



Construction NEWS



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\$1.50

Feds Appropriate \$10B+ for Tunnels, Bridges

NYC Region Enters New Era of Mega Projects



On Nov. 3, from left, U.S. Transportation Sec. Buttigieg, New York Gov. Kathy Hochul, MTA Chairman Janno Lieber and other dignitaries held a ceremony at the Second Avenue subway site in Manhattan.

By JOHN JORDAN

WASHINGTON—In a series of announcements in the past few weeks, the Biden Administration has pledged a total of \$6.76 billion in federal infrastructure funding for four major projects in the New York City region. They are the Hudson Tunnel Project (part of the Gateway Tunnel Project), Metro-North Penn Access, East River Tunnels rehabilitation and design for Pelham Bay Bridge replacement.

The Biden Administration and U.S. Department of Transportation Sec. Pete Buttigieg announced Mon., Nov. 6, a total of \$16.4 billion for 25 passenger rail projects along the Northeast Corridor (NEC), a railroad line running between Boston and Washington, D.C. Projects were selected through the Bipartisan Infrastructure Law's Federal-State Partnership for Intercity Passenger Rail Program (Fed-State NEC).

Included in that funding are four New York region infrastructure projects that will employ tens

of thousands of union construction workers. Gov. Kathy Hochul reported that the Hudson Tunnel Project Systems and Fit Out, part of the Gateway Tunnel Project, will receive \$3.8 billion in federal funding; the Metro-North Railroad Penn Station Access with four new stations in the Bronx has secured \$1.64 billion; the rehabilitation of East River Tunnels to Penn Station is slated for \$1.26 billion and the replacement of the Pelham Bay Bridge job will be receiving \$58 million from the federal government.

Not included in the announcement was the \$3.4 billion the federal government will be providing for the second phase of the Second Avenue subway project. On Nov. 3, Governor Kathy Hochul, Sec. Buttigieg, U.S. Senate Majority Leader Charles Schumer and U.S. Rep. Adriano Espaillat (D-NY-13) held a ceremony at the Second Avenue subway site, followed by another press event to celebrate the start of work on the Hudson Tun-

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Council: New York State IDAs Generated \$141 Billion In Wages; Created, Retained 1.3-Million Jobs in 2021

By JOHN JORDAN

ALBANY—In light of some criticism being leveled against Industrial Development Agencies in New York State, particularly the need and financial returns of incentives granted to development projects by IDAs, a newly released report commissioned by The New York State Economic Development Council calculates the benefits of IDA incentives in 2021 in the billions of dollars and more than 1 million jobs retained or created.

Recently, New York State Sen. James Skoufis, the Chairman of the New York State Senate Investigations and Government Operations Committee, has criticized Industrial Development Agencies and particularly the Orange County Industrial Development Agency over some of the incentives it

has awarded to development projects, charging that those incentives were not necessary. He also passed a law that will have the Orange County IDA's operations overseen by a state-appointed monitor.

On Oct. 30, The New York Economic Development Council released its report by Camoin Associates that found in 2021 IDAs helped create and retain 1.3 million jobs representing \$141 billion in annual wages. Those wages helped generate \$12.4 billion in annual New York State tax revenue.

The report calculated that for every dollar of taxes abated via IDA incentives, IDA projects generated \$6.57 in new tax revenue for New York State. In addition, for every one dollar of exemptions issued, \$74.89 in employee earnings were generated in New York and \$237.46 in sales

were generated in the state.

Also in 2021, IDA projects created \$830 million in new tax revenue to local taxing jurisdictions including \$338.9 million in payments to school districts across the state. This is new revenue to the schools that otherwise would not have occurred without IDA involvement. The total amount of school taxes abated by IDAs represents less than .5% of total school spending in 2021, the report stated.

The report calculated that active IDA-approved projects in the Mid-Hudson region in

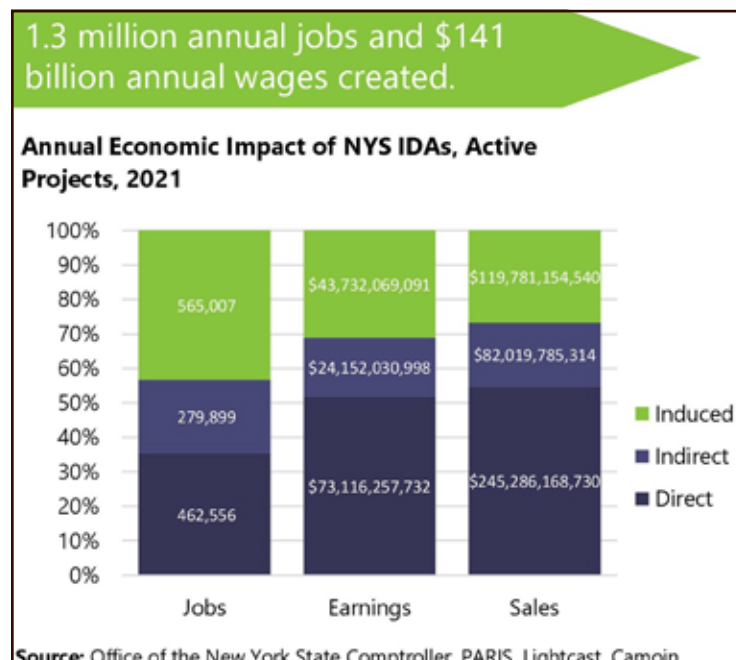
2021 generated 80,308 direct jobs, 33,287 indirect jobs and another 49,793 induced jobs, bringing the 2021 jobs grand total to 163,388. The total earnings combining direct, indirect and induced earnings totaled \$15.34 billion and IDA-induced projects in the region generated sales of approximately \$55.63 billion.

The study reviewed the impacts of IDA projects specifically for the year 2021 as well as their broader economic impacts from 2018-2022. Data for the report was collected from the

2021 public authorities reporting information system (PARIS) overseen by the Office of State Comptroller, Lightcast, a global leader in labor market analytics, and survey data collected from 80 IDAs on housing and renewable energy.

"The sheer scale of the cumulative impact of IDAs on New York State's economy is impressive" said Rachel Selsky, Vice President at Camoin Associates. "The findings in the report demonstrate the positive outcome of the hard work done by these critical economic development organizations across the state in terms of jobs created, earnings generated, housing units developed,

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Rockland Christens New \$40-Million Complex That Houses County's Highway Department

By JOHN JORDAN

CHESTNUT RIDGE, NY—A project in Rockland County that has been debated, advertised for bid, withdrawn, then mothballed and delayed for nearly six decades, has finally been completed. On Tues., Nov. 14, Rockland County Executive Ed Day and Rockland County Highway Superintendent Charles "Skip" Vezzetti staged a ribbon cutting at the all-new \$40-million county highway facility in Chestnut Ridge.

Worth Construction of Bethel, CT recently completed the 114,500-square-foot facility, located on 24 acres at 26 Scotland Hill Road. Rockland County acquired the property specifically for the Highway Department complex for \$1 from New York State Department of Transportation.

At the press conference, County Executive Day referencing the generational journey to get the new highway facility built, which first began in 1965, said, "To say this is a long time coming would be an understatement."

Mr. Vezzetti thanked the Rockland County Executive, the County Legislature, the Town of Chestnut Ridge and the New York State Department of Transportation and New York State Thruway Authority for their cooperation in advancing the project to completion. "I want to thank Ross Pepe, Matt Pepe, John Cooney, Jr., of the (Construction Industry Council of Westchester & Hudson Valley, Inc.) and (Building Contractors Association) membership for their support." He also thanked the late Jerry Keahon, a former CIC Board Director, who passed away in September "before he could see this come to fruition."

Building a new Highway Department facility to replace the outdated buildings in New City and Stony Point garage were the topic of discussion since the 1960s. In 2003 design work commenced and in 2007 bids were procured and a low bid of \$34.6-million was secured for the project, which was considerably higher than county budget estimates at the time. The project was subsequently shelved in 2010 due to the ongoing economic crisis at the time.

The prior facility was constructed in 1935 and first flagged for needed upgrades in 1965 when then Highway Superintendent Nelson W. Hall recommended to the Rockland County Board of Supervisors that it was time to move and update the county's highway garage, Mr. Vezzetti said.

Finally, in 2020, County Executive Day and the Rockland County Legislature passed a bond resolution for the construction of the new facility that was christened this month.

The new complex features seven buildings that include: a new maintenance repair building; indoor storage for the county Highway Department's

fleet; capacity to store 10,000 tons of salt, doubling the current capacity; generators and fuel capacity to maintain operations for two weeks without outside assistance and a green building, including natural and recycled materials for construction and passive solar.

The facility, which houses the department's administrative staff, also has a large-vehicle wash facility that will increase the life expectancy of county vehicles by 20%, saving about \$190,000 a year.

"Over the last four decades Rockland County Highway Department has seen the lane miles within its responsibility increase 28%," said County Executive Day. He acknowledged the long delay to complete the project but noted that had the county waited until now, with today's much higher borrowing rates, the project could have cost another \$20 million to complete.



Rockland County Executive Ed Day said that if construction of the county's highway facility was delayed any further, costs could have escalated as much as \$20 million due to higher interest rates.

"The Rockland County Highway Department has moved from the oldest, longest, continuously used county highway facility in the state to a modern, state of the art environmentally correct

green facility located at the center of our service area to serve the residents of our county in the most efficient manner," said Highway Superintendent Vezzetti, summarizing its features

and benefits. He added, "It may not be the biggest, but it is the best coordinated and planned highway facility in the state."

The County Highway Department is responsible for 72 bridges and 170 miles of road, the conditions of both have Rockland rated as one of the top Highway Departments in the entire state, Rockland County officials stated. The Highway Department's heavy construction vehicles will be kept offsite at 550 Old Nyack Turnpike in Nanuet.

