Flexibility and Accountability.

While a family-run construction operation inherently provides a more familiar work environment, accountability will keep the business running smoothly and ensure that everyone is treated with respect. Having clear roles and responsibilities for each family member, defining the expectations for each role, and having consequences when those expectations are not met can keep everyone on the same page.

5. Embrace Change

Families often thrive when



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RFP on Project to be Released in September

NY State, City Contribute \$200M for Long Sought After Redevelopment of the Kingsbridge Armory in the Bronx

By JOHN JORDAN

NEW YORK—If at first you don't succeed, try, try again... and again.

New York State Gov. Kathy Hochul and New York City Mayor Eric Adams announced on Aug. 8 that the redevelopment of the long vacant Kingsbridge Armory in the South Bronx will move forward with the release of Request for Proposals by the New York City Economic Development Corp. next month.

The latest iteration of plans to redevelop the Kingsbridge Armory, which first opened in 1917 during World War I, is estimated by city and state officials as possibly generating up to \$10 billion in economic impact for the Bronx and more than 1,000 construction jobs, follows an extensive community-led



The Kingsbridge Armory has been mostly vacant since 1996 when New York City took ownership of the complex that totals more than 570,000 square feet.

process over the past nine months. State officials expect a Project Labor Agreement will be reached on the project.

At a press conference, Gov. Hochul, Mayor Adams and New

York City Economic Development Corporation President and CEO Andrew Kimball, and community leaders unveiled guiding principles for the "Together for Kingsbridge Vision

Plan," outlining next steps for a process that will include the redevelopment of the historic and long-underutilized Kingsbridge Armory, which has been vacant except for special uses since 1996 when the city took ownership of the property.

The Kingsbridge Armory opened in 1917 and was used by the United States military until 1994 before reverting to city ownership in 1996. The armory was designated as a New York City Landmark in 1974 and placed on the National Register for Historic Places list in 1982. For the past 27 years, the armory has been vacant, but was utilized during the COVID-19 public health crisis, served as a temporary food distribution center and, early last year, was used by Bronx Borough President Vanessa Gibson and

local officials to store supplies for those impacted by the tragic Twin Park North fire.

The project site occupies most of the block bounded by West 195th Street, Reservoir Avenue, West Kingsbridge Road, and Jerome Avenue. The site is largely occupied by the Armory building that totals more than 570,000 square feet, including a 180,000-square-foot drill hall and an 8,000-seat auditorium.

"After years of dwelling on the history of the Kingsbridge Armory, we are finally looking ahead to its remarkable future," Gov. Hochul said. "I know how critical the future of the Armory is to this community and to the entire borough of The Bronx, which is why I prioritized locking in \$100 million in state funding that will allow this transformative project to move forward. Working with local leaders and our partners in the City of New York, the Kingsbridge Armory will anchor this neighborhood, address longstanding community needs, and boost the local economy and I anticipate a Project Labor Agreement to create good-paying union jobs at this site as we work to bring this project to fruition."

Backed by a combined \$200-million investment by the state and New York City, the redevelopment could deliver more than 1,800 jobs, including 1,100 construction jobs, and up to \$10 billion in economic impact to the Bronx based on initial estimates, state officials noted.

"The Kingsbridge Armory is a tremendous public asset that is not serving the community. This project has the potential to unlock billions in economic impact for the city while creating over 1,800 good jobs right here in the Bronx," said Mayor Adams. "And after sitting down with more than 4,000 Bronxites over the past nine months, we are proud to deliver their vision for the armory's next chapter: a source for good union jobs and a beacon of opportunity for the Bronx."

Since 1996 a number of redevelopment plans have been proposed, including plans for a large ice rink complex and a major shopping center. However, local opposition and financing issues scuttled all previous proposals.

The "Together for Kingsbridge Vision Plan" is the result of an extensive, community-driven process that kicked off in November 2022 and included a series of public workshops and engagement opportunities designed to develop a shared vision for how this tremendous public asset can support the neighborhood and the community's economic development priorities.

