

LONG ISLAND

SPRING 2022

ROAD WARRIORS

A publication of the Long Island Contractors' Association

Mitch Pally: Rewriting History

Read how an unexpected detour redirected Mitch to a future where he'd help write history instead of teaching it.

Inside:



Sal Ferro: Getting to Work
Page 17

Mitch Pally

**Chief Executive Officer
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SAVE THE DATE(S)!

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Long Island ROAD WARRIORS is the official magazine of the Long Island Contractors' Association, Inc. (LICA). LICA represents the interests of the region's premier heavy construction general contractors, subcontractors, suppliers and industry supporters. Focused primarily in the transportation infrastructure construction industry such as highways, bridges, rail, sewers and other public works, LICA's member companies play a significant role within Long Island's Nassau and Suffolk Counties. The economic impact of the industry contributes \$4 billion to the area's local gross regional product.

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BROTHERS IN ARMS

In today's turbulent and dangerous world, building and maintaining strong relationships with those who share common goals and interests is critical.

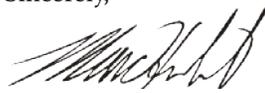
During World War II, the allied nations coalesced to combat the axis nations, and the solidarity of those allied troops proved victorious over the enemies. After the war, the North Atlantic Treaty Organization (NATO) was formed to continue the successful alliance. NATO provides collective security for its independent member states, activating in mutual defense in response to an attack by any external party. The original formation of twelve nations has grown to thirty countries. NATO's cohesion has been resoundingly successful in deterring many aggressive initiatives against its members since its inception. In short, these partnerships have been proven to work.

The power of the many over the few has proven so threatening to those countries with nefarious plans that certain non-member NATO countries have taken extreme steps to prevent others from joining this powerful coalition. Russia, for example, vehemently opposed prospective NATO member Ukraine from entering the treaty agreement. This provided an explanation and an excuse by that country's leaders for attacking the sovereign state of Ukraine. However, if Ukraine was already part of the NATO alliance, it is very doubtful that the Russians would have been so bold as to take aggressive action against the thirty-plus nation coalition.

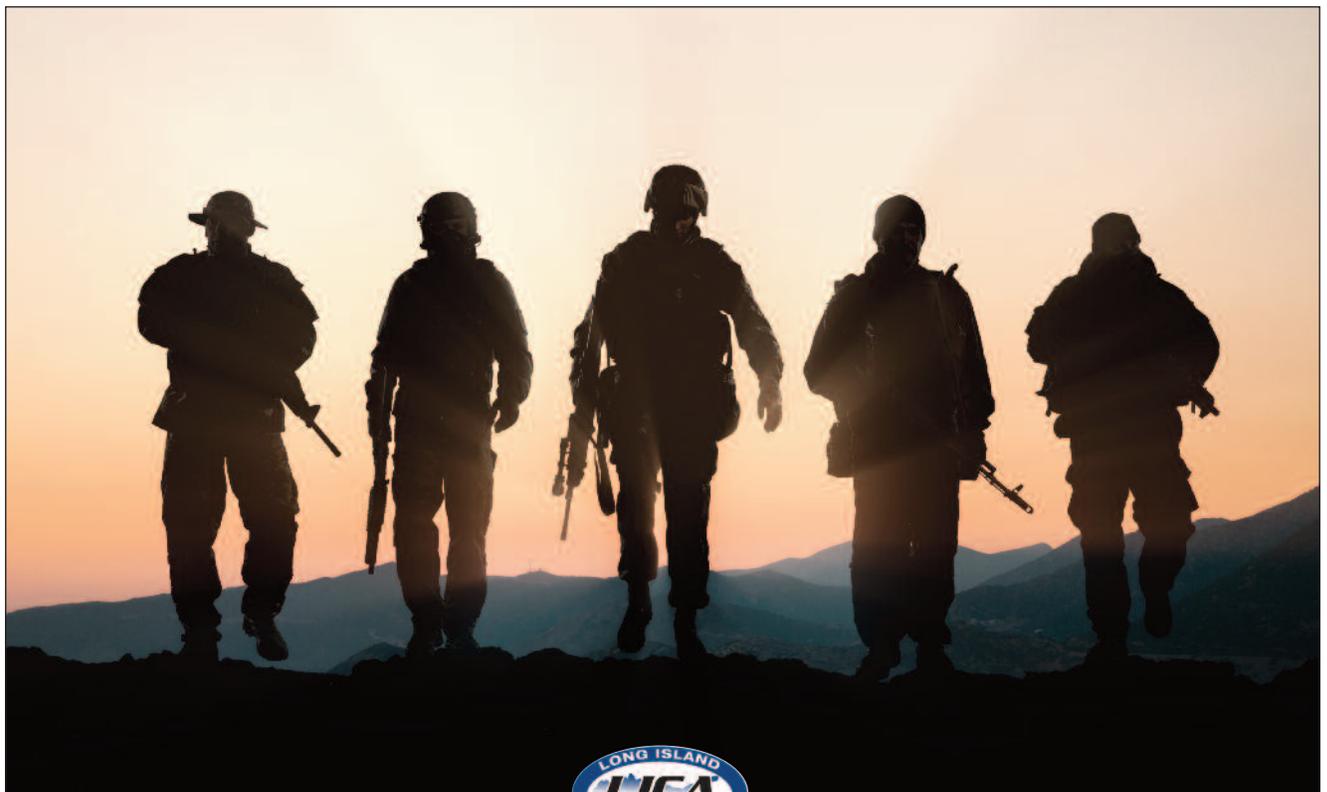
The strength and value of partnerships are not limited to national security and safety matters. Coalitions are also essential for any progress within the construction industry, particularly here on Long Island. Building, construction, and trade unions commonly coalesce to advance and advocate for public policy decisions. In addition, business, environmental and educational advocates often join our collaborative efforts, which is unique to most regions. These unified voices are essential in combatting the NIMBYism (Not In My Back Yard) objections far too often raised to halt progress.

This edition of Long Island Road Warriors features Mitch Pally, arguably the dean and most influential consensus-builder of Long Island. He may be the head of the Long Island Builders Institute, but more importantly, he is the builder of coalitions that help ensure our region's future. Whenever Mitch reaches out to the Long Island Contractors' Association to seek support for lobbying efforts or policy initiatives, the request is routinely answered favorably, mainly because of his steadfast credibility, integrity, and trustworthiness. That reaction is similar to other stakeholder groups that hear from Mitch. We trust you will appreciate reading about this dedicated leader and be thankful that he leads us in battle, ensuring that he continues to help us build back a better Long Island—because we know these partnerships have been proven to work.