At the unveiling ceremony, Mr. Vezzetti found a speech he had hoped to give some seven years earlier in which he praised the unionized building trades for their work on the project. He also gave special recognition to general contractor Worth Construction, McLaren Engineering Group, All Bright Electric and several other enterprises that helped build the new complex.

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GUEST VIEWPOINT

Misclassification of Workers Undermines Fair Construction Practices, Hurts All Trades



Misclassification primarily occurs when employers intentionally mislabel workers as independent contractors to evade labor laws and avoid paying benefits, taxes and insurance.

Photo Credit/MARGARET FOX

By MIKE KANE

In the cutthroat competition of the construction industry, the relationship between employers and workers can be difficult to navigate. Something as simple as how you classify a worker can have a lasting impact for all involved. Misclassification—where contractors erroneously label employees as “independent contractors”—is a growing problem in the industry that has far-reaching consequences. This practice not only robs workers of their rights and protections, but also undermines the very foundation of a fair and competitive industry.

Misclassification primarily occurs when employers intentionally mislabel workers as independent contractors to evade labor laws and avoid paying benefits, taxes and insurance. While this may appear to benefit employers in the short term, the long-term consequences are dire. Honest contractors who comply with labor laws are put at a significant disadvantage, facing unfair competition from those who engage in misclassification. This imbalance disrupts the market, adversely affecting the livelihood of workers as well as law-abiding contractors.

As a former union carpenter who started my own construction company, I’ve seen the issue from both perspectives. A worker who needs a paycheck is going to feel pressure to go along with what the boss says, even if it means no access to benefits or insurance. A contractor competing with other firms that cut corners is going to feel pressure to keep costs down, even if it means breaking the law.

That last point is key. Misclassification is technically against the law. I say “technically” because it’s rare that law enforcement dedicates the resources necessary to inves-

tigate this crime. That has to change—because misclassification is a crime. The victims are the exploited workers, honest contractors and every law-abiding taxpayer forced to pick up the slack for these deadbeats.

It’s time for district attorneys across New York State to step up and do the job needed to level the playing field in the construction industry—including right here in Westchester County.

Think about it. If a bunch of thieves were creeping through construction sites, stealing cash out of the boss’s office, law enforcement would take action. Undercover investigators might pose as construction workers to catch them in the act, and there’d be no hesitation in prosecuting the offenders. But when a shady contractor cuts corners and cheats his workers out of pay and benefits, where is the prosecutor? That contractor is picking pockets and cheating on his taxes, but it’s rare to see those laws enforced with the same focus as common theft.

I had been a union carpenter for about 10 years before I started my company in 1992. My experience has shown me the value in hiring a pool of talented workers, with the proper training, to do a quality job—and paying them what they deserve. Not every firm operates like that, so contractors like me are forced to bid against companies that don’t pay their workers a living wage, skimp on benefits and cut corners. The cheats have an unfair advantage and they need to be held accountable.

That’s how misclassification harms honest contractors. Employers who classify workers as independent contractors avoid paying employment taxes, workers’ compensation insurance and unemployment insurance. The cost of liability and umbrella insurance is no

small issue to a small business like mine. When I bid on a project, I have to include insurance cost and coverage as part of the hourly labor cost to ensure that everyone is protected—and that makes it hard to compete against contractors who don’t take steps to protect their workers. As a result, honest contractors often find themselves unable to compete on price, even though their higher costs are essential for providing proper employee benefits and maintaining legal compliance.

Misclassification in the construction industry is no administrative, paperwork error. It is a corrosive business practice that harms honest contractors, workers, and the industry as a whole. By artificially lowering labor costs and sidestepping legal obligations, misclassification creates an uneven playing field, disadvantages law-abiding contractors and jeopardizes the safety and rights of workers. Addressing this issue requires a concerted effort from policymakers and district attorneys to enforce existing labor laws, promote fair competition and protect the interests of honest contractors. Only through these efforts can we ensure a construction industry that thrives on integrity, fairness and the well-being of all those who contribute to its success.

About the author: Mike Kane, Sr., is founder of Kane Contracting Inc. based in Peekskill, NY. Established in 1992, the company provides carpentry in the New York and Connecticut metropolitan area. Clients include elementary schools, universities, hospitals, corporate headquarters, retail stores, hotels, casinos and restaurants. Mr. Kane can be reached at 914.736.3133.

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13th Annual CAI Seminar for P.E.s Draws Dozens to Earn 6 PDH/HSW Credits

By MATT PEPE

TARRYTOWN, NY—The always-popular professional development seminar, presented annually by the Construction Advancement Institute (CAI), drew a capacity audience last month for a program entitled “ENGINEERING: Knowledge, Innovation, Inspiration.” More than 50 P.E.s gathered at the Sleepy Hollow Hotel & Conference Center on Monday, Oct. 30, to hear presentations by five experts in their respective fields, spanning materials, geotechnical engineering, industry innovations and the legal profession.

As part of the day-long program, a technical study tour of Rye Playland was organized in the early afternoon to learn about the ambitious \$140-million building activity that’s ongoing at



The Construction Advancement Institute seminar on Oct. 30 drew a diverse audience of more than 50 P.E.s, architects and contractors. Above, Steven Witkowski, P.E., of the firm Thornton Tomasetti, discussed new trends and innovations in Engineering.

the famed entertainment park owned by Westchester County.

The program earned the enrolled P.E.s a

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Attorney's Column

Court: 'Adjoining' Properties to be Protected During Excavation Need Not Be Abutting

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

It has long been the law that owners and contractors who perform construction activities on a property can be held liable for damages caused to neighboring properties as a result of construction. The initial theory was straightforward negligence, with the contractor being held directly responsible for any negligent activities that result in damage, and the owner held vicariously liable for its retained contractor's acts.

However, as structures and construction became more com-



plex, not all damages remained apparent (or above ground). Neighbors were no longer as concerned about the tree that fell across the property line and onto their roof as they were about excavation that causes subsidence and damage to their foundation. In response, statutes were enacted that imposed absolute liability on those who excavate (initially deeper than 10 feet, and now regardless of depth) in the course of building.

struction or demolition work," and that "the person who causes such [excavation] to be made shall, at all times during the course of such work and at his or her own expense, preserve and protect from damage any adjoining structures."

In the recent case of *7-11 E. 13th Street Tenants Corp. v The New School*, an appellate court clarified that the term "adjoining" does not require that the properties physically abut, or share any boundary, and that nearby structures were similarly protected.

The latest version is Section 3309 of the New York City Building Code, which provides that "Adjoining public and private property, including persons thereon, shall be protected from damage and injury during con-

Background

The New School is a college in New York City, and in 2009 it commenced to undertake the construction of a 16-story University Center to provide a new focal point for "our downtown

In the recent case of 7-11 E. 13th Street Tenants Corp. v The New School, an appellate court clarified that the term "adjoining" does not require that the properties physically abut, or share any boundary, and that nearby structures were similarly protected.

New York City campus—[with] the forward-thinking design reflect[ing] The New School's commitment to creativity, innovation, and social engagement." The school retained engineers to design the project, including its support of excavation aspects, and construction ultimately commenced.

In 2010, tenants of the plaintiff 7-11 East 13th St. Condominium began to complain of cracks in the walls and ceilings, and uneven and torqued doors throughout the building. Ultimately, it was determined that the west wall of the condo had settled by approximately four inches. The condo and its tenants ultimately commenced a lawsuit to recover the damages attributable to the excavation.

After lengthy discovery, the defendants moved for summary judgment dismissing the strict liability claim against them, arguing that, as there was a property between the construction site and the condo, that the condo was not an "adjoining property," and its building was not an "adjoining structure." In opposition, the condo cited case law interpreting prior versions of the strict liability statute in which courts found that the word "adjoining" does not require abutment, and that having a property "within a near enough proximity that the soil or foundation work poses an inherent risk of damage to the plaintiff's structure" was sufficient.

Decision

The motion court denied the motion, citing to older—but still valid—case law interpreting predecessor versions of the statute and holding that the word "adjoining" in this context "contemplates nearness, but with intervening spaces, as between houses; and when we are contemplating a local city provision, designed to apply to city lots, with contiguous buildings, it seems entirely proper that we should hold that any wall is contiguous which is near enough to be disturbed by the excavation." To hold otherwise, stated the motion court, would not serve the "statutory intent to shift the risk of injury from the landowner injured by the excavation to the party causing the excavation."

The appellate court affirmed, holding that "[a]s the legislative history of the relevant predecessor statutes makes clear, the in-

tent was to protect both adjoining and nearby properties," and that the defendants "fail[ed] to show that the changes in statutory language, before or in connection with the adoption of [the current version of the ordinance] in 2008, reflect an intent to narrow the statutory protection."

Comment

While courts generally acknowledge that living in cities necessarily involves some hustle-and-bustle, with New York's highest court having long ago held that if one "lives in the city he must expect to suffer the dirt, smoke, noisome odors, noise and confusion incident to city life," such does not require that one accept physical damage because a nearby property owner wishes to excavate a deep foundation for a tall structure. For that circumstance, the city has enacted a scheme that provides generally for strict liability to those who excavate.

However, there are conditions on such strict liability, such as the requirement that the neighbor permit a pre-excavation survey of conditions so that any pre-excavation damage can be documented (with further damage presumed to have resulted from the excavation).

Because a failure to follow the prerequisites set forth in the building code can result in the loss of the full strict liability protection, owners and contractors seeking to undertake excavation (and neighbors of those seeking to excavate) would be well advised to consult with experienced construction counsel to see what everyone's respective obligations are, and how to best prepare oneself for the excavation. In a like vein, consulting with a geotechnical engineer would also be wise.

About the author: Thomas H. Welby, an attorney and licensed professional engineer, is General Counsel to the Construction Industry Council of Westchester and the Hudson Valley and the Building Contractors Association, and is the Founder of, and Senior Counsel to the law firm of Welby, Brady & Greenblatt, LLP, with offices located throughout the Tri-State/Greater Metropolitan Region. Gregory J. Spaun, General Counsel to the Queens and Bronx Building Association, and an attorney and a partner with the firm, co-authors this series with Mr. Welby.