The process resulted in the
Please turn to page 22

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New Law Ensures Prevailing Wage on Road Utility Jobs

ALBANY—New York Gov. Kathy Hochul announced on Aug. 16 she had signed legislation (S.4887/A.5608) into law, enacting the “Roadway Quality Assurance Act,” strengthening New York’s construction workforce by ensuring they are paid the prevailing wage. This requirement uplifts workers and local communities across New York State and contributes to reliable utility service for ratepayers, state officials said.

“Our construction workers keep New Yorkers moving but are often underpaid for their hard and impactful work,” Gov. Hochul said. “I am proud to sign this legislation that will provide construction workers with fair wages and allow them to support themselves, their families, and our local economy.”

Legislation (S.4887/A.5608) amends the labor law to enact the “Roadway Excavation Quality Assurance Act” to protect workers on projects requiring the excavation or opening of a street. This legislation mandates that utility company contractors and subcontractors pay the prevailing wage to employees on projects where a permit to use, excavate, or open a street is required to be issued.

State Senate Deputy Leader Michael Gianaris said, “The workers who maintain and improve our infrastructure are vital to our communities and deserve a prevailing wage. It’s good for these skilled workers, and good for local economies across New York. I am pleased Governor Hochul is signing this bill.”

Assemblymember Karines Reyes said, “I applaud Governor Hochul for raising the wages of workers that fix our roads and strengthening our state’s local economies. By signing this legislation, the governor guarantees that roadway workers will receive the prevailing wage for their services and ensure that workers are paid commensurately for the vital skills that they deploy. This new law will enable this critical part of New York’s workforce to provide for their families and reinvest in local businesses. I am thankful to Senator Gianaris for his partnership in passing this bill, Governor Hochul for her leadership, and to LIUNA for their devotion to this effort.”

A host of organized labor leaders heralded the signing of the legislation.

Mario Cilento, President of the New York State AFL-CIO said, “We commend Governor Hochul for prioritizing safety while ensuring workers will be paid fairly for their labor. Requiring prevailing wage standards on roadway excavation projects will lead to the use of a highly trained and skilled workforce, help protect public safety and assist with utility service reliability,” he said. “We thank the governor for signing the bill and we thank the Democratic Majorities in both houses and the bill sponsors, Senate Deputy Majority Leader Mike Gianaris and Assemblymember Karines Reyes.”

Gary LaBarbera, President, New York State Building & Construction Trades Council added, “We thank Governor Hochul for signing this important piece of legislation that will benefit construction workers across New York. Prevailing wages provide meaningful benefits to workers and the economy, as they enable the Building Trades to continue creating middle class family-sustaining careers. The new law will protect public safety and utility service reliability by ensuring these roadway excavation projects utilize a highly trained and skilled workforce. We look forward to continuing to work with the governor and our partners in the Legislature on other meaningful policies to benefit workers throughout this great state.”

Thomas A. Callahan, President of the New York State Conference of Operating Engineers said, “The NYS Conference of Operating Engineers thanks Governor Hochul for signing this bill into law. Workers in this sector will now receive the wages and benefits they deserve. We also want to thank the NYS Legislature—especially the sponsors—for passing this important bill.”

Dan Bianco, LIUNA Vice President and New England Regional Manager said, “For decades our union pushed to expand this requirement from just New York City to the rest of the state. This was a long and hard-fought battle by the men and women of the New York State Laborers that will benefit our membership indefinitely. We’d like to thank our valued colleagues in the Senate and Assembly, specifically Speaker Carl Heastie, Senate Leader Andrea Stewart-Cousins, bill sponsors NYS Senator Mike Gianaris and Assemblymember Karines Reyes, Senate Labor Chair Jessica Ramos and Assembly Labor Chair LaToya Joyner, who recognize the importance of paying solid wages to workers, safety, training and holding big utility companies accountable to the people their businesses serve. Most importantly, we thank Governor Kathy Hochul for standing shoulder-to-shoulder with proud LIUNA members and signing this legislation into law, and for being a strong ally to the union men and women who build New York from the ground up.”