Sincerely,



Marc Herbst, Executive Director
Long Island Contractors' Association





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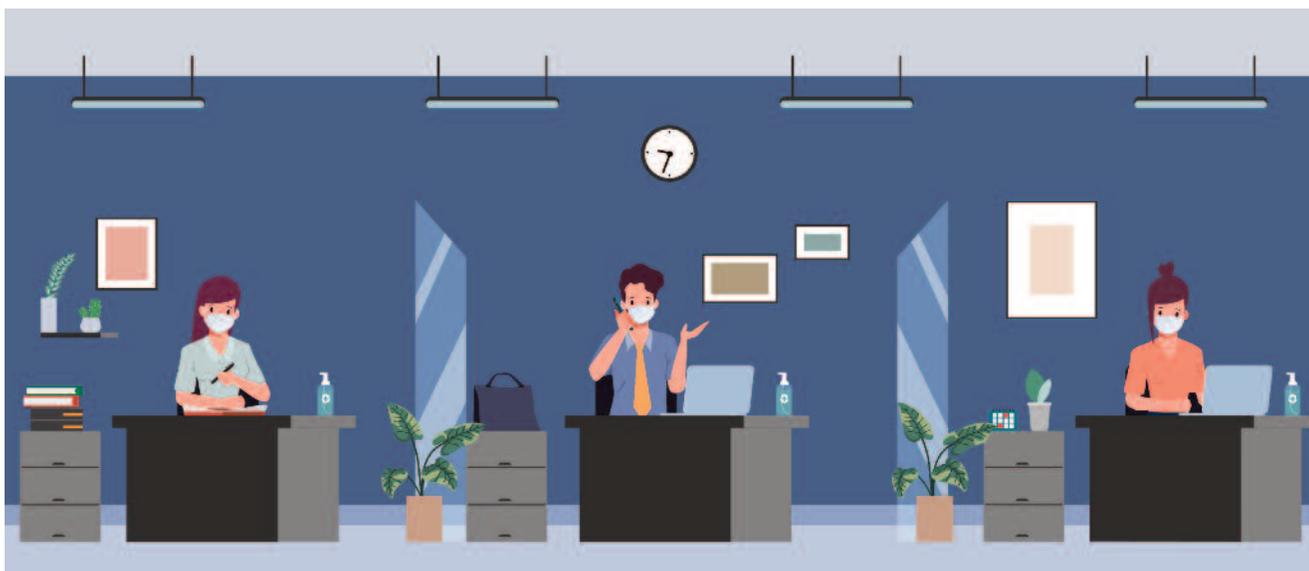
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Navigating the Employee Retention Credit

by Brian Nuzio, CPA, CCIFP at Friedman LLP

Since the onset of the pandemic up to and including today, government mandates to close down jobsites, socially distance workers and issue stop work orders have had a crippling effect on the Long Island construction community. Luckily, there is still a Federal program available to provide significant financial assistance to those affected. The Employee Retention Credit (“ERC”), included as part of the CARES Act, was initially dismissed in favor of the widely popular Paycheck Protection Program as contractors were unable to utilize both programs concurrently. However, Congress ultimately recognized that both programs offered much more robust emergency assistance when combined and, as part of the Consolidated Appropriations Act, provided for enhanced ERC benefits. Those enhancements included less stringent eligibility requirements and increased credit amounts. Contractors can assess their eligibility for the ERC under either a bright line quantitative analysis or a qualitative assessment. The credit can be requested by amending Form 941 payroll tax filings for 2020 and 2021. This amendment can be made up to three years from the original date of filing.



Quantitative Eligibility Assessment

For 2021, the enhanced ERC provided for a refundable credit to contractors that had 500 or fewer average full time employees in 2019 and could demonstrate a decrease in quarterly gross receipts of 20% or more when measuring calendar quarter-over-quarter from 2019 to 2021. The majority of contractors and their advisors use this quantitative assessment to gauge their eligibility for the ERC. The credit is worth up to \$7,000 per employee per quarter for the first three quarters of 2021. By way of example, if a contractor had 100 average full time employees in 2019 and met eligibility requirements for each of the three quarters in 2021, they could receive a maximum credit of \$2,100,000. For 2020, the credit was limited to \$5,000 per employee for the full year (compared to per quarter for 2021). However, measured at 100 average fulltime employees in 2019, that credit could be worth up to \$500,000. Many contractors did not believe they qualified for the credits in 2020 or 2021 due to the necessary revenue reduction requirements, and those that saw increased revenues or were considered essential incorrectly assumed they did not qualify.

Qualitative Eligibility Assessment

Whether or not an entity experienced a decline in gross receipts, an employer may qualify for ERC if they were subject to full or partial suspension orders (“FPSO”) relating to the pandemic. Members of Long Island’s contracting community may have been subject to FPSOs if they were impacted by: (i) Federal and local government orders “limiting commerce, travel or group meetings,” (ii) orders that prevented them from receiving supplies, (iii) partial-closure orders, (iv) orders reducing work hours, or (v) FPSOs in other jurisdictions.

Count on Friedman

If you believe that your business may qualify for the ERC or you have any other tax and accounting needs, please contact Brian Nuzio of Friedman’s Construction Group for assistance at 212-897-6420 or bnuzio@friedmanllp.com.

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NEW YORK STATE LABOR LAW AMENDMENTS:

Expanded Protections for Employees

by Chris Bletsch, Partner
Peckar & Abramson



Two recent amendments to the New York Labor Law took effect earlier this year that are intended to expand protections for employees. Contractors should familiarize themselves with these new requirements to ensure compliance, and should be aware of the increased risks of liability that may result.