After lengthy discovery, the defendants moved for summary judgment dismissing the strict liability claim against them, arguing that as there was a property between the construction site and the condo that the condo was not an "adjoining property," and its building was not an "adjoining structure."

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OBITUARIES

O.L. 'Peter' Bibeau

Longtime Utility Contractor and Trade Association Advisor Passes at 92

MIDDLETOWN, NY—Ovila Leodore "Peter" Bibeau, a contractor and civil engineer who sold his company and retired from the utility construction industry in 2015 after more than 55 years in business, died on Tues., Oct. 24, at the Garnet Health Medical Center here in Orange County. He was a resident of Wurtsboro, NY, and was 92.

At the height of his business enterprise, Mr. Bibeau was the owner and CEO of Bibeau Construction, a contracting firm he founded in 1962. Based in Valley Cottage, NY, the company was renamed Spar Construction Co., Inc., in 2013. It employed up to 85 building tradesmen and women from the Operating Engineers and the Laborers from Union Locals 60, 1000, 754 and 17. Among Mr. Bibeau's many customers in the utility sector were Con Edison, Central Hudson Gas and Electric, Orange & Rockland Utilities, Public Service Gas & Electric of New Jersey and Verizon.

In 2015, Mr. Bibeau sold the Spar enterprise to the heavy construction contractor Posillico Civil Inc. of Farmingdale, NY, which at the time was seeking a groomed pathway into the growing Hudson Valley marketplace.

Mr. Bibeau was also engaged in construction-industry affairs and served as a board member of several regional construction trade associations, including as a founding member of a group that



Photo Credit/GEORGE DRAPEAU III

eventually came under the umbrella of the Construction Industry Council (CIC).

Mr. Bibeau was the son of the late Leodore Bibeau and Melvina Yandow Bibeau, born May 2, 1931, in Colchester, VT, in the northern part of the state near Burlington. He was a veteran of the U.S. Army, serving in Germany during the

Korean War. He was a graduate of the University of Vermont and Farleigh Dickinson University in New Jersey.

For more than 35 years, Mr. Bibeau was an avid horseman and polo player, owning horse farms in New York and South Carolina. During the polo season, he competed at major polo centers in New

England, New York, the Carolinas and Florida. He was also a licensed helicopter pilot—a skill he used to oversee construction project progress at disparate locations in the Hudson Valley. He traveled widely and was also an avid reader.

His family wrote that "Peter loved his family and was very proud of them." He is survived by two daughters: Julie Mennella (Giovanni) of Wurtsboro, and Lynn Ritche (Gary) of Evansville, IN; and two grandchildren: Peter Luke Williams (Joanne) and Lynn Maslatzides (Alexandros). He is also survived by 10 great grandchildren; and four great great grandchildren. He was predeceased by a grandson: Donald E. Williams III; and two brothers: David and Robert Bibeau.

Family and friends gathered on Mon., Oct. 30, at the VanInwegen-Kenny Funeral Home, 111 Sullivan St. in Wurtsboro with a prayer service. A private burial was held Tues., Oct. 31, at the St. Mary's Cemetery in Tuxedo Park, NY.

Memorial contributions may be made to the Louis G. Nappi Construction Industry Labor-Management Scholarship Fund, 629 Old White Plains Road, Tarrytown, NY 10591. Make checks payable to the Construction Industry Council (CIC). Memorial contributions may also be made to the Friends of the Mamakating Library, 128 Sullivan St., PO Box 381, Wurtsboro, NY 12790.

Mortimer L. Downey, III

Transportation, MTA Executive, Dead at 87

Mortimer L. Downey III, who for 65 years was a top official and advocate for mass transit, passed away on Nov. 2 at the age of 87. Mr. Downey was an executive for the USDOT, the Metropolitan Transportation Authority and the Washington Metropolitan Area Transit Authority Board.

Mr. Downey died at Sunrise of Hunter Mill in Fairfax, VA where he had lived for the past six years since learning he suffered from pulmonary fibrosis.

His many accomplishments included his work in the late 1980s to facilitate the financing that enabled the MTA to fund its first and much-needed Capital Program.

MTA Chair & CEO Janno Lieber released a statement on Mr. Downey's passing noting his vital role in helping orchestrate the MTA's comeback. "In his 12 years at the MTA, including as Executive Director and CFO from 1986 to 1993, Mortimer Downey led the agency through one of the most important eras in New York City transit history—the subway system's revival. That comeback—starting with investments in a new fleet of subway cars—was in large part made possible because Mort pioneered borrowing in tax-exempt bond markets for the MTA to fund its first Capital Programs. Without his wizardry, fiscal and otherwise, all the improvements that followed wouldn't have been possible."

Mr. Lieber added, "Mort later went on to be the longest-serving federal Deputy Secretary of Transportation in USDOT history, which is where I came to know him as a boss, and as a friend and mentor to all. In every role—including his service on the Boards of Amtrak, the



Mineta Transportation Institute, and the Washington Metropolitan Area Transit Authority (WMATA)—Mort brought the same brilliance and passion that made him the premier transportation professional of his generation."

For eight years, Mr. Downey held the position of U.S. Deputy Secretary of Transportation in the Clinton Administration. As the Department's chief operating officer, Mr. Downey developed the agency's strategic plans and had program responsibilities for operations, regulation, and investments in land, sea, air and space transportation. He also served on the President's Management Council, as Chairman of the National Science and Technology Council's Committee on Technology, as a member of the Trade Promotion Coordinating Council and as a member of the Board of Directors of the National Railroad Passenger Corporation (Amtrak).

Mr. Downey led the Obama Presidential Transition team for the Department of Transportation. In 2010 the Obama administration appointed him as the first federal member of the Washington Metropolitan Area Transit Authority Board and he served as the Board Chairman during 2015, leaving the board in 2016.

For more than two decades after leaving the DOT, he was the go-to advisor in the transportation and infrastructure field for public agencies including New Jersey Transit, Metropolitan Transportation Commission, Chicago Transit Authority, WMATA, the Virginia Rail Express, Transport for London and the Panama Canal Authority. He also consulted on technology and innovation issues on infrastructure and automation.

He was born Aug. 9, 1936, to Mortimer and Elizabeth Carlin Downey and he grew up in Connecticut and Massachusetts. After completing high school as a scholarship student at Andover Academy, he attended Yale University receiving a B.A. in Political Science in 1958.

Mr. Downey earned his Master's Degree in Public Administration from New York University, completed the Advanced Management Program at the Harvard Business School, and continued online studies at Yale Alumni Program until this October.

After college, he moved to New York City where he began service as an officer in the United States Coast Guard Reserve.

In 1961, he married Joyce Vander Meyden (1937 to 2012) and they moved between New York, Connecticut and Virginia over the course of their 51 years of marriage. He served in a variety of transportation roles including serving

a record breaking eight years as Deputy Secretary of Transportation.

From the Port Authority of New York and New Jersey, he and Joyce moved to Washington, DC in 1977 to become the first multi-modal transportation analyst with the newly established U.S. House of Representatives Committee on the Budget.

From there he joined the U.S. Department of Transportation where he became its first Assistant Secretary for budget. He then returned to New York where he served as Executive Director and CFO of the New York Metropolitan Transportation Authority (MTA) for 12 years. His capital programs and new public and private financing initiatives were key to rebuilding the system, extending service, and even facilitating the opening of the Second Avenue Subway in 2017.

He was predeceased by his wife Joyce, with whom he celebrated 51 years of marriage and his brother, Peter Downey. He is survived by his two sons and their wives, Stephen and Abby (Alenstein) Downey of Long Island, NY and Chris and Sylvie (Carrier) Downey of Chatham, NJ; five grandchildren and two step grandchildren, Jonathan Downey, Michael Downey, Alexander Downey, Addysen Downey, Hailey Downey, Holly Langehennig, and Raymond Langehennig, and two nieces Caitlin Downey of Chicago, Illinois and Sarah C. (Downey) Kelley of Ireland.

A memorial service will be held at a future date. Memorial donations may be made to the Mortimer L Downey III Memorial Fellowship at the Eno Foundation, the Coast Guard Museum or the charity of your choice.

100 Years Strong!

H.O. Penn Celebrates Centennial Of Challenges and Achievements

POUGHKEEPSIE, NY—H.O. Penn staged a grand gathering at its headquarters here in early September to cap off the company's ongoing centennial celebration in business. Scores of current and retired employees, executives and customers joined the festivities Sept. 7, which as one would expect was loaded with Caterpillar-sized fun. Tents were erected to serve up great food and live entertainment, and special events featured joyful activities for children as well as skills contests for those with the will and ambition to rise to the challenge.

The main cast of actors stationed on the grounds included

some of the latest and greatest equipment made by Caterpillar. And as a handshake with the past, many pieces of antique equipment were also on display to illustrate both the legacy and the progress made over the past 100 years.

Who We Are

H.O. Penn Machinery, Inc., with its more than 400 employees, is a premier Caterpillar dealer of machines, products and a vast inventory of parts to meet customers' rental and equipment needs. With the addition of Metso crushers and screeners to its product offerings, H.O. Penn sells and services a spectrum of more than 900 Caterpillar machines

at six locations throughout the region.

Where We Are

Corporate headquarters in Poughkeepsie, NY, H.O. Penn now covers its service area with six location operations, five of which offer full sales and service for Caterpillar products.

- The Newington, CT facility was opened in 1968.

- The Poughkeepsie operation, originally established with the purchase of Poughkeepsie Farm Supply Co., was moved from Brickyard Hill on Route 44 to its current location in 1968. It was remodeled in 1995 when it became H.O. Penn's corporate headquarters.