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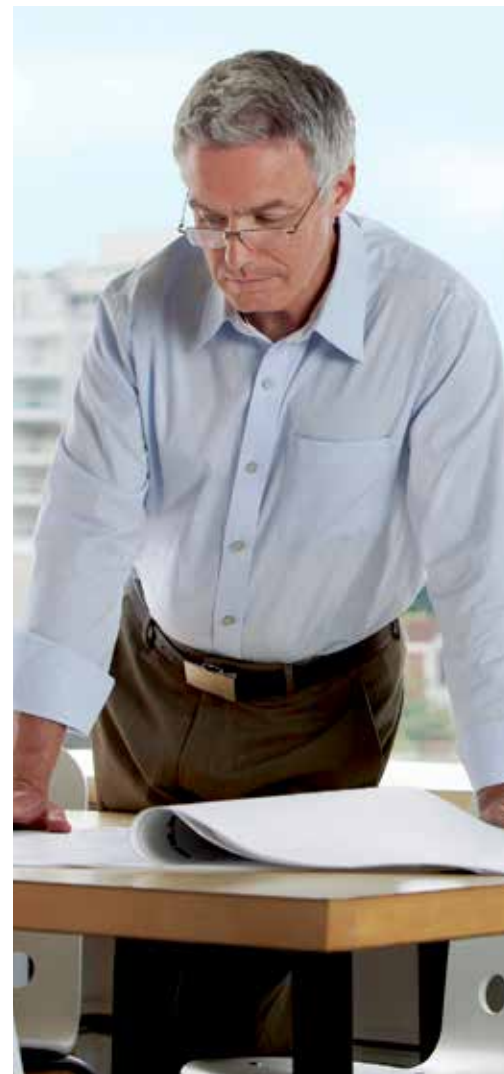
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DOL Updates Prevailing Wage Laws Raising Workers' Pay on Federal Jobs

Continued from page 4
local community.

- Periodically updating prevailing wage rates to address out-of-date wage determinations.

- Providing broader authority to adopt state or local wage determinations when certain criteria are met.

- Issuing supplemental rates for key job classifications when no survey data exists.

- Updating the regulatory language to better reflect modern construction practices.

- Strengthening worker protections and enforcement, including debarment and anti-retaliation provisions.

The DBRA requirements apply to an estimated tens of billions of dollars in federal and federally-assisted construction spending each year and provide minimum wage rates for hundreds of thousands of U.S. construc-

tion workers. The department expects a significant increase in the numbers of industry workers due to the historic investments in federally-funded construction projects made possible by legislation such as the Infrastructure Investment and Jobs Act.

"In light of recent investments in our nation's infrastructure, modernized regulations are more important than ever to ensure fair wages and benefits for the workers who build and repair our roads, bridges, federal buildings and energy infrastructure," said Principal Deputy Wage and Hour Division Administrator Jessica Looman. "They will help set correct wage rates for workers on these federally funded construction projects that better reflect the realities of today's labor market."

When contacted by *CONSTRUCTION NEWS*, the Amer-

ican Road & Transportation Builders Association (ARTBA) stated that it was still reviewing the changes to the Davis-Bacon Act. The Construction Industry Council of Westchester & Hudson Valley, Inc. is an affiliate of ARTBA.

AFL-CIO President Liz Shuler commended the Department of Labor's final rule on Davis-Bacon prevailing wage regulations. In a prepared statement, Ms. Shuler stated, "The Biden-Harris administration once again delivered for working people by ensuring that construction workers on federal and federally assisted projects receive the pay they deserve. Today's final rule on Davis-Bacon and Related Acts will not only strengthen prevailing wage laws, but it also will improve legal protections from wage theft for more than 1 million workers on federal construction projects. Thanks

to the Biden administration's historic federal investments and commitment to 'ensuring the future is Made in America,' massive job growth in construction and manufacturing is already underway."

She added, "This rule will guarantee that workers in new and existing jobs, emerging infrastructure, and clean energy sectors are paid fairly. Every job created through these historic investments should be a good family-supporting job. That's how we rebuild America from the bottom up and middle out. We'll continue to partner with the Biden-Harris administration to transform our economy through a workers first agenda that lifts up families and communities across the nation."