Expansion of Whistleblower Rights:

On January 26, 2022, an amendment to New York Labor Law (“NYLL”) § 740, often referred to as the whistleblower law, took effect. For many decades prior, the whistleblower law provided only limited coverage for employees who reported a violation of the law that either “creates and presents a substantial and specific danger to the public health or safety, or... constitutes health care fraud.” NYLL § 740(2). The January 26, 2022 amended statute expanded whistleblower rights by:

- Adding “former employees” and “independent contractors” to those who may bring whistleblower claims;
- Eliminating the need to show an “actual” violation of the law; a claimant now need only to show an objectively reasonable belief that the employer has violated a law, rule or regulation, or is undertaking activity that “poses a substantial and specific danger to the public health or safety.”
- Eliminating the requirement to first report any violations to the employer before disclosing violations to the public body (which gave the employer the ability to correct any violations); now a claimant must demonstrate only a “good faith effort” to notify the employer, but exceptions water-down the good faith effort by providing exceptions that increase the likelihood of disclosure to the public body before an employer has an opportunity to take corrective action. The new law provides an exception where: (i) there is imminent and serious danger to public health; (ii) the employee reasonably believes reporting of the violation to the employer would result in the destruction of evidence, concealment or harm to the employee; or (iii) the employee reasonably believes that their supervisor is already aware of the violation and will not correct it.
- Expanding the remedies available to claimants who allege retaliation to include front pay (lost wages in the future), civil penalties up to \$10,000, and punitive damages (in addition to the previously-available back pay). It also extends the statute of limitations from one to two years, and grants whistleblowers the right to a jury trial.

Also note that employers must notify employees of their rights under the whistleblower law by posting a notice in a conspicuous place. Whistleblower suits have proliferated in recent years, and this recent amendment has increased the potential for more, so employers should take notice of these developments.

Penalties for Wage Theft / Preventative Measures:

New laws expand liability for contractors whose subcontractors fail to pay required wages, but give contractors tools to address these issues. Contractors should be aware of these changes and how their risk of liability may be increased, while also understanding how the new tools can help prevent wage theft and protect their interests.

Previously-existing law (New York Labor Law §§ 190-199) set forth requirements related to the payment of wages, deductions, wage notices, recordkeeping requirements, and remedies available for the nonpayment of wages and wage supplements. The New York State Department of Labor and private parties can enforce wage and benefit obligations against employers, with special tools focused on the construction industry.

The New York State Legislature recently passed a new provision of this law, § 198-e, titled “Construction Wage Theft”, which creates “joint and several liability” for contractors, who can now be held directly liable for the failure of their subcontractors to comply with the wage requirements of this law. This new provision took effect January 4, 2022, and applies to “construction contracts entered into, renewed, modified or amended on or after such effective date, and shall apply only to wages, benefits, and or wage supplements earned on or after such effective date.”

Previously, employers could be liable for fines, penalties, liquidated damages (double pay owed), interest and attorney’s fees. With the passage of the new section § 198-e, a contractor can also be liable for violations by subcontractors of any tier, despite the contractor not directly employing the wage claimant. The contractor “shall assume liability for any debt resulting from an action under... this article, owed to a wage claimant or third party on the wage claimant’s behalf, incurred by a subcontractor at any tier acting under, by or for the contractor or its subcontractors for the wage claimant’s performance of labor.” This is a significant expansion of contractor exposure.

Note that this new requirement does not apply to prevailing wage projects, home improvement or certain small residential projects, and may be waived in a CBA with a “bona fide building construction trade labor organization.”

In light of the increased exposure, contractors should also be aware of recent changes in the law that give them tools to ensure that the wage requirements on their projects are being met, and to limit their risk of liability and exposure for subcontractor wage underpayments.

First, § 198-e (2) states that “[t]he provisions of this section shall not be deemed to impair the rights of a contractor to maintain an action against a subcontractor for amounts owed wages that are paid by a contractor pursuant to this section.”

Second, New York General Business Law, Chapter 20, Article 35-E, Construction Contracts, § 756-F, titled “Wage theft prevention and enforcement” gives contractors tools to enforce subcontractor compliance with the requirements. Among others, it permits the contractor to request detailed information and records to verify compliance with wage payment obligations, and gives contractors the right to withhold payment if a subcontractor fails to provide required payroll information.

While the new law makes contractors strictly liable for subcontractor violations, appropriate measures can and should be implemented to reduce risk. These include appropriate subcontract language and indemnity provisions, regular and thorough review of subcontractor wage notices and payment verification, maintenance of attendance records, “in-field” observations to confirm the accuracy of written records, reporting of violations, and up to withholding payment or terminating offending subcontractors where appropriate.



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LICA 2021 Annual Report Summary

by Marc Herbst, LICA Executive Director



The Long Island Contractors' Association, Inc. (LICA) celebrated its diamond anniversary this past year. Seventy-five years ago, our association formally recorded its corporate filings with the State of New York under its previous name, the Nassau-Suffolk Contractors' Association.

While this was a significant milestone in our history, LICA passed on celebrating. The rationale was two-fold. First, our existence and influence long pre-dates our legal recognition, starting from as far back as the 1920s when we were known as the Nassau-Suffolk Sand & Gravel Association. Second, we wanted to retain focus on present day, addressing industry issues and concerns on behalf of our loyal members and advocating for Long Island, as we work to build back our economy during an ongoing global pandemic.

2021 was an active year for Long Island's heavy construction industry. Most notably, we participated in ground breakings for many projects that will significantly enhance the region for generations. These include the Nassau County Bay Park Conveyance project, the new UBS sports and entertainment arena, the supporting LIRR Elmont station, the Carls River sewer project, Phase 2 of the Ronkonkoma Hub project, and finally, the long-awaited redevelopment of properties at the former Cerro Wire and Newsday sites. We were also pleased to see two essential transit projects, East Side Access, and the LIRR Third Track Expansion project, continue the movement towards completion.

Not groundbreaking, but perhaps ground-shaking, we also experienced an unexpected change in policy leadership. Governor Andrew Cuomo, a strong proponent of mega-infrastructure, faced scandals forcing him to resign his position. Thankfully, LICA's long-time ally, Lt. Governor Kathy Hochul, succeeded Cuomo as the state's chief executive officer. Upon assuming the top office, Governor Hochul's first visit to Long Island included a stop at LICA's office to meet with our board of directors. Naturally, we wanted to stake a claim by influencing her "war on potholes" priority as she champions repaving the Long Island Expressway and other regional highway networks.

Last year, we also experienced other transitions in leadership. Nassau County Executive Laura Curran, North Hempstead Supervisor Judi Bosworth, and Huntington Supervisor Chad Lupinacci completed terms and left public office. We have also had several partners complete their service leading our public works agencies: North Hempstead Highway Superintendent Kevin

Cronin, Babylon DPW Commissioner Tom Stay, Huntington Highway Superintendent Kevin Orelli, Riverhead Highway Superintendent George Woodson, Southampton Highway Superintendent Alex Gregor, and Southold Highway Superintendent Vincent Orlando. Additionally, Rich Causin had "acting" dropped as a prefix to his title as Long Island Regional Director for the New York State Department of Transportation. The Metropolitan Transportation Authority's top person, Janno Lieber, experienced an identical omission in his title, as he received confirmation to begin the new year as the agency's Chair and Chief Executive Officer. We thank all these leaders for their support.