- The Bronx, NY operations



Heavy-Duty Celebration

It was the granddaddy of birthday commemorations: Hundreds from across the lower- and mid-Hudson Valley joined the festivities at H.O. Penn's headquarters in Poughkeepsie, NY in early September to celebrate the dealership's 100th anniversary. Photo Credit/CEG

were relocated to the foot of the Whitestone Bridge in 1976.

- The Holtsville, NY store was completed in 1982, replacing the Westbury location.

- The Medford, NY location was subsequently opened to serve growing demand for Power Systems operations.

- The Bloomingburg, NY

located in downtown Manhattan, in the Hudson Terminal, and in its earliest days sold mainly cement mixers, small shovels and paving machines.

The name of the firm was officially changed to H.O. Penn Machinery Company, Inc., in 1926. Shortly thereafter, Hamilton Penn moved operations from

From the Archives

H.O. Penn Meets The Challenges of 9/11

By GEORGE DRAPEAU III

NEW YORK—Four months after the attacks that devastated lower Manhattan, Chief Executive Officer Thomas Cleveland had a newfound appreciation for his company and the employees who work with him at H.O. Penn Machinery Co., Inc. In our lifetimes, there are defining moments that reveal true character—be it of a person or an organization. Mr. Cleveland soon recognizes that Sept. 11 was such a moment for all employed at H.O. Penn.

It's a rare moment that a company is called upon to play a leading role in response to a national crisis, particularly one of such epic proportions as Sept. 11. Mr. Cleveland now realizes

that it was more than chance that positioned his company into the many important roles it played during that time of infamy. It was fate.

"The earliest calls we received after the attacks were from the NYPD for generators and light towers," he said. On the first night, the company set up 50 light towers and 12 small generators. In the coming days, more than 70 megawatts of temporary electric power—enough to power 35,000 homes—was supplied for emergency service. H.O. Penn also had more than 250 megawatts of permanently installed power in Lower Manhattan.

Through H.O. Penn, Caterpillar Power generator stations would provide the vast majority of standby power to New York City's financial, insurance and banking districts. Caterpillar also provided Con Edison with temporary power and technical assistance to stabilize the power grid in that portion of Manhattan.

Some 40 CAT Power generator stations were eventually dispatched, aiding in the re-opening of the New York Stock Exchange and the NASDAQ markets the following Monday, Sept. 17—less than a week after the attacks. Many other buildings would draw their only source of power from CAT diesel generators that were stationed on streets throughout Lower Manhattan.

"What made the need for power more urgent was that one of the buildings demolished in the attacks (World Trade Seven) was home of the Con



H.O. Penn President Tom Cleveland, left, and colleague survey damage at Ground Zero.

Edison substation that was used to provide power to most of Lower Manhattan," he explained. "We had worked with Con Edison for several years prior to Y2K, analyzing its power systems, its needs and troubleshooting potential problems. All that homework had been done. It would have been much worse if Sept. 11 had occurred prior to Y2K," he theorized. "In that regard, we were lucky."

The attacks on Sept. 11 demanded, in his words, "a total response company-wide—one that tested all our resources and systems. He recounted the battle-like state of siege his organization experienced at the time. Immediately following the attacks, an arsenal of equipment was dispatched to Ground Zero, where 75% of the machines would carry the CAT logo, he said. Meanwhile, company technicians worked around the clock installing and operating generators, supporting both engines and machines.

Another way he measured his employees' total commitment to the mission at hand was in one company directive that was often ignored. "The only orders that were frequently disobeyed were the orders to go home and get some rest," he said. "Penn employees worked continuously for days on end, many would stay at the site, sleeping in either their vans, their cars, or hotels in the area."

Editor's Note: This article was originally published in CONSTRUCTION NEWS, January 2002.



From left, former CEO Tom Cleveland and the current CEO Rob Cleveland, representing the second and third generation of this family-owned business, greeted the crowd of current and former employees, customers and guests for the final celebration of the company's centennial anniversary.

Photo Credit/CEG

location was opened in 2004 to service the needs of our customers west of the Hudson River.

In the Beginning...

In 1921, three businessmen, Hamilton O. Penn, Frank Ginsberg and E. Gwynn Robinson formed the Ginsberg-Penn Co. This firm, which was incorporated on Feb. 17, 1923, represented various manufacturers of construction and industrial equipment. The company was

Manhattan to a new location in the Bronx. With continued growth and success, operations moved to the Port Morris Terminal at 140th Street and the East River in the Bronx on May 30, 1930. This location, which provided dock facilities and a private railroad siding, was the company's headquarters until 1976 when the corporate offices were moved to Armonk, NY in Westchester.



Equipment from yesteryear: construction machinery was on display, including this vintage pull-type Caterpillar grader on loan from Earthmovers Inc. of Danbury, CT.

Photo Credit/CEG



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NYC Region Enters New Era of Mega Projects Continued from page 1

nel project. The Second Avenue federal funding commitment brings the New York mega project federal funding total in the region to more than \$10 billion.

“President Biden’s ambitious transportation agenda is paying dividends for New Yorkers,” Gov. Hochul said. “New York State is investing billions in the MTA and in infrastructure statewide, including in projects that directly benefit Amtrak. This latest funding will help us deliver modern, safe, and reliable public transportation to underserved communities, while boosting the regional economy. I’m thankful for the partnership with the Biden Administration and the leadership of Sen. Schumer.”

MTA Chair and CEO Janno Lieber said, “New Yorkers have never had such good friends in Washington as the Biden Administration and our hometown hero, Sen. Chuck Schumer. This latest shot of federal funding for Metro-North Penn Access will help us get more out of existing infrastructure and will transform commutes for not only thousands of people living in transit-deprived areas of the East Bronx, but also for Amtrak customers who will benefit from the rebuilt Hell Gate Line. Under Governor Hochul’s leadership, New York is enjoying a Golden Age of transit investment and expansion.”

Below are descriptions of the five mega infrastructure projects that are now green-lighted



US Transportation Sec. Pete Buttigieg announced earlier this month that the federal government will be providing \$3.4 billion for the second phase of the Second Avenue subway project. The Second Avenue federal funding commitment brings the New York mega project federal funding total to more than \$10 billion.

with the federal infrastructure investment:

Hudson Tunnel Project

The Hudson Tunnel Project will construct a new two-track tunnel under the Hudson River and rehabilitate the existing North River Tunnel, which was severely damaged during Superstorm Sandy, to improve reliability, resiliency, and redundancy for hundreds of thousands of daily passengers who travel across the Hudson River, and allow for much-needed repairs on an essential stretch of the Northeast

Corridor.

Metro-North Penn Access

The Metropolitan Transportation Authority is overseeing construction of four new Metro-North stations in the East Bronx and track and infrastructure enhancements that will enable the expansion of Metro-North’s New Haven Line to Penn Station and bring Amtrak-owned infrastructure to a state of good repair. The new route will dramatically reduce travel time to and from the East Bronx, which currently lacks rail service. Residents will save up to 75

minutes over current subway and bus connections and it creates a direct commuter rail route between the Bronx and Westchester and Connecticut. It also gives Metro-North a second terminal in Manhattan, a critical backup, and is the largest expansion of Metro-North since it was founded 40 years ago.

Rehabilitation of Amtrak’s East River Tunnels To Penn Station

Crews will rehabilitate two Amtrak-owned rail tunnels between Queens and Penn Station that were damaged by salt water

flooding during Superstorm Sandy. The tunnels are used by all Amtrak service to New England and hundreds of Long Island Rail Road trains per day along with non-passenger NJ Transit and Amtrak trains traveling to Sunnyside Yard for storage. They will be also used by Metro-North trains when Penn Station Access service begins in 2027. The new tunnels will feature improved track that is directly fixed to the tunnel, all-new components and enhanced climate resiliency.

Pelham Bay Bridge Replacement Project

Amtrak has proposed a final design to replace the existing 115-year-old, two-track Pelham Bay Bridge in the Bronx with a new structure that will facilitate higher speed travel and fewer bridge openings.

Second Avenue Subway (Phase Two)

Building on the success of Phase 1 of the Second Avenue Subway, which opened on Jan. 1, 2017, Phase 2 is currently underway with teams advancing preliminary design and engineering. Phase 2 will bring extended subway service north from 96th Street to 125th Street, creating three new stations at 106th, 116th and 125th streets. It will improve mobility for commuters and residents of East Harlem and improve reliability. It will also reduce crowding along the lines on Lexington Avenue.

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Soaring Road Construction Costs Threaten State and Local Projects

TARRYTOWN, NY—Highway and street materials have increased 21% since last year due to hikes in petroleum-based energy costs and other material products in addition to truck and driver shortages. Inflation for construction materials far exceeds the already high inflation for consumer goods, a trend that, if it continues, threatens to sap the spending power of money flowing to states and localities from Washington in President Biden's signature infrastructure law, a leading national road building organization reported.

The cost of highway and street construction materials has increased by 21% in the last year, reported a senior economist of the American Road & Transportation Builders Association (ARTBA). Joshua Hurwitz, PhD, spoke to more than 100 members and guests of the Construction Industry Council and Building Contractors Association on Oct. 12 in Tarrytown. He noted that the rising cost of road construction is in line with increases in the broader construction industry, where prices have gone up 20% in the last year. The high price of diesel and other petroleum-based products certainly plays a major role in those cost increases, because diesel-powered tractors, trucks and machines are

used extensively throughout the process of turning rocks and other raw materials into streets and sidewalks, ARTBA noted earlier in a report.

But other factors are at work, too. There's a shortage of both trucks and truck drivers. Lumber, steel and copper components have also ratcheted up in price.

"Since late 2020, the transportation construction industry has confronted unprecedented pandemic-related cost increases and often-limited availability for key commodities and materials," ARTBA noted, explaining that the inflation numbers show the "extraordinary nature of the current market."

ARTBA pointed out that the costs of materials is a national overview, meaning that the situation could vary by location.