The National Association of Home Builders took a much different view of the Department of Labor's actions. Alicia Huey, chairman of the NAHB

and a custom home builder and developer from Birmingham, AL, stated, "The Department of Labor had the opportunity to enact positive change that truly modernizes the system for determining prevailing wages on construction projects covered under the Davis-Bacon and Related Acts (DBRA). Instead, this final rule fails to address many of NAHB's concerns made during the rule-making process, including the DBRA's overly burdensome contractor requirements and wage determinations that are misrepresentative of the real wages being paid in an area. Unfortunately, this rule-making will discourage builders from using covered federal programs that make rental housing affordable for low-and-moderate-income families, increase construction costs and exacerbate the nation's housing affordability crisis."

Safety Watch Continued from page 15

The meat grinder presented a point of operation, ingoing nip point, and rotating parts with the potential for serious injury, which was being used during its "normal production operations" and did not constitute a maintenance activity, which would have involved a different safety standard (lockout/tagout standard which places a larger onus on the equipment operator).

The purpose of this safety standard is not to make it primarily dependent on human behavior but rather to provide a safe environment "regardless of the employee's intelligence, skills and tendency to neglect a specified course of conduct." Ranch Foods argued that the grinder's own design prevented employees' exposure as an adult hand could not enter the zone of danger and further that the stomper, alleviated the need for use of an operator's fingers to push meat into the throat of the grinder and further that

operators were warned against this use. However, the safety standard prohibits tools to be used in lieu of a guard and therefore the stomper was inadequate. Moreover, the safety standard does not permit guarding by work rules, but rather requires a physical guard so as not to depend upon correct employee behavior.

The practice of inserting their fingers in the meat grinder to dislodge meat within two to four inches from the rotating auger, as confirmed by Mr. Wichman and other employee testimony, established that this was a common practice for which it was foreseeable that operators would put their hands within the zone of danger. The inadequacies of Ranch Food's safety training and precautions established that the supervisor's own violation of safety rules was foreseeable to impute knowledge of these violative conditions at Ranch

Foods of this practice.

Furthermore, an employer could not merely delegate the duty of safety to its employees, and the general manager, Mr. Morrill's reliance on employees to act safely and report any safety issues, and his own failure to discipline any unsafe actions or examine equipment for safe operation did not allow Ranch Foods to escape responsibility. Consequently, the Citation was affirmed.

Ranch Foods was also cited for failing to timely notify OSHA of this accident, which was also affirmed by the ALJ. Pursuant to the applicable rules, all employers are required to notify OSHA when an employee is killed on the job or suffers a work-related hospitalization, amputation, or loss of an eye. A fatality must be reported within eight hours, while an in-patient hospitalization, amputation,

or eye loss must be reported within 24 hours.

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

Putnam Exec Byrne Hosts Public Meeting On Peekskill Hollow Road Construction Project

Continued from page 11
months, seeking to set reasonable expectations as well as respond to any outstanding resident concerns.

"Peekskill Hollow Road Bridge is a vital transportation link in our community, and we are eager to move forward and finally finish this project," said Sam Etre, CEO of ELQ Industries, Inc., of New Rochelle, NY, the new contractor on the project. "We are honored to be entrusted with it and we take our responsibility to the community very seriously."

At the town-hall style hearing, held at the Putnam Valley Firehouse, ELQ presented a timeline on the project to inform the public about what, when and where the new construction and repairs will take place to the various sections of the roadway.

Construction activities began with two weeks of inspection and a corrective work process. There are two main bridges that are part of the project that are expected to take nine months to complete. The project also includes lane widening, new turning lanes, new signaling and sidewalks, 4' shoulders and spot drainage improvements.

With construction of Peekskill Hollow Road now ongoing, it is expected to be fully completed by July 2024.

Also, in attendance was Commissioner Bob Lipton of the Putnam County Bureau of Emergency Services to update residents on recovery and response efforts following the July 9-10 storm that devastated parts of Putnam Valley and the county.

—George Drapeau III, with Putnam County Reports



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WHAT'S NEW & WHO'S NEWS

Putnam County Executive Byrne Proposes Plans for New County Fire Training Center

CARMEL, NY—Putnam County Executive Kevin Byrne announced on Aug. 9 his plan to construct a new state-of-the-art Fire Training Center in Putnam County. The new facility will replace the former center, including the tower that has not been utilized for over a decade due to its poor safety conditions.