The greatest policy success of 2021 for our industry came, not from officials in transition, but from those grounded in our nation's capital. First, Senator Chuck Schumer successfully shepherded President Joe Biden's Infrastructure Investment & Jobs Act (IIJA) through the Senate for passage. Then, Congressman Andrew Garbarino courageously set aside political interests and helped pass the bill in the House of Representatives, ensuring the opportunity to fund much-needed regional projects, such as the Oakdale Merge and MacArthur Airport improvements.

The successes of 2021 have positioned our association and the infrastructure industry to continue into the new year as an economic engine and sustainer of the wonderful quality of life we enjoy. We look forward to not only an exciting 2022 but another 75 years and beyond of building back Long Island.

If you have not already done so, we encourage you to take a few minutes to review our 2021 Annual Report. We believe it is an informative retrospective, detailing many of LICA's activities, efforts and achievements over the past year. The report can be viewed on the LICA website at: <https://licanys.org/news2/annual-report/>



Working Toward a Just Long Island

by Elaine Gross, President of ERASE Racism



Elaine Gross

ERASE Racism is a civil rights organization based on Long Island that exposes and addresses the devastating impact of historical and ongoing structural racism, particularly in public school education and housing. The two are closely related, as historic patterns of racial discrimination in housing have led to segregated and unequal education based on race across Long Island – one of the 10 most segregated metro regions in the nation.

Mitch Pally, CEO of the Long Island Builders Institute (featured in the cover story), is a long-time ally of ours and a member of our College of Advisors. We are currently working together to gain greater support for affordable housing on Long Island.

The construction of new housing, including affordable housing, can disrupt those historically discriminatory patterns and create a more equitable Long Island. Builders and contractors are, therefore, a crucial part of defining Long Island's future.

ERASE Racism has helped generate significant recent progress in addressing housing discrimination. In 2016, for instance, ERASE Racism started a statewide campaign that led in 2019 to New York's enactment of a ban on housing discrimination against people who depend on legal non-wage sources of income for their rent. That campaign, later co-led by ERASE Racism and three other organizations, grew to include more than 100 organizations.

With the support of then-Governor Andrew Cuomo and the Legislature, the State's Human Rights Law was amended, as part of the State budget, to prohibit such discrimination. It is now generally illegal for landlords to turn away tenants because they receive any form of legal non-wage income such as alimony, Section 8 housing support, and other public benefits for veterans and people with disabilities.

ERASE Racism earlier conducted research on racial discrimination in the rental housing market on Long Island that led to successful legal action against discriminatory apartment owners and managers in both Nassau and Suffolk Counties. That research then became the model for Newsday's landmark 2019 study "Long Island Divided," which in turn prompted two public hearings held jointly by three New York State Senate Committees in 2021.

ERASE Racism testified and offered recommendations for improved enforcement by invitation at both joint hearings, and those hearings led to enactment in 2021 of nine State fair housing laws that lay out systematic actions and policies to hold individual realtors and real estate firms accountable for fair housing in important new ways.

ERASE Racism's Education Equity Initiative engages individuals in developing and implementing real solutions to the intensely segregated public school systems on Long Island. Strategic actions include educational campaigns on the benefits of diverse learning environments, policy advocacy and promotion of culturally responsive education that can sustain all students, professional development for teachers, leadership development for students, and recruiting and retaining teachers of color.

ERASE Racism's anti-racism workshops for adults provide a context, framework, and language for understanding the realities of racism and how individuals can work to dismantle racism in their personal and professional lives. Its workshops with institutional partners such as schools, universities, not-for-profit organizations, and for-profit businesses additionally provide insight into implementing diversity, equity, and inclusion throughout the organization.

These workshops and consultations are vital because understanding our past motivates us to build a better future: a just Long Island, a Long Island that lives up to values we say we hold – fairness and democracy – where everyone, regardless of racial or ethnic background or financial status, has the chance to succeed.



POWER to the PARTY in POWER

by Desmond M. Ryan, Government Relations Consultant

The U.S. Constitution calls upon the federal government to reapportion districts for the House of Representatives every ten years based on census results for each state. Here in New York, a statewide referendum in 2014 established a ten-member commission as a non-partisan way to create congressional and state legislative districts. The New York State Independent Redistricting Commission would base its recommendations on those numbers supplied by the federal government from the 2020 census. It soon became very clear that the members of the commission, made up of five Republicans and five Democrats, would be anything but independent or non-partisan.

6
Try asking a voter in the Bronx where the Village of Nissequogue is and the response will likely be, “Hub? Where? Village of what?”

During the past decade New York saw a significant change in demographics. Due to a loss in population that occurred mainly in the upstate region, the state would lose at least one seat, reducing the number of congressional representatives from 27 to 26. Not since 1813 will New York have such a low number of individuals representing them in Washington D.C. (see chart, right).

NY State Congressional Seats at a Glance (from 1789-2023)	
Year(s)	# of Seats
1789-1793	6 Seats
1793-1803	10 Seats
1803-1813	17 Seats
1813-1823	27 Seats
1823-1833	34 Seats
1833-1843	40 Seats
1843-1853	34 Seats
1853-1863	33 Seats
1863-1873	31 Seats
1873-1883	33 Seats
1883-1903	34 Seats
1903-1913	37 Seats
1913-1933	43 Seats
1933-1953	45 Seats
1953-1963	43 Seats
1963-1973	41 Seats
1973-1983	39 Seats
1983-1993	34 Seats
1993-2003	31 Seats
2003-2013	29 Seats
2013-2023	27 Seats
2023-2033	26 Seats

*Chart: The Smithtown News 1/13/22



ger·ry·man·der

pronounce: /jerē.mandər/

*To manipulate the boundaries of (an electoral constituency) so as to favor one party or class.
Achieve (a result) by manipulating the boundaries of an electoral constituency.*

With the commission at a total and complete impasse over the congressional map, it was then left to the state legislature to make the decision as to how the district lines would be drawn. For the first time in a generation Democrats in Albany have a supermajority in both the Senate and Assembly and the map that they approved would give their party the enrollment edge in 22 of the 26 districts.

To many political pundits, as well as a number of good government groups, this was nothing more than a blatant grab for power. Governor Kathy Hochul signed the map into law and individuals in the GOP immediately filed a lawsuit against her and the State Board of Elections to halt the implementation of these districts.

