

LONG ISLAND

WINTER 2020

ROAD WARRIORS

A publication of the Long Island Contractors' Association

Badge of Honor

Leading by example:
The story of how one man
worked his way to the top
with loyalty and longevity.

Inside:



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A Fond Farewell**
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**Kenneth
G. Arnold, P.E.**
Commissioner
Department of Public
Works, Nassau County



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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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Honoring Dedicated Public Works Officials, Past & Present

In this edition of *Long Island Road Warriors* we are proud to highlight someone who has demonstrated dedication and perseverance in the public works arena, ultimately working his way up the public sector ladder to the top seat. Nassau County Commissioner of Public Works Ken Arnold now sits in the captain's seat, steering a vessel of which he knows practically every part.

Ken's career at Nassau County has spanned parts of five decades. During that time, he has worked for several distinguished leaders who previously sat in the very same chair he now sits. Those same individuals are people most of our industry leaders today also worked with throughout their careers. How many do you remember, and where are they now?

Ken began his tenure at Nassau DPW when Ludwig Hasl was the department's long-time commissioner, who eventually retired in 1992 (Hasl passed away in 2014). Ken's next boss was John Walsh, who now keeps busy working a few days a week at the Town of Oyster Bay's DPW. Following John was Joe Pecora, who Ken convinced to come back to the department and now serves as one of his deputies. The next two bosses, Peter Gerbasi and Ray Ribeiro, are now managing projects for LICA member LiRo Engineering. Ken's immediate predecessor was Shila Shah-Gavnaudias, for whom Ken served as one of her deputies. Shila was the first woman to ever lead a county DPW on Long Island and now works as a Vice President for LICA member and infrastructure giant AECOM.

Reminiscing about Nassau past DPW commissioners piqued an interest in the whereabouts of other past Long Island government and industry leaders. The unofficial Suffolk County DPW "historian" Charlie Bartha, who was that county's DPW Commissioner from 1997-2006, now works for LICA member PW Grosser and helped track down information about his Suffolk County colleagues. While Ludwig Hasl was nearing the end of his reign in Nassau, Bart Cass succeeded legendary Suffolk Commissioner Rudy Kammerer, who served in the 1970s and early 1980s. Bart retired in 1988 to join the engineering firm Sydney B. Bowne & Son (and passed away in 2003).

Joe Hurley then became Commissioner, preceding Charlie Bartha, until he decided to join LiRo, where he continues to remain active. Gil Anderson followed Charlie and ultimately became the longest serving DPW commissioner in the county's history, between 2006-2018. Gil is now happily employed at L.K. McLean Associates. Former New York State Department of Transportation Region 10 (Long Island) and Region 11 (New York City) Regional Director Joe Brown currently steers the SCDPW ship.

Joe Brown helped us reflect upon the portraits hanging on the wall outside the office of the DOT Long Island Regional Director's office, which Rich Causin now occupies. Most of the previous top LI DOT bosses left for other jobs before retiring: Michael Cuddy left the Hauppauge office to become the department's Chief Engineer before becoming VP at Parsons Brinckerhoff; Jim Koslowski (1989-94) joined Dunn Engineering; Ed Petrou (1994-97) went to Tectonic Engineering; Craig Siracusa (1997-2002) moved to Denver to become Chief Engineer at the Colorado DOT; and Tom Oelerich (2002-03) basked in the aftermath of a successful 34 year career. Subi Chakraborti (2003-13), the longest serving Region 10 Director, now works with LICA member SIMCO Engineering and Frank Pearson (2013-14), who served between Subi and Joe Brown, is now a member of LICA member firm Greenman-Pedersen, Inc.'s team.

This issue of *Road Warriors* gives us the opportunity to reflect upon and thank all the dedicated leaders, past and present, who have served us well and worked so closely with our industry throughout the years.