"Many states and regions are experiencing even more exaggerated cost spikes for certain commodities. Also, this data does not measure any shortages or delivery times for materials, another troublesome recent trend," ARTBA noted.

In his presentation to the CIC-BCA, Dr. Hurwitz reiterated many of the top-line challenges New York State faces, and he explained in detail the erosion to construction pur-

Please turn to page 22



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Safety Watch

Tree Trimming Work Requires Documented Training, Feasible Methods to Reduce and Eliminate Harm

By COSTAS CYPRUS, ESQ.

The recent decision in *Secretary of Labor v. Asplundh Tree Expert, LLC* discussed feasible and effective methods to reduce or eliminate harm to employees performing tree trimming operations. Proper and well-documented training of employees in this field is essential, given the risks and dangers from falls and falling objects. The decision arose from an incident on Nov. 2, 2020 when a worker for Asplundh Tree Expert, LLC (“Asplundh”) fell during a tree trimming operation in Colorado and suffered severe injuries.

Asplundh is a nationwide tree-trimming company with more than 34,000 employees. It had contracted with an electric utility company to prune and manage vegetation affecting its power infrastructure, including trimming and pruning several dead trees that were interfering with the utility’s powerlines. On the day of the incident, Asplundh sent its crew consisting of the crew foreman, James Haynes, and two crewmen to remove the top portions of several large trees. Upon arrival at this



site and prior to commencing work, the crew performed a Job Safety Briefing, which included a description of the tasks performed, necessary tools, potential hazards such as dead trees as well as steps to ensure safety. The Job Safety Briefing was signed-off by each crew member.

Although Foreman Haynes had determined that they needed a bucket truck—one that could extend 60 feet to 70 feet and carry a tree trimmer (a “60/70 bucket truck”)—another employee for Asplundh testified and confirmed that they did not have authority to use this type of truck on this site. As an alternative,

Asplundh provided a second crew with a smaller squirt boom that can lift the tree trimmer in the air up to a 42-foot working height.

Prior to the second crew’s arrival, the crew member from the first crew, who was an experienced climber (with 17 months of experience) and who was unaware of the second crew’s arrival, began to climb the dead tree and made it up to 35 feet, at which point he stopped—being unable to climb farther due to the tree’s structural weakness. The remaining 35 feet of the tree remained to be cut, and prior to beginning his work he tied into a fall protection system by securing his lanyard around the main stem of the tree while securing his climbing line around the branch he was standing on.

The crew member began to make cuts to the tree that went unobserved by the crew on the ground. (They were working on the opposite side of the tree.) It was determined in the post-incident review that he performed this cut improperly

by a mere few inches, which nevertheless caused the top of the tree to fall in an unintended

The top portion of the tree (weighing about 875 lbs.) struck the branch on which he was standing, and which his tie-off was secured. The impact further led to the lanyard around the main stem to lift over the area, in which he was tied off, and therefore caused him to fall 35 feet to the ground sustaining various serious injuries.

direction. The top portion of the tree (weighing about 875 lbs.) struck the branch on which he was standing, and which his tie-off was secured. The impact further led to the lanyard around the main stem to lift over the area, in which he was tied off, and therefore caused him to fall 35 feet to the ground and sustain serious injuries.

Following the incident, OSHA investigated and issued a violation of the Occupational

The general duty clause requires employers to furnish their employees a “place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm...” To prove a violation of the general duty clause, the Secretary of Labor (“Secretary”) must prove: a condition or activity in the workplace presented a hazard; that the employee or its industry standard recognized the hazard; that the hazard was likely to cause death or serious harm; and that a feasible means existed to eliminate or materially reduce the hazard. The Secretary must also prove the employer knew or with the exercise of reasonable diligence could have known of the hazardous condition.

The Administrative Law Judge found that Secretary succeeded in showing the existence of some but not all of the above-mentioned elements. The conditions of falling trees pose hazards to Asplundh’s employees, and the Secretary was able to show through their expert witness that trimming dead trees, such as cottonwood, could lead to falling and crushing employees given that

The ALJ found that the Secretary failed to present evidence that training enforcement or employee supervision would materially reduce the hazard. Furthermore, since the incident happened so quickly at the elevation, other employees would not be able to impact the direction of the falling portion of the tree or to correct the crew member’s mistake of cutting too deeply into the trees by mere inches. In light of the above, the Citation was vacated.

Safety and Health Act’s general duty clause in alleging that Asplundh “did not provide safe means and methods to remove a dead cottonwood tree in cold weather” which exposed their employees to struck-by and fall hazards while performing tree operations. That citation further indicated the feasible and effective means existed to eliminate or reduce the hazards by, among other methods, “ensuring that all dead limbs are trimmed from a safe distance by using a bucket truck or similar equipment.”

the dead trees are suspect and often not structurally sound and unpredictable.

Supervisory personnel also recognized the hazards and had signed the Job Safety Briefing. They provided written safety policies defining the hazards associated with dead trees and discussed it within their Line Clearance Qualification Standard Employer Training Manual, which specifically addressed the “felling path” of a tree, struck-by and falling hazards, Please turn to page 19

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WHAT'S NEW & WHO'S NEWS

Gov. Mario M. Cuomo Bridge Lit Up in Orange on Nov. 15 As Thruway Helps to Raise Awareness for Hunger Relief

TARRYTOWN, NY—With the Thanksgiving holiday season fast approaching, the New York State Thruway Authority lit up the Gov. Mario M. Cuomo Bridge in the color Orange to raise awareness for hunger relief and a reminder that hunger can affect anyone, and that everyone can help to reduce the growing hunger gap in communities where they live.

The celebrations kicked off with Westchester County Executive George Latimer at the County Office Building in White Plains acknowledging Hillside Food Outreach's executive leadership for their role combatting food insecurity in the community. "I am proud to proclaim Nov. 15, as 'Hillside Food Outreach Day' in Westchester County. This small and mighty organization is responsible for consistently hand delivering nutritious gro-

ceries to over 1,775 individuals struggling with hunger and food insecurity, and they regularly go above and beyond to ensure the health and wellbeing of our community," Mr. Latimer said.

According to a study recently released by the U.S. Department of Agriculture (USDA), the number of U.S. households facing food insecurity is sharply rising with more than 17 million American families struggling to put food on the table in 2022.

Why Orange? Orange, according to experts, stimulates the brain, which increases mental activity, a sense of energy and stirs up a sensation of hunger. So many healthy foods are orange in color—squash, carrots, oranges and pumpkins to name a few. Orange is a color that makes people feel refreshed and comfortable. Orange is a color that rejuvenates and is a color that is a pathway to satisfying hunger.



The Gov. Mario Cuomo Bridge was lit up in orange to raise awareness for hunger relief in mid-November. The initiative was organized by Hillside Food Outreach, a nonprofit that delivers nutritious groceries to low-income and limited mobility families, seniors and the chronically ill in New York and Connecticut.

Photo Credit/JOHN VECCHIOLLA

"Access to healthy and nutritious food is a right that everyone deserves regardless of background, age, or income,"

said Hillside Food Outreach CEO and Founder Kathy Purdy. "The devastating reality is more and more families, seniors, and

the most vulnerable members of our communities are being forced to choose between eating healthy or paying for basic necessities. I accept this honor on behalf of our clients as well our dedicated network of selfless volunteers, and everyone who is helping to address food insecurity in their communities."

"Ensuring our most vulnerable neighbors have access to healthy, nutritious foods is essential to the overall wellbeing of the community," said Michael Gilfeather, President and CEO of Orange Bank & Trust, a sponsor of a bridge viewing reception held at The Sailhouse in Tarrytown.

"We have a longstanding track record of maximizing investments to community-serving nonprofits, and as the color orange signifies hunger relief, we naturally wanted to play a role in supporting this cause."

Barosa Named Commissioner of Planning, Development, Public Transportation in Putnam

CARMEL, NY—Putnam County Executive Kevin Byrne recently announced the appointment of Barbara Barosa as the new Commissioner of the Department of Planning, Development, and Public Transportation. The appointment comes as a result of an extensive search to find the ideal candidate to lead this critical department.

Putnam County Executive Byrne expressed his confidence in Ms. Barosa's capabilities, stating, "Barbara Barosa's extensive experience and proven track record in the field of planning and development make her the ideal choice to lead the



Barbara Barosa

Department of Planning, Development, and Public Transportation. I have every confidence

that she will continue to drive our community's growth and ensure responsible development in Putnam County."

Ms. Barosa has been a dedicated member of the Putnam County Planning, Development, and Public Transportation Department since 2013, where she began as a Senior Planner and eventually was promoted to the role of Principal Planner. Her career in public service includes prior roles as Director of Planning for the Town of Somers, and work as a Planner with the New York City Department of Environmental Protection (NYCDEP).

"I am deeply honored to take on the role of commissioner for our Planning Department," said Ms. Barosa. "I am committed to continue working tirelessly to foster responsible development and sustainable transportation solutions in Putnam County. I look forward to collaborating with our local communities and dedicated staff to build a vibrant, prosperous future for our region."

Ms. Barosa was appointed by County Executive Byrne after a competitive interview process was conducted by a selection committee that included Legislator Toni Addonizio, Legisla-

tor Greg Ellner, Deputy County Executive Jim Burpoe, Director of Personnel Paul Eldridge, Deputy Director of Personnel Adrienne Iasoni, and Director of Purchasing John Tully.

Among her more notable accomplishments has been her instrumental role in assisting the Village of Brewster in their revitalization efforts. Ms. Barosa steps into her new position, taking the reins from John Tully, who has been serving in a dual capacity, managing both the Purchasing Department and the Planning Department while the Byrne administration identified the right candidate for the role.

NJTA Releases Environmental Impact Statement For Nearly \$1.1B Hudson County Extension Job

NEWARK, NJ—The replacement of the Newark Bay-Hudson County Extension between Interchanges 14 and 14A will eliminate congestion and provide important mobility, safety, and access benefits to overburdened communities in Newark, Bayonne, and Jersey City, according to the findings of a draft Environmental Impact Statement released recently by the New Jersey Turnpike Authority.