In the lawsuit, Republicans stated, “Through this map, Democrats have essentially guaranteed that they will win more congressional districts—and thus more power—than is warranted by the party’s popular support. Participation in the democratic process will decrease or voting will hold little appeal to those gerrymandered districts because their voters cannot change the pre-ordained outcomes of the election. Each of these blatantly gerrymandered districts, both individually and together, have no reasonable explanation except for Legislative Democrats’ specific goals of increasing their political power.”

With Republicans currently holding eight congressional seats, by year’s end through retirement and redistricting, they could very well end up with only four.

For those of us here on Long Island, nowhere in the state is a district map more ridiculously absurd than the new 3rd Congressional District. Already, it is being referred to as the “Sound View.” The district runs along the Long Island Sound from the Village of Nissequogue in Suffolk, into Nassau and Queens then into the Bronx, and ends just north of the city of Rye in Westchester. Try asking a voter in the Bronx where the Village of Nissequogue is and the response will likely be, “Huh? Where? Village of what?”

Whatever the outcome of the lawsuit, it is clear that political power in the state will be controlled by the party that is in the majority, allowing the minority party to continue to lead the debate on electoral reforms.

Make no mistake about it, Democracy should not be considered a spectator sport, and this year in New York, every vote cast can, and will, make a difference!

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*It soon became very clear that
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Old Challenges, New Chapter: Getting to Work with Sal Ferro

by Salvatore Ferro, Huntington Town Councilman

It was in February of 2021, as I was about to attend a candidates screening, that I made a last minute call. That call was to Mitch Pally, CEO of the Long Island Builders Institute. My company, Alure, had been a member for many years but I only got to meet Mitch back in 2012 when we became instant friends. I spent 7 years as Chairman of LIBI's Political Action Committee working with Mitch. He knew me well, he knew my passion, and he was a driving force behind me finalizing my decision to run for office. That last minute call was for advice, "Mitch, any last words of wisdom?" His response "Sal, your honesty, credibility and sincerity has been what's made you. Stick with it. If it doesn't work then, so be it." Apparently it worked because I was nominated and ran a successful campaign. A campaign based on integrity and my own record, rather than beating down my opponent.

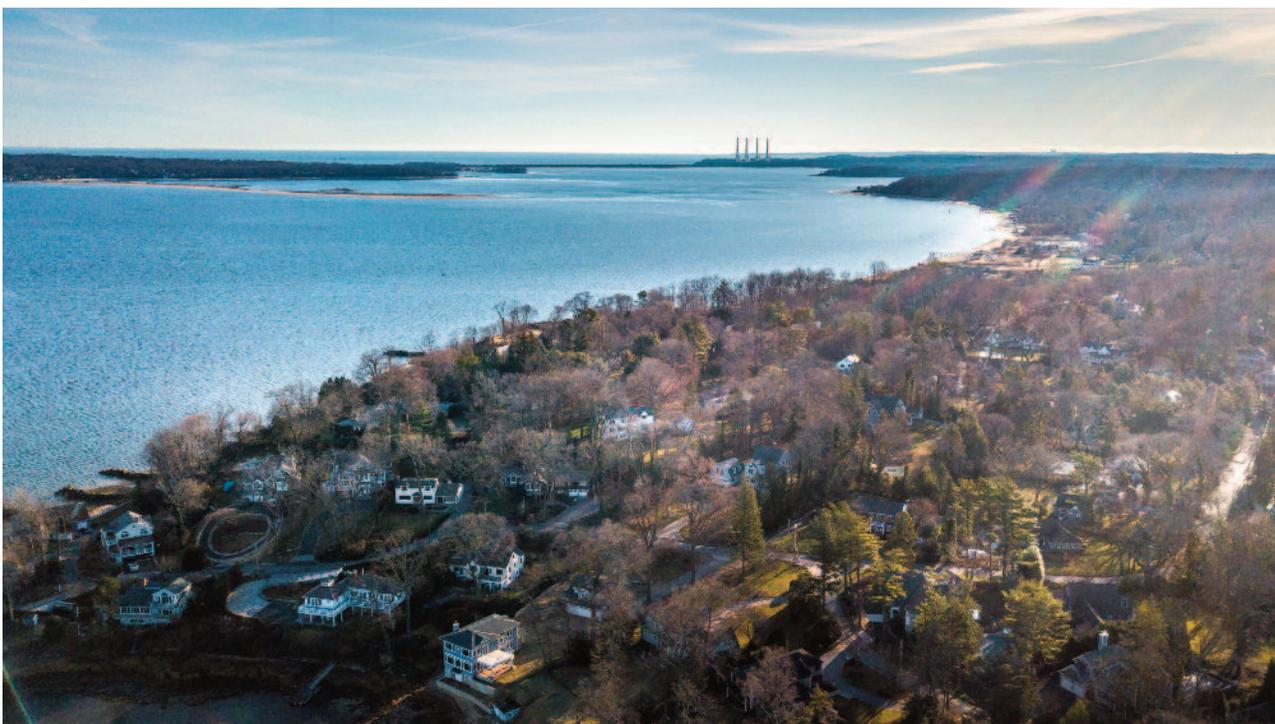


We got to work on day one. In less than two months in office, we have worked to improve a Building Department that has been much maligned, yet has great talent in people and potential. With a focus on modernizing our systems and technology, our Town is going to see major improvements in the near future. The Town made a historic investment in Suffolk County's sewer infrastructure, appropriating \$22 million in American Rescue Plan Act funding to the Huntington Station Sewer Hub Project (matched by Suffolk County's \$22M in ARPA funds), which will help revitalize the gateway to Huntington. We will work toward alleviating our parking issues, updating zoning, and continue to lobby for Huntington and the needs of our many residents.

I have been working with many groups to get to know the myriad of issues that face our residents. There are many items on our agenda. On housing, The Town is looking to reform our affordable housing code to assist more people with home ownership, as compared to the current lottery system. We are looking to establish an Affordable Housing Trust Fund with a down-payment program to help far more people achieve home ownership.

On the environmental front, we are looking to implement a Green Home Improvement program that gives tax incentives for green improvements. The program would give property owner/builders an incentive to convert energy-inefficient homes into energy-efficient homes. The tax assessment on the property would remain the same as long as the new home maintains the same number of bedrooms, bathrooms and kitchens, as the prior home. This tackles multiple issues, including making homes energy efficient, eliminating neighborhood blight, creating jobs, and reducing the burden on the taxpayer. We will continue to make improvements to our roads, parks, public facilities, waterfront infrastructure, and sewers.