The new project will also address the critical need for enhanced training opportunities for the county's firefighters and other emergency services personnel, the County Executive noted. The current fire training center has been significantly underutilized since the tower was deemed unsafe more than 10 years ago and the burn facility has been repeatedly closed due to ongoing costly repairs. The restricted use of the current facility forces many local fire departments to travel to neighboring counties for essential training, including as far as



Putnam County Executive Kevin Byrne speaks in front of the old out-of-commission County Fire Training Center.

Valhalla, NY, creating an additional strain on recruitment and retention efforts within the volunteer emergency services community.

The new Fire Training Center will provide first respond-

ers with a modern, safe, and comprehensive environment to sharpen their skills and prepare for a variety of emergency situations. While the existing Fire Training Center is not a federally- or state-mandated

service provided by Putnam County government, it is one that is considered to be an essential service and a high priority for County Executive Byrne and members of his administration.

Funding for the project will primarily come from the American Rescue Plan Act (ARPA), which had been previously committed to Putnam County specific projects, with additional funding coming from several grant opportunities. Both United States Senator Kirsten Gillibrand and State Senator Peter Harekham, in consultation with County Executive Byrne, have been actively working to secure funding for this important project. The project was expected to go before the Protective Services Committee on August 17th and to the County Legislature for a full vote on September 5th. If approved, partial demolition could begin on the old facility; with the fire tower being torn down and part of the old facility being re-purposed for other training opportunities. Pending all necessary approvals, the new state of the art center is estimated to be completed in the summer of 2024.

Skanska Names Sean Szatkowski GM Of New York Building Operations

NEW YORK, NY – Skanska, a global construction and development firm, recently promoted Sean Szatkowski to general manager of Skanska USA Building's New York operations. Elevating from his previous role as senior vice president, account manager in the region, Mr. Szatkowski will be responsible for overseeing the firm's business operations in New York, while simultaneously establishing new and maintaining existing client relationships.

"In his nearly three decades

at Skanska, Sean has always shown exceptional leadership in each of the various positions he has held," said Kerim Evin, regional executive officer at Skanska USA Building. "This promotion is in recognition of Sean's unwavering commitment to our company as well as his lengthy track record of creating a collaborative and inclusive environment for his teams and clients, and most importantly, consistently delivering results."

Mr. Szatkowski replaces Tom Webb who previously held the position for 12 years. Mr.

Webb has transitioned into a Regional Lead role, where he will focus on Skanska's efforts to further integrate the business operations of Pennsylvania, New Jersey, and New York districts into one combined region.

With three decades in the construction industry and at Skanska, Mr. Szatkowski has played integral roles in marquee projects, including the transformational redevelopment of LaGuardia's Terminal B, Metlife Stadium, and the construction of NYCEDC's East Midtown Greenway's in-water

structure. Under his guidance, he has ensured projects are delivered with a high degree of quality, prioritizing operational and safety excellence amongst his teams.

Mr. Szatkowski holds a B.S. in Civil Engineering and M.B.A in Business Administration from Rutgers University. He has been a two-time Board Member for the NYC Building Contractor Association, as well as an executive committee representative for the Building Trades Employers Association.



Sean Szatkowski

DEC Announces New Leadership Appointments

ALBANY—New York State Department of Environmental Conservation Commissioner Basil Seggos announced on Aug. 10 four appointments to new and existing leadership positions with DEC's Executive and Regional teams.

"I am excited to announce key DEC leadership additions and changes that are critical to sustaining the success of New York's environmental protection policies and programs," Commissioner Seggos said. "Suzanna Randall and Peter Reuben are bringing extensive experience and skills to two new and critically important agency roles that focus on enhancing resiliency and strengthening relationships with Indigenous Nations. Dereth Glance will continue bringing her energy and passion to a different role leading DEC's presence in Central New York and the Southern Tier, and Cecilia Walsh



Suzanna Randall

will help guide our extensive engagement with the media to inform the public. DEC is strengthening our team to bolster our efforts to meet the unique challenges and opportunities before New York State."