"Ensuring that all of our roadways are safe, sustainable, and resilient for drivers and communities is our top priority. The findings of the draft EIS reflect this commitment. These findings, for the program's highest priority project, are the result of eight coordination meetings with NJDEP and more than two years of analysis and investigations conducted by a team of environmental experts," stated James Carone, Executive Director at the New Jersey Turnpike Authority. "In keeping with our goal of promoting equity in infrastructure, we are proud to share the results of the draft EIS."

Constructed in 1956, the Newark Bay-Hudson County Extension is 8.1 miles of critical transportation infrastructure from Interchange 14 in Newark to the Jersey Avenue intersection in Jersey City. The Extension consists of 29 bridges that are at the end of their life and must be replaced. This Newark Bay-Hudson County Extension Improvements Program will rebuild

the aging bridges and roadway to ensure safety and address the anticipated impacts of climate change.

Published reports put the overall project cost estimate at \$10.7 billion.

"This program is consistent with efforts around the country to rebuild our aging infrastructure. Our nation has witnessed the tragedies that can occur when we don't invest in our infrastructure. The rebuilding of the extension from Interchanges 14 to 14A along with the entire program is an investment in our safety, climate resilience, and economy. It is important to note that no city, county, state, or federal tax dollars are being used to fund the program," said Michael Garofalo, Chief Engineer at the New Jersey Turnpike Authority.

The EIS focused on the program's highest priority project, Interchange 14 in Newark to Interchange 14A in Bayonne and Jersey City. This project comprises 4.1 miles of the 8.1-mile extension and includes the replacement of the Vincent Robert Casciano Bridge over Newark Bay. A primary focus of the EIS is environmental justice. Given that the extension is within or near areas defined by NJDEP as meeting one or more Overburdened Community thresholds, the EIS analysis included impacts on public health, community cohesion, and access to

Please turn to page 22

Meisner Joins LeChase As Project Manager

ARMONK, NY—LeChase Construction Services, LLC, reported recently that Gregory Meisner has joined the firm as a project manager based in the New York Metro region.

In this role, Mr. Meisner will manage, develop, maintain and oversee all functions of assigned projects at the preconstruction, construction and post-construction phases. Those functions include, but are not limited to, safety, construction planning and cost-control procedures.

Mr. Meisner has six years of construction experience in and around the Manhattan area working on large-scale, commercial projects. He earned a B.S. in civil engineering with a minor in environmental engineering from The Pennsylvania State



Gregory Meisner

University and has completed the OSHA 30 and NYC Department of Buildings Site Safety trainings. Mr. Meisner currently resides in Hartsdale, NY.

LOW BIDS Every Month in the
Construction NEWS

Construction NEWS

PHOTO GALLERY



A private tour of Rye Playland amusement park on Oct. 30 was led by, from left: Dan Loscalzo, P.E., of The LiRo Group; Westchester County Department of Public Works & Transportation Nadia Savage, P.E.; Frank Carrieri, P.E., of the Westchester Parks Department; County Commissioner Hugh Greechan, P.E.; Faisal Choudhury, P.E., of The LiRo Group; Hussein Elzoghby, P.E., of Savin Engineers, P.C.; Faisal Choudhury, P.E., of The LiRo Group; and CAI's Laurel Brunelle and Matt Pepe.



This private tour of Westchester County Parks Department and its plans to spend \$140 million to upgrade Rye Playland, with its famed Dragon Coaster in the background.



Guest speakers and organizers, from left, Matthew Pepe of the BCA/CAI; William Lyons III, F.A.C.I., of The Euclid Chemical Company; Steven Witkowski, P.E., of the engineering firm Thornton Tomasetti; Anthony P. Carlucci, Esq., and Thomas H. Welby, Esq., P.E., of the law firm Welby, Brady & Greenblatt, LLP; Alfred H. Brand, P.E., of Mueser Rutledge Consulting Engineers; Laurel Brunelle of CAI; and Matthew Cichetti, P.E., of Cichetti Engineering/Earth Construction Services.

13th Annual CAI Seminar for P.E.s Draws Dozens to Earn 6 PDH/HSW Credits

Continued from page 4

total of six professional continuing-education credits, according to CAI Chairman Mark Fante of the Construction Advancement Institute of Westchester & The Mid-Hudson Region, Inc., which also organized the program. Attendees earned six PDH/HSW hours from the American Institute of Architects (AIA), and those health safety welfare credits are also recognized by the New York State Department of Education for P.E.s, added Mr. Fante, who is Vice President of Darante Construction Inc. of Elmsford, NY.

Established in 2010, the CAI P.E. seminar perennially draws a diverse audience of P.E.s, architects and contractors—all keen to delve into a range of topics.

The guest experts that presented the program were:

- **Concrete's Evolution to Being Sustainable** by William Lyons III, F.A.C.I., who is National Business Development Manager, North East of The Euclid Chemical Company;
- **Managing Your Engineering Practice to Reduce Liabilities** by Thomas H. Welby, Esq., P.E., of the law firm Welby, Brady & Greenblatt, LLP;
- **Innovations in Our Industry** by Steven Witkowski, P.E., principal/construction engineering of the engineering firm Thornton Tomasetti;
- **Geotechnical Engineering—Build On and With Earth Materials** by Alfred H. Brand, P.E., D.G.E., who is Technical Specialist at Mueser Rutledge Consulting Engineers;
- **Geotechnical Grouting: Introduction** by Matthew Cichetti, P.E., Principal of Cichetti Engineering/Earth Construction Services.

Extended beyond the confines of the conference center, the seminar integrated a practical component with an exclusive afternoon site inspection to Rye Playland. This private tour, led by experts from The LiRo Group, Savin Engineers and the Westchester Parks Department, granted the attendees an exclusive behind-the-scenes tour of Playland during its off-season. Over the course of two hour visit to the Sound Shore parkland, the group gained insights into the intricacies of the county's ambitious \$140-million restoration project, designed to recapture the historic essence of its original 1920s theme.

The restoration efforts were tangible, with participants observing the meticulous renovation of the carousel enclosure and the construction of a new housing for the Derby Racer. While the iconic Dragon Coaster was not under renovation at the time, the supporting infrastructure for the coaster was undergoing significant construction, a process the group witnessed firsthand.

A new program is now being planned for mid-2024. For more information and registration, contact CAI Program Manager Laurel Brunelle at (914) 631-1033 or laurel@bcany.org.



Over the course of their two hour visit to the Sound Shore parkland, the group gained insights into the intricacies of the county's ambitious restoration project, designed to recapture the historic essence of its original 1920s theme.

Financial Management

Both Opportunities and Challenges for Construction Loom in the Face of Infrastructure and Resiliency

By PHILLIP ROSS, CPA, CGMA, PARTNER

The Inflation Reduction Act's gift of funding and new capital projects on the horizon are promising and exciting for all in our industry. However, as we look ahead to new possibilities, construction firms will also face new challenges, among them is the complexity of infrastructure projects in uncertain times.

Three years out from the pandemic, we are looking at new opportunities, but are also counting the costs when it comes to planning for new buildings and infrastructure. Building new and improving transit systems, health care facilities, improving city streets and other critical structures involves multiple stakeholders, intricate planning and coordination.

Challenges to infrastructure and resiliency include financial planning for critical infrastructure. New York must remain a mass-transit oriented community, where the city's transit system is key to economic progress by providing on-time, reliable and efficient transportation. Our trains and subways will always play a key role in facilitating the city's



economic prosperity. Without upgrades to our transportation infrastructure, we run the risk of being unable to shuttle workers in and out and around the city.

Resiliency as a mass transit metro region also includes passing legislation on congestion pricing in the city, to ensure reduced reliance on private automobiles that create such congestion and act to hinder emergency vehicles and other critical city services.

The construction industry is also facing new challenges in working with recent increases in environmental and sustainability measures. This is both sentimental and practical as

compliance measures are being observed and implemented. We are seeing an acceleration in environmental consciousness where contractors must take more proactive measures to minimize the carbon footprint in the built world.

With the increasing emphasis on sustainability, contractors are more challenged to come up with new ways of working that minimize environmental impact. This requires new skillsets, additional knowledge, new mindsets, and the implementation of new design-build programs to efficiently achieve goals in carbon reduction while completing these projects. For example, new heat pumps and energy-efficient chiller systems require contractors to work closely with engineers to build out new sustainability plans.

Challenges in resiliency also include the ability to retain labor. Retaining skilled labor reached critical levels during the COVID crisis, but the challenge remains today. With new infrastructure and varying types of new buildings and projects on the horizon, specialty knowledge and training are also required. Learning new modalities and recruiting the next generation requires firms

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torise to the challenge. Contractors are also challenged with new regulatory requirements and incorporating the use of new technologies to get the job done most efficiently. Training the workforce in the use of new technologies is critical.

Other opportunities and co-existing challenges exist in creating new housing, especially affordable housing. Where and how to build are two of the foremost problems as zoning requirements and construction financing in the current economic environment can cause difficulties. New initiatives include opportunities for the conversion of warehouses and other types of commercial spaces into residential structures, but again, financing in

plished without displacing tenants. The coordination and solutions for achieving goals to increase the numbers of housing units will require problem solving, as well as unique financial strategies.

Altogether, new opportunities always include new challenges as growth is about making changes and finding new and better ways to do things. At the same time, we are still facing headwinds because of high interest rates and increased construction costs. We are at a juncture where a promising future in construction also includes overcoming difficulties in managing large-scale projects. As we have seen in the past, our industry has been resilient during tough times. We are

New initiatives include opportunities for the conversion of warehouses and other types of commercial spaces into residential structures, but again, financing in construction and real estate has the potential to be cost prohibitive if the outcomes do not make financial sense for developers and other stakeholders.

construction and real estate has the potential to be cost prohibitive if the outcomes do not make financial sense for developers and other stakeholders.