This new chapter of my career may have its challenges at times, but I am confident that our daily efforts to improve the quality of life for our residents will triumph.



MITCH PALLY:

Chief Executive Officer
Long Island Builders Institute (LIBI)

Rewriting HISTORY

In the summer of 1970, a young Mitch Pally headed off to SUNY Cortland with his sights set on becoming a history teacher. However, Professor William Rogers had other ideas for Mitch. Thankfully for all of us, Pally took the advice of his professor and never looked back...

A CHANGE OF PLANS

It was the second semester of Pally's junior year when he enrolled in a political science course given by Professor Rogers. Here, Rogers would introduce Mitch to the world of politics and public policy, somehow convincing Pally that he should make a major change (both literally and figuratively) in his educational plans. This new pursuit would soon take Pally 2 1/2 hours due east, from Cortland to Albany, where he would get a job working part-time at the state capitol while earning his Juris Doctor from Albany Law School. That part-time work would lead to a meaningful full-time job which evolved into an impressive 45-year professional career, spanning various aspects of the law, legislation, transportation, and more.

BUCKLE UP

Cortland was an outstanding school for education but didn't offer pre-law courses. To prep for law school, Professor Rogers advised Pally to bulk up on literature courses because "the law is all about reading and interpretation." And so he did.

However, changing course so late in the game can still be a bit of a wild ride. Not to worry. Mitch Pally was ready to bear down and buckle up. In fact, the issue of "buckling up" became a large

part of Mitch's focus during the ten years he worked for the New York State Legislature. This chapter of his career culminated in a professional achievement that Pally still calls his proudest accomplishment.

GETTING THERE

In politics, they say it's all about who you know. So I was curious to find who Mitch knew to land his first job with the Legislature.

Mitch's immediate family had no real political history or close connections. His mom was a homemaker and his father worked at, then owned, a car dealership. However, his dad had become the head of the local civic association, working alongside some local officials from the Town of North Hempstead. And Mitch had spent several high school summers working at the town beach and town hall, so most knew who he was. When it came time to find a job in Albany, the Parks Commissioner approached then-Senator John Caemmerer who helped Mitch find a position in the state capitol. Mitch's consistent record of job promotions at the town beach—from ramp monitor to front gate attendant to front gate Chief—must have made an impression!

The bigger challenge—and the greatest victory—was procuring the passage of the nation's first seatbelt law.

Between 1975 and 1983, Pally worked in various capacities for the New York State Senate Committee on Transportation and the Legislative Commission on Critical Transportation Choices. Mitch went on to serve as Chief Counsel to both the Committee and the Commission from 1983 to 1985.

During his work with the Senate, Mitch played a key role in the drafting and passage of the first-in-the-nation seatbelt law and the child restraint law. Pally was also instrumental in getting legislation passed for the Transportation Bond Issues of 1983 and 1979, and reserved parking spaces for disabled drivers. But it was the fight to get child restraint and seatbelt laws passed in New York, where Mitch really earned his stripes.

CHILD'S PLAY

You would assume that passing a child-restraint law would be easy. Who wouldn't want to keep children safe? But Senator John Caemmerer should have warned Mitch...nothing is easy in Albany. Several legislators were voicing concerns about the potential difficulty and time it would take to get kids in and out of the restraints. They feared their constituents wouldn't comply if it were too difficult, time-consuming, or cumbersome. Mitch took the challenge personally. Then he took his eldest daughter to work, long before "Take Your Daughter(s) to Work Day" was a thing.

Mitch knew the only way to convince the legislators that restraints weren't overly complex was actually to show them. Not with research or instructions, but by putting an actual child into a real seat with restraints. All he needed was a child. And who better than his first-born daughter, Alison, who was nearly 18 months old at the time. That important and memorable father/daughter

moment on the Legislative chamber floor was captured in the classic 1978 black and white photo on the page that follows.

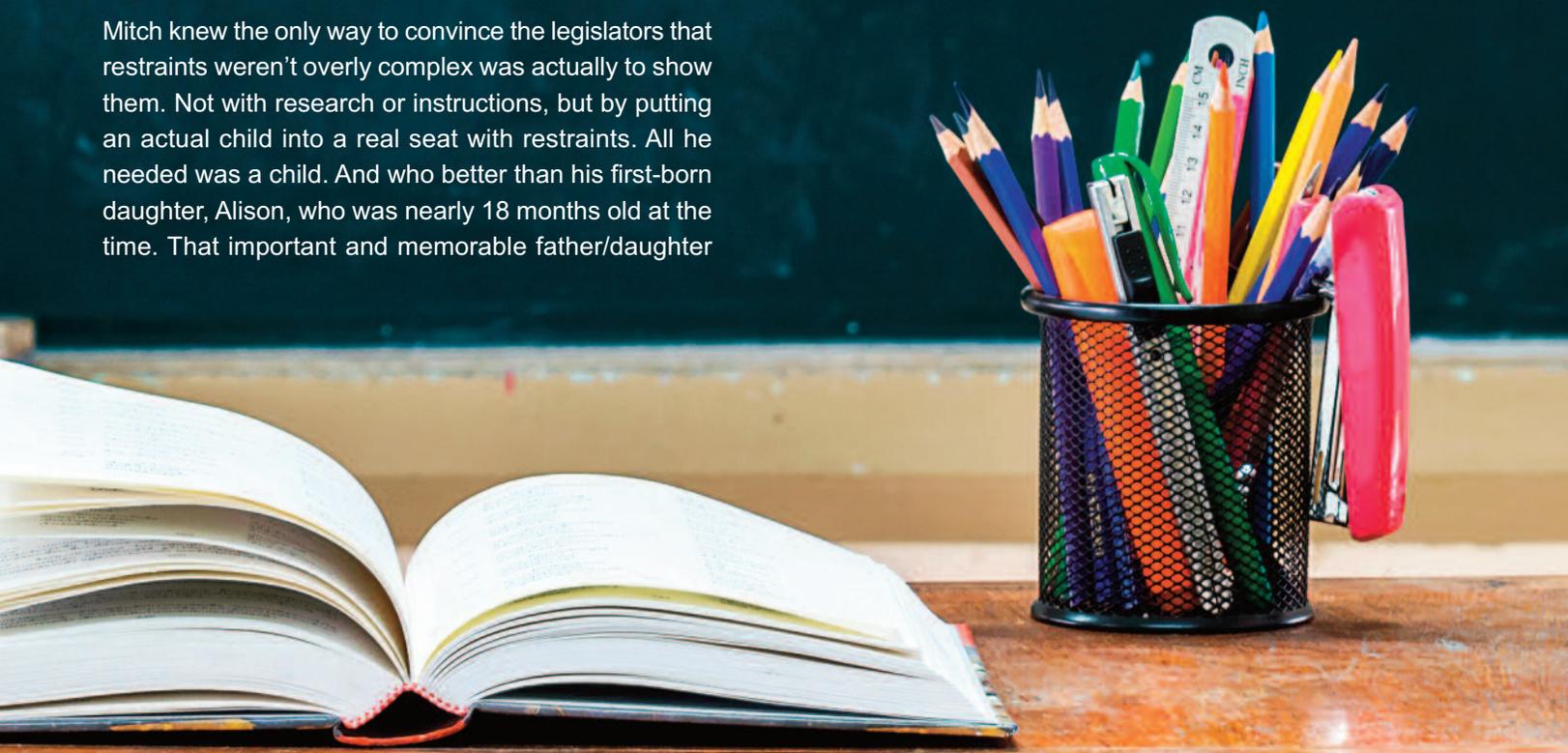
Mitch credits the live demonstration (and his daughter) for getting the job done, convincing the remaining outliers that the restraints were in fact, simple and easy to use. The result was the bill's eventual passage, making it the second child-restraint law in the nation.