Ms. Randall was appointed DEC's first Chief Resiliency Officer. Ms. Randall will be



Peter Reuben

responsible for administering the state's landmark Clean Water, Clean Air and Green Jobs Environmental Bond Act of 2022, leading the development and implementation of all major components of the program. She most recently served as Deputy Director of Project Delivery for the Office of Resilient Homes



Dereth Glance

and Communities, formerly the Governor's Office of Storm Recovery. Additional experience includes serving as Special Projects and Sustainability Coordinator with the New York State Environmental Facilities Corporation, where she led the award-winning Green Innovation Grant Program, and Water



Cecilia Walsh

Resources Planner at Philadelphia Water Department's Office of Watersheds.

Mr. Reuben was named the first-ever Director of DEC's Office of Indian Nation Affairs. Mr. Reuben has more than a decade of experience with DEC, most recently as the Regional

Please turn to page 22

LOW BIDS

Constar, Morano Brothers, Annseal, Power Line Win NYSDOT Projects

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

Constar Inc. of Central Islip, NY was the lowest of eight bidders at \$18,218,395.00 for bridge maintenance-various locations in four of the five boroughs of the City of New York.

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 the Taconic State Parkway to Route 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.

Power Line Constructors Inc. of Clinton, NY was the lowest of four bidders at \$380,402.84 for signal installation along US Route 44/State Route 55 and Bruynswick Road in the Town of Gardiner in Ulster.

Laura Li Industries Secures County Resurfacing Contract

WHITE PLAINS—The Westchester County Department of Public Works reported recently that Purchase, NY-based **Laura Li Industries** was the lowest of five bidders at \$1,676,021.00 for resurfacing and related improvements to Pines Bridge Road, C.R. No. 1323, from Brookside Lane to New Castle/Yorktown line, a distance of 2.86 miles in the Town of New Castle, NY.

DEC Announces New Leadership Appointments

Continued from page 21
Spills Supervisor in Western New York, as well as more than 15 years working closely with Indian Nations on a wide range of environmental projects and issues. Previously, Mr. Reuben served as Brownfield Program Manager for the Seneca Nation of Indians Environmental Protection Department, worked as a consultant to the Haudenosaunee Environmental Task Force, and Tonawanda, Seneca, and Tuscarora Nations. In 2012, he was elected Vice-Chair of the U.S. Environmental Protection Agency's Tribal Waste and Re-

sponse Assistance Program's National Steering Committee.

Ms. Glance was named Regional Director in DEC's Region 7, which covers Broome, Cayuga, Chenango, Cortland, Madison, Onondaga, Oswego, Tioga, and Tompkins counties. She most recently served as DEC's Deputy Commissioner for Environmental Remediation and Materials Management, where she oversaw DEC's divisions of Environmental Remediation, Materials Management, and Mineral Resources.

Ms. Walsh was appointed DEC's Director of Media Rela-

tions. Ms. Walsh will oversee DEC's Press Office to ensure the effective communication of the agency's actions to statewide and national media outlets and the public. Most recently, she served as Project Coordinator for the Cannabis Education and Employment Development Program with the New York State Department of Labor. Previously, she was Director of Communications with the Albany County District Attorney's Office for more than a decade where she oversaw all media and public relations for the office and District Attorney.

Redevelopment of the Kingsbridge Armory

Continued from page 18
identification of preferred industries that community members believe would allow the armory to attract major private investment. Those preferred industries include film and television, sustainable manufacturing, emerging technologies and urban agriculture.

Community members also

identified a set of complementary uses to provide equitable access to services and work opportunities for Bronx communities. Those complementary uses encompass seven possible sectors: vocational training and a small business incubator; retail, food, and beverage uses; community gathering and organizing space; Bronx arts and culture

space; recreation and health and sustainable food systems. The community also stressed a desire for the project to hire local and union talent, sourced from Bronx-based businesses, and provide vocational training to residents.

According to the NYCEDC website, the agency is conducting site tours on Fridays from Aug. 11 through Aug. 25.

Financial Management **Continued from page 17**

mitment to each other, family construction businesses may still need to adopt some of the rules that enable other types of organizations in the construction industry to flourish. It's a fine balance because too many rules and requirements can inhibit creative thinking and

cause tension. Still, operating with clear guidelines that strengthen team spirit, mutual accountability and the shared vision for the company can help a family-run operation remain successful for many generations.

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.

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