Other housing projects, including making much-needed upgrades to public housing buildings within NYCHA, are challenging as well since it remains to be seen how the improvements will be accom-

plished to rise to the challenge and commence building great structures for our communities.

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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ALBANY UPDATE

PSC Advances Major Transmission Line Projects; Approves \$1.4B in Financing for Propel New York

NEW YORK—The New York State Public Service Commission made three major decisions on Nov. 16 regarding transmission projects being developed by New York Transco (NY Transco), a major transmission line developer in New York State.

“New York continues to make significant upgrades and additions to the state’s existing transmission systems to integrate new large-scale renewable energy projects into the state’s energy supply,” said Commission Chair Rory M. Christian. “These projects will help ensure that New York meets its clean energy requirements as called for by the Climate Act.”

The commission authorized New York Transco to transfer

certain interconnection facilities to Orange and Rockland Utilities, Inc. (O&R) for the timely interconnection and operation of the Rock Tavern to Sugarloaf project, which will increase transmission capacity to move power from upstate to downstate New York.

The commission noted that the construction of the Rock Tavern to Sugarloaf project, which connects to the New York Energy Solution Project, will serve a public need because it will address the contingency resulting from increasing the transmission capacity across the Central East and Upstate New York/Southeast New York interfaces. O&R, as a regulated utility with significant experi-

ence in owning and operating the relevant infrastructure, will be a capable operator of the transferred facilities. O&R will be directly integrating the interconnection facilities into O&R’s transmission system for the benefit of its own ratepayers. In addition, the transfer of the interconnection facilities from NY Transco to O&R will not adversely impact O&R ratepayers or the reliability, safety, operation, or maintenance of O&R’s distribution system.

In a second decision, the commission authorized New York Transco to transfer certain interconnection facilities to Consolidated Edison Company of New York, Inc. (Con Edison), for the timely interconnection

and operation of the New York Energy Solution Project. Con Edison, as a regulated utility with significant experience in owning and operating the relevant infrastructure, will be a capable operator of the transferred facilities. Con Edison will be directly integrating the interconnection facilities into Con Edison’s transmission system for the benefit of its own ratepayers. In addition, the transfer of the interconnection facilities from NY Transco to Con Edison will not adversely impact Con Edison’s ratepayers or the reliability, safety, operation, or maintenance of Con Edison’s distribution system.

In the third decision, the commission approved \$1.4 billion in financing for NY Transco’s

Propel NY Energy transmission project. Propel NY Energy is a proposed electric transmission solution—constructing new and upgraded underground and submarine transmission lines and stations—developed by the New York Power Authority and NY Transco to bolster the electric transmission network on Long Island, in parts of New York City and in Westchester County for reliability, resiliency, and the delivery of clean offshore wind energy to homes and businesses throughout New York State. The project was recently selected by the New York Independent System Operator, Inc. to meet the Long Island Offshore Wind Public Policy Transmission Need identified by the commission.

\$4.1 Million Route 35/202 Paving Project Begins

YORKTOWN HEIGHTS, NY—New York State Assemblyman

Matt Slater and Sen. Pete Harckham announced on Nov. 14 the

start of the \$4.1 million resurfacing and paving project on Route

35/202 in the Town of Yorktown in Westchester County.

The project, which stretches about three miles from the Taconic State Parkway to the Route 118 intersection on the commercial center of Yorktown Heights, is part of a major \$100-million road repair effort at 64 different locations totaling almost 520 lane miles statewide to renew well-trafficked roads impacted by extreme weather.

“Ensuring the Route 202 corridor in Yorktown is kept at a high quality is critical for the Town of Yorktown. I appreciate the collective work with our partners in government to make this important investment happen,” said Assemblyman Slater.

“The commencement of the Route 35/202 repaving project is truly great news because the current disrepair of this section of roadway is unacceptable,” said Sen. Harckham. “Making these necessary improvements on this important area thoroughfare will benefit local residents and small businesses, as well as those traveling through the region. Ensuring the safety of motorists on our roads needs to remain a priority when it comes to infrastructure investments, and I will continue to fight for funding to help improve the condition of our roadways.”

NYSDOT announced earlier this summer that Morano Brothers Corp. of Croton-on-Hudson, NY was the lowest of four bidders at \$4,126,151. for highway resurfacing on Routes 35/202 from Taconic State Parkway to Rt. 118 in the Town of Yorktown in Westchester.

Earlier this year, Mr. Slater and Mr. Harckham sent a joint letter to the New York State Department of Transportation (NYSDOT) voicing concern about area roadways, and both legislative offices have fielded an inordinate number of complaints regarding problems with road surfaces.

The Route 35/202 repaving project is expected to be completed by May 2024. It will include an updating of curb ramps to ADA accessibility where possible.



Some Things Change. Some Don't.

What changes

Technology is changing faster than ever. Heavy equipment and the software in it is more complex and can do more for you: GPS, remote control, artificial intelligence. It's no longer enough to operate equipment. Today and in the future, you have to understand it.

What stays the same

IUOE Local 825 has always kept pace with change. In 2022, we got ahead of it. Our nationally known training center became accredited as a technical college.

This means our engineers are schooled in more than operating heavy equipment. They are learning to maintain and even develop software that runs it, rather than being dependent on it.

Think ahead

Our goal is to stay relevant in a changing world, continuing to offer the most highly trained, skilled and experienced operators available anywhere. Today. And tomorrow.

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Better Building Begins Here



GREG LALEEVE
Business Manager
IUOE Local 825

Building Trades, Sullivan Legislature Sign PLA to Build County Airport Terminal

MONTICELLO, NY—A triumvirate of stakeholders eager to build a new major public works project here announced on Oct. 25 they have signed a Project Labor Agreement (PLA) as the guide to procure the labor needed to build a new terminal at the Sullivan County Airport. The joint announcement of the PLA deal was made by the Sullivan County Legislature, County Manager Joshua Potosek and Hudson Valley Building & Construction Trades Council President L. Todd Diorio.

The \$24 million project—\$18.5 million of which is coming from New York State—has already begun, with the demolition of the 54-year-old original terminal earlier this year.

Construction bids are due to be awarded in November for the new, two-story terminal, with project completion slated for May 2025.

“Skilled, organized labor is so important on projects of this magnitude, and I’m pleased to be collaborating with our local trades unions on this initiative,” affirmed Legislature Chairman Robert A. Doherty, in whose District 1 the Airport sits. “A PLA benefits taxpayers, unions and government, making sure we can accomplish major infrastructure upgrades and deliver good-paying jobs in a county that very much needs both.”



Construction work has already begun on the \$24-million project to build a new terminal at the Sullivan County Airport. The project will be performed under a Project Labor Agreement. Bids were due to be awarded this month.

Safety Watch

Continued from page 14

and the danger zone around the tree to be felled. The manual further discussed the type of cuts to be used when trimming trees. The materials also referenced industry standards regarding safety tree trimming measures for which Asplundh’s employees were trained, including fall protection systems and tie-in procedures. The existence of these standards established the industry’s recognition of the hazards. Furthermore, the actual incident itself demonstrated and proved that the hazard was likely to cause severe injury or death.

However, the ALJ found that the proposed abatement in the Citation was not feasible. The industry standards did not require use of 60/70 bucket truck and there was nothing in this instance that required one. The Secretary’s own expert conceded that a qualified climber could perform the work with the equipment provided, and the use of the bucket truck in this instance would also actually create an additional electrical hazard as the trees were in proximity to power lines. Asplundh provided training and associated materials that met or exceeded industry standards. Here, the ALJ found that the Secretary failed to present evidence that training enforcement or employee supervision would materially reduce the hazard. Furthermore, since the incident happened so quickly at the elevation, other employees would not be able to impact the direction of the falling portion of the tree or to correct the crewmember’s mistake of cutting too deeply into the trees by mere inches. In light of the above, the Citation was vacated.

series do not constitute legal advice and are intended for general guidance only.

About the author: Costas Cyprus is an 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



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Council: New York State IDAs Generated \$141 Billion In Wages; Created, Retained 1.3-Million Jobs in 2021 Continued from page 1

downtowns revitalized, renewable energy produced, and tax revenue generated.”

In terms of residential development projects, a total of 425 projects with a residential component were approved statewide since 2018. The report stated that IDA projects were responsible for the construction of 39,625 new housing units—more than 10,000 of which were classified as affordable units.

Green projects also have secured benefits from IDA incentives. The report noted that since 2018, there have been 332 approved IDA projects statewide that include wind and solar infrastructure. These projects generate 4,809 megawatts of clean, renewable energy.

The study was conducted over the past 10 months and provided a host of policy recommendations for the upcoming 2024 state budget and legislative session, including:

formally authorize IDAs to support the state’s housing goals, formally authorizing IDAs to support housing in accordance with the states housing goals; authorize IDAs to utilize their funds generated from fees to issue loans and grants to small businesses, and updating the Public Authorities Reporting Information System (PARIS) to ensure that the public has access to information about how these investments are performing.

The New York State Economic Development Council also calls for the reauthorization of \$200 million in funding for the Fast New York Program to fund shovel-ready sites; reauthorization of \$100 million for the RESTORE New York Program; reauthorization of \$200 million for the DRI and the NY Forward Programs; the allocation of \$50 million for the prison redevelopment fund and the creation of a Master Plan Matching Grant Fund

Program for municipalities (towns, cities, and counties) who want to update their master plan or the zoning plan. For any municipality that commits to increasing its housing stock by 5% over the next five years, the state would provide up to 50% of the matching funds needed to develop the master plan that will increase the community’s housing stock. Using this method, the state and locality are partners in the process, and the public will have the opportunity to partner with the state and their local elected leaders to determine where and how additional housing will be brought to their community.