FIRST & FOREMOST

The bigger challenge—and the greatest victory—was procuring the passage of the nation's first seatbelt law. Mitch clearly recalls his boss (State Senator Norman Levy) telling him simply, "go get 31 votes." I imagine something out of a 'West Wing' episode, watching Mitch go to work on the other Senators, trying to persuade their vote in his favor.

Mitch started with the New York City Democrats, who for the most part, were impartial since many of their constituents didn't drive. Then he convinced a few up-state Senators to join his cause, if their votes were needed. The understanding was, that if the legislation had already received enough YEA votes to pass before

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those Senators were called upon, they could cast their votes however they deemed best. As it turned out, Mitch managed to get the votes they needed without the help of the upstate contingent. Getting it passed by the Assembly was a much easier task, and it was finally signed into law by Governor Mario Cuomo.

Since being enacted, these two pieces of legislation have undoubtedly saved thousands of people from injury or death each year. Knowing that he is partly responsible for saving so many lives is a wonderful and humbling achievement for Mitch. So, this is my opportunity to thank Mitch and his colleagues for their hard work and persistence in making these life-saving safety measures mandatory.

TRANSPORTATION JUNKIE

While in Albany, Mitch had worked with Jim Larocca, Commissioner of the NYS Department of Transportation. Larocca later became President & CEO of the Long Island Association (LIA) and would often call Mitch for guidance about various legislative, economic, and transportation-related matters while getting ready for his move to the LIA. Then in 1985, he convinced Pally (who he referred to as his “trans-

portation junkie”) to join the LIA as the Director of Legislative and Economic Affairs. For the next several years, Mitch fulfilled that role while occasionally working as an adjunct professor of political science at Stony Brook University and Suffolk Community College.

In 1992, Mitch was elected Vice-President of Governmental Affairs for the LIA, addressing important legislative issues, managing community affairs, and other activities until 2006. During this time, Mitch was also asked to serve on several important and influential advisory boards and committees including: Workforce Housing Commissions for both Nassau and Suffolk and Open Space Councils for the Towns of Brookhaven and Huntington, to name just a few.

In 2005, at the recommendation of Suffolk County Executive Steve Levy, Pally was also nominated by Governor George Pataki to serve as the Suffolk County representative on the board of the Metropolitan Transportation Authority (MTA). Mitch remained on the board until 2019 and is proud of the work he did there, which includes getting a cap on fare increases for Suffolk County LIRR riders and advancing the Second Track and Third Track projects. He also helped secure a unanimous vote, by a New York City-dominated board, to approve Third Track funding.



While at the LIA, Mitch played another critical role, helping to increase funding for the heavy construction industry on Long Island. During his years at the LIA, Mitch, and a coalition of organizations including LIBI, ABLI, and LICA, ran major campaigns urging Albany to revise the current state highway funding formula. In 1983, the group successfully lobbied the state to raise Long Island’s share of funding to 23 percent. Unfortunately, the State Legislature has reduced the percentage for Long Island over the years.

Photo: Mitch Pally (right) demonstrates the ease of using child-restraints with the help of his daughter, Alison, on the floor of the Legislative Chamber.

LEADING LIBI

After a few years managing government relations for Weber Law Group, Mitch took his cumulative experience and extensive lobbying expertise to the Long Island Builders Institute (LIBI) in 2010. As their CEO, Mitch now represents the interests of more than 625 LIBI members. LIBI's membership comprises home and commercial builders, remodelers, general contractors and developers, as well as associate members who primarily own businesses that support the housing sector such as title companies, suppliers and insurance brokers.

LIBI provides many services to its members and the community, but at its core, LIBI is a lobbying organization dedicated to the achievement of home ownership and suitable housing for all residents. In addition, they are committed to promoting economic development balanced with sensible environmental considerations. However, promoting housing in a region where "NIMBY" (Not In My Back Yard) is the defacto default cry of most Long Islanders, is no small task.

THE PROBLEM WITH PERCEPTION

As Mitch noted, "everything runs from perception" and unfortunately on Long Island, a large number of residents (particularly single family homeowners) perceive that we have enough housing, which is simply not the case. Additional housing is needed for our children, college students, the workforce, and retirees. I don't dare say "affordable housing" because it instantly generates another false perception that "affordable housing" is somehow akin to unsightly, low-income, "project" style housing that supposedly attracts less desirable tenants. So much of that perception is wrong (on every level). If most people were to see some of the new \$1,500-\$2000/month "affordable" 1-bedroom housing units built recently in the Town of Huntington and elsewhere, they would indeed be shocked by their size and comfort level.

The hard costs and hefty timeframe required to get housing built on Long Island is another part of the problem. The steep price of land and labor in our area is further compounded by the high costs incurred by an extended timeline due to the complexity of permitting and approval processes. For developers, this can be measured in years or even decades. So it should be no surprise to anyone that Nassau and Suffolk counties have the lowest building permit approval rate in the region, which also means that good construction jobs are being lost.



Even for small residential builders, the process can be a challenge. Often they need to submit multiple applications or get approval from many different departments within a single village or town government. And each process can vary from village to village. So it is one of the many challenges that LIBI is working to address.