While organized labor in the Mid-Hudson region has made inroads in securing work from IDA-induced projects, the same cannot be said for union contractors in the lower Hudson Valley. Building Trades officials have consistently charged that major IDA proj-

ects in the major cities of White Plains, New Rochelle and Yonkers, have been performed predominately by non-union contracting firms, despite the significant tax breaks afforded to developers by the Westchester County, New Rochelle and Yonkers IDAs.

A host of economic development and government officials across the state, including the Hudson Valley, praised the report’s findings and stressed the importance of IDAs in retaining and attracting business to New York.

Maureen Halahan, President and Chief Executive Officer of The Orange County Partnership, told *CONSTRUCTION NEWS*, “Every state in the country is chasing jobs and new companies to land in their state. The fact that we have incentive programs in place to compete with other states is critical. These incentive programs are what we have to combat the high cost of living, the high taxes

and the significant regulation that exist in New York. In fact, New York State has programs in place, such as Consolidated Funding Applications and other grant programs, to try and stay competitive. Every one of these incentive programs are of critical importance if we are to stay competitive and keep people and workers in the State of New York.”

The Business Council of New York State President and CEO Heather Mulligan said upon the release of the report: “IDAs have long served an invaluable role in New York’s overall economic development efforts and in addressing key regional needs, and have promoted billions in private-sector investments, including most recently emerging priority issues of clean energy, affordable housing and the revitalization of our urban centers. Recent statutory amendments, developed with input from all stakeholders including IDAs and developers, are helping assure that IDA supported projects return significant economic benefits to the state and its municipalities. This study illustrates both the breadth and depth of the positive impacts achieved through IDA-supported investments.

Partnership for New York City President and CEO Kathryn Wylde said, “At a time when conventional project financing is expensive and difficult to secure, the role of IDAs is particularly important to sustain economic growth.”

The Business Council of Westchester President and CEO Marsha Gordon said, “I have seen firsthand the fact that IDAs in Westchester play a critical role in the growth of our economy. From Regeneron Pharmaceuticals to multi-residential housing across the county, IDAs remain the best local economic development tool to attract and retain private sector investment. This report not only highlights the broad economic impact of Westchester’s IDAs but highlights their important role in bringing much needed housing to our community. Without their support, these projects could not move forward.”

New Rochelle City Manager and IDA Board Chair Kathleen Gill said, “New Rochelle has undergone a tremendous transformation in the past few years as more than \$2 billion in private sector investment has led to a revival of our urban core with more than 10,000 new homes authorized, and well underway. This transformation wouldn’t have been possible without the support of the city’s IDA and the tools it deploys. Thanks to our collective efforts, New Rochelle is among the fastest growing cities in New York State and has become a model community for creating new, high-quality housing that’s affordable.”



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Regional Bid Alert

NYS DOT - Region 8

Bid Letting Date: Nov. 30, 2023

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

Contract# D265095
PIN# 881481

Project Description: Columbia, Dutchess, Orange, Putnam, Rockland, Ulster, Westchester counties. pavement markings, various locations.

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

Goals: MBE: 4.00%, WBE: 8.00%, SDVOB: 0.00%

Bid Letting Date: Nov. 30, 2023

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

Contract# D265096
PIN# 881479

Project Description: Columbia, Dutchess, Rockland, Ulster counties, pavement markings, various locations.

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

Goals: MBE: 4.00%, WBE: 8.00%, SDVOB: 0.00%

Bid Letting Date: Nov. 30, 2023

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

Contract# D265126,
PIN# 881471

Project Description: Columbia, Dutchess, Orange, Putnam, Rockland, Ulster, Westchester counties, signal requirements, various locations.

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

Goals: MBE: 5.00%, WBE: 10.00%, SDVOB: 6.00%

NYS DOT - Region 10

Bid Letting Date: Nov. 30, 2023

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

Contract# D265117
PIN# 004244
FA Proj.# Y001-0042-443

Project Description: Nassau Co., highway repair, NYS Rte. 25 from NYS Rte. 25B to Brush Hollow Rd, Towns of North Hempstead and Oyster Bay.

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

Goals: DBE: 10.00%

NYS DOT - Region 11

Bid Letting Date: Dec. 14, 2023

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

Contract# D265140
PIN# XM2255
FA Proj.# Y001-XM22-553

Project Description: Bronx, Kings, New York, Queens, Richmond counties, bridge joint repair - various federal aid eligible locations on a total of 59 bridges.

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

Goals: DBE: 9.00%

New York State Dormitory Authority

Bid Due Date: Nov. 28, 2023

Title: State University of New York at New Paltz, Ridgeview Hall Mold Remediation and HVAC Upgrades

Contract: CR16 General Construction

Project# 3673209999

Sealed bids for the above Work located at State University of New York at New Paltz, 1 Hawk Drive, New Paltz, NY 12561, 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.

All individuals who plan to attend pre-bid meetings or bid openings in person will be required to present government-issued picture identification to building security officials and obtain a visitors pass prior to attending the bid opening.

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 Nov. 28, 2023, will be considered. Bids shall be publicly opened and read aloud. Bid results can be viewed at DASNY's website; <http://www.dasny.org>.

In accordance with State Finance Law § 139-j and § 139-k, this solicitation includes and imposes certain restrictions on communications between DASNY personnel and a prospective bidder during the procurement process. Designated staff for this solicitation is: Daniel Coughlin, Project Manager, DASNY, 515 Broadway, Albany, NY 12207, 518-588-3197 (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, Nov. 13, 2023, at 11:00 AM at the State University of New York at New Paltz, 1 Hawk Drive, New Paltz, NY 12561. All prospective bidders should park in the Lenape Hall Parking Lot adjacent to Ridgeview Hall and are strongly encouraged to attend.

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

To view the contract documents online, click the following link: www.camelotplanroom.com or type it into your web browser. Then click on the Public Jobs link on the left side of the page. If you would like to purchase the Contract Documents and become a registered planholder click the link "Register for an account" and follow the steps to create a free account (if you have not previously set one up). Once you have a Login and Password, log in to the plan room. 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 plan holder. Printed sets of the Contract Documents are also available to plan holders for an additional cost and may be ordered through the online plan room 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.

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

LOW BIDS

PCI, Suit Kote, ING Civil Win NYSDOT Project Jobs

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

PCI Industries Inc. of Mount Vernon, NY was the lowest of four bidders at \$1,880,000.00 for pavement rehabilitation, NY Rte. 128, Town of North Castle in Westchester.

Suit Kote Corp. of Cortland, NY was the

lower of two bids at \$4,665,878.24 for highway - emergency response where & when - various locations in Broome, Chenango, Delaware, Otsego, Schoharie, Sullivan and Tioga counties.

ING Civil Inc. of Watervliet, NY was the lower of two bids at \$746,014.00 for bridge emergency response where & when, various locations in Broome, Chenango, Delaware, Otsego, Schoharie, Sullivan and Tioga counties.

Papitto, ENECON, American Petroleum, Secure Westchester County DPW Work

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

Papitto Construction Co., Inc. of Carmel, NY was the lowest of 11 bidders at \$973,700.00 for Dam Rehabilitation, Ward Pound Ridge Reservation, Towns of Pound Ridge and Lewisboro.

American Petroleum Equipment & Construction Co. of Walden, NY was the sole bidder at \$966,121.00 for maintenance service for fuel systems and related equipment, various county facilities.

ENECON Northeast APS, Inc. of Farmingdale, NY was the sole bidder at \$4,049,490.00 for countywide coating installation and repairs, various locations, Westchester.

Soaring Road Construction Costs Threaten State and Local Projects

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chasing power that inflation is having on public works programs.

In his presentation "New York, IIJA and the Road Ahead, With Attention to Region 8," Dr. Hurwitz offered an overview of the broad economy and the construction industry. "We've experienced very extreme inflation over the last few years, particularly in 2021 and 2022. It has affected capital programs across the U.S.," he began.

"Going back from 2015 through mid-2020, all leading indices indicate we were growing by less than 2% per year—somewhere around 1.6% to 1.7% per year. They were all growing together."

But then things changed. "Between the third quarter of 2020 and the end of 2022, we saw a 21% annual increase

over more than two years in that federal highway index, a 16% annual increase in the U.S. BLS PPI and 7% at CPI." The federal government in its monetary policy, he noted, strives to achieve a rate of 2% per year. "You can see two year growth at 7% growth is very high."

"So in real terms, if you look at the total from 2018 to 2022, these are actually higher with a conservative adjustment for inflation," which he calculates about -3% in sending power.

"Using a conservative inflation adjustment (CPI-U), the average annual Regional 8 programming for FY 2023-2027 is 4% larger than FY 2022," he reported. But when adjusted for inflation using the CPI-U index, the upcoming five-year total (FY 2022 through FY 2027), is actually -3% compared with the previous five-year period."

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NJTA Releases Environmental Impact Statement For Nearly \$1.1B Hudson County Extension Job

Continued from page 15
parks and community facilities.

The draft EIS is the first critical milestone in the ongoing multi-step environmental review process. Because the Newark Bay Bridge crosses Newark Bay, a federal navigation channel, the reconstruction from Interchange 14 to Interchange 14A is also subject to the National Environmental

Policy Act (NEPA) and related federal approvals. In compliance with NEPA, NJTA has prepared and submitted a draft Environmental Assessment to the U.S. Coast Guard for approval. USCG will release the final draft of the Environmental Assessment for public comment. As part of the environmental process, NJTA will be applying for NJDEP permits in the com-

ing weeks to address impacts during and after construction. Once the permit applications are submitted, the public will have the opportunity to review the application package and provide comment. Additionally, property owners within 200 feet of the permit limits will be notified in writing.

Construction on Interchange 14 in Newark to Interchange

14A in Bayonne and Jersey City will begin in 2026. The reconstruction of the remainder of the Extension to Jersey Avenue in Jersey City will take place in the next decade. There will be additional EISs for the remaining reconstruction once the detailed engineering and corresponding environmental analysis are conducted, NJTA noted.



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