While the pandemic delayed and exacerbated some of these issues, one bright note is that it may have helped accelerate the adoption of electronic applications in municipalities like the Town of Hempstead, where it seems to be working exceptionally well. Pally hopes that others will soon follow. Ideally, he hopes someday that the process will be fully standardized across all municipalities.

LIBI & LICA: A COMMON CAUSE

While LICA represents heavy highway contractors, we share many priorities with LIBI that will benefit the membership of both our organizations. For example, further expansion of the sewer systems in Suffolk County is critical for housing growth and also represents good work for our contractors. In addition, completing the final phase of the reconstruction of Route 347, which LICA has long lobbied for, is also high on LIBI's list. Pally particularly advocates DOT reinstating the design option for this project to include two bridges at Nicolls Road and Middle Country Road, which would alleviate traffic problems at these key crossings.

LIBI's top and perhaps most challenging transportation priority is to fight for the electrification of the Yaphank train line and the relocation of the Yaphank LIRR station. To enable continued economic growth, Long Island needs to offer residents, workers, and visitors the ability to have a single-seat train ride from New York City to eastern Suffolk County. Add to that Brookhaven Laboratory, which employs more than 3,000 people alone (not including the large number of regular visitors—both scientific professionals and tourists—they host each year). Some progress has been made on the project. As feasibility studies progress, both the Town of Brookhaven and Suffolk County have agreed on a new site for the station but funding needs to be secured. However, with Mitch at the helm, further progress will follow soon. Pally knows a thing or two about making things happen, as the Three Village Soccer Club can attest.

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GOOOAAALLLL!

Mitch has always contributed to the betterment of his community. Starting in 1990, Pally found the perfect opportunity to start giving back in a way that was near and dear to his heart. As a former soccer player, Mitch was an active member (and President) of the Three Village Soccer Club where he coached all four of his children. Unfortunately, with limited field availability at local schools, the club's ability to hold multiple practices together was nearly impossible, making it difficult for parents. So when Mitch heard that Stony Brook University (SBU) was looking for a way to strengthen their relationship with the surrounding community, he had the perfect solution and seized the opportunity.



Working with then-University President Jack Marburger, Mitch immediately secured a permit for nearly 20 acres on the SBU campus for \$1, where the Three Village Soccer Club planned to build a new community soccer center. Within a few short years, under Mitch's guidance, Three Village would go on to create one of the finest club-operated facilities on Long Island.

Mitch quickly acknowledged that he could not have done it without the enormous help and support of Stony Brook University and local and state officials. He also recognized the generous donations of time, money and services the club received from businesses, labor organizations, friends, colleagues and parents. Today, the



facility continues to host to over 1,000 athletes a year. Being part of a project that has such a positive impact on children is one of the finest goals anyone can hope to achieve.

THE ASSIST

Speaking of positive impacts, it appears that Professor Rogers wasn't the only person from Cortland who had a positive lifelong influence on Mitch Pally. A talented advanced mathematics teacher named Nancy Carroll, had also attended Cortland, and would later become Mitch's wife. Although Nancy and Mitch both started at and graduated from Cortland on the very same days, their paths never crossed on campus. Mitch first met Nancy the September following graduation while on a trip with his roommate, John, to visit John's fiancée. Nancy just happened to be sharing a room with the fiancée. Mitch took one look at Nancy and, for the second time in his life, he never looked back...

Together they bought a house in Albany, and after Mitch graduated from Albany Law School, he and Nancy were married in their own backyard. Since then (with all credit from Mitch, to his wife), they've raised four outstanding children and are awaiting grandchild number nine.

Their oldest daughter Alison (Mitch's legislative 'assistant' in the child restraint demonstration) followed in her father's footsteps and is now an attorney. Their second daughter Emily is a successful Physician's Assistant, and his two youngest children, Stephanie and Brian, are both... wait for it... history teachers!

If parents live vicariously through their children, as many will admit, it would seem that Mitch's early dream of becoming a history teacher has finally come to fruition (twice over, in fact). Luckily for us, Pally spent the 45 years in between helping to write history and build a better Long Island.

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Photos: Images from the 1991 Opening Day celebration for the new Three Village Soccer Club fields at Stony Brook University (Mitch Pally, top right at podium).

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A Few Minutes with Mitch

featuring **Mitch Pally**

Q&A

Be as nice as you can to people, even if you disagree.

Q. What was the best piece of advice you ever received?

A. You can disagree without being disagreeable.

Q. What's your personal mantra?

A. Be as nice as you can to people, even if you disagree.

Q. What's your biggest pet peeve?

A. When people are too emotional about issues and don't look at all the possible options.

Q. What should most residents know about developers that they don't understand?

A. That they try to provide a benefit to the community. Housing is actually a place where real people live, it's not just cement and lumber.

Q. What should developers know about building on Long Island?

A. You need two things: patience and money. And if you don't have both, don't try.

Q. If you had become a home building professional instead, which would you be?

An architect, carpenter, mason, etc.

A. I'd say an engineer. I'm not very good with a hammer, which is why my wife does everything around the house!

Q. If you were a house, what style would you be? Mid-century modern, traditional, etc.

A. Definitely a ranch. I hate stairs!

Q. Is it more difficult to work WITH politicians or FOR politicians?

A. I'd say working WITH politicians is harder. When you work FOR one, you know what you need to do and you can just do it. When you work WITH a politician you have to continually ask them before you do something.

Q. What is your proudest professional accomplishment?

A. No question. It's my work on the New York seatbelt and child restraint laws. I get a great feeling when I see people survive accidents that they may not have survived if they weren't using that equipment.

Q. What is your proudest personal accomplishment?

A. My children and grandchildren. Without a doubt. My wife has raised them very well and they're the love of my life.

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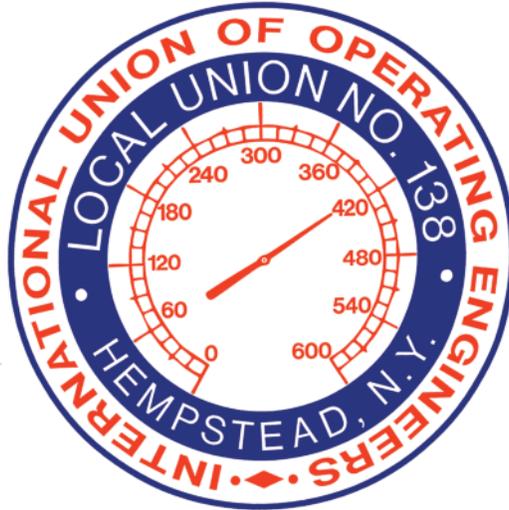
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