Sincerely,



Marc Herbst, Executive Director
Long Island Contractors' Association



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ARTBA Keeps Focus on New Administration & Congress

by Lauren Schapker, ARTBA Vice President of Legislative Affairs

American Road and Transportation Builders Association (ARTBA) President & CEO Dave Bauer provided the transportation design and construction industry's priorities to the incoming Biden administration's U.S. Department of Transportation (U.S. DOT) "agency review team." He also renewed ARTBA's commitment to be a key resource for the federal agency.

"The Biden administration can use transportation investment to overcome partisan intransigence and facilitate economic renewal, while reaffirming the United States as a world leader in freight mobility, safety, and innovation," Bauer said in a Nov. 19 letter. Biden had not yet announced his selection for U.S. DOT secretary at that time.

Bauer noted three opportunities he hopes the incoming administration will prioritize:

- Multi-year reauthorization legislation that includes substantial increases in highway and public transportation investment.
- Streamlining project delivery to maximize the economic and employment benefits from these projects as soon as possible while maintaining environmental stewardship.
- Continued focus on work zone safety with the aspirational goal of zero fatalities among transportation construction workers and motorists.

John Porcari, a transportation transition team advisor for Biden and a former deputy secretary of transportation during the Obama administration, Nov. 12 said stimulus and a long-term surface transportation reauthorization bills could be key elements of the new administration's plans to boost the economy in 2021.

Porcari, a senior advisor at ARTBA member firm WSP delivered Nov. 12 remarks at the American Association of State Highway & Transportation Officials (AASHTO) annual meeting. He noted he was making his comments in a personal capacity.

By increasing formula programs provided by the U.S. DOT while also boosting its discretionary grant programs, Porcari suggested this dual approach could not only facilitate short-term job creation, but also ensure long-term economic benefits. He reiterated the importance of state flexibility in the federal-aid programs, noting the federal role is to aggregate local decisions into a national system. He encouraged the audience of state transportation agencies to prepare their list of projects for a possible stimulus bill, making sure they include the right mix of short- and long-term priorities, and those that are not just "shovel-ready" but also "shovel-worthy."

In the Nov. 3 election, Republicans gained seats in the House of Representatives, though not the majority, even as they lost the White House. Control of the Senate will be decided Jan. 5, 2021, when Georgia holds two runoff elections. If Republicans win at least one of the two seats, they will keep control of the Senate. If Democrats win both seats, they will control the evenly divided chamber with Vice President-elect Kamala Harris (D-Calif.) breaking any ties.

Regardless of which party controls the Senate, several key committees will see new leadership. Already, Senate Environment and Public Works (EPW) Committee Chairman John Barrasso (R-Wyo.) has announced he is stepping down from the leadership post, most likely to be replaced by Sen. Shelley Moore Capito (R-W.Va.). In 2019, the EPW Committee unanimously passed the highway portion of a new surface transportation bill, though other committees of jurisdiction and GOP leadership chose not to move the legislation. Current law was extended through September 30, 2021, and ARTBA will urge the new Congress to restart the bipartisan effort begun by the EPW Committee.



Lauren Schapker
ARTBA Vice President
of Legislative Affairs



The Washington, D.C.-based American Road & Transportation Builders Association (ARTBA) brings together all facets of the transportation construction industry to responsibly advocate for infrastructure investment and policy that meet the nation's need for safe and efficient travel. ARTBA also offers value-added programs and services providing its members with a competitive edge.

www.artba.org

Insurance Company Loss Control... Friend or Foe?

by Jay Sciortino, Partner - Construction Risk Partners

Gone are the days when the insurance carrier loss control representative was viewed as the “policeman.” Someone who came out “looking for things” with an eye toward writing a scathing report that could ultimately end up in a premium increase upon renewal. Back then, it was all about the inspections and what was done, or what wasn’t done, by the contractor. Frankly, there was a feeling of skepticism and, to some extent, mistrust of the carrier loss control person. Certainly, there were some exceptions, but generally, this was the rule. I have vivid recollections of loss control visits that often included confrontations and were far from what I considered a productive relationship. I’m sure some of you will recall these days.

Thankfully, things have changed for the better... much better. The reasons for the change are many. However, I think the biggest reason has to do with the overall approach to safety by everyone—carriers, owners and contractors alike. The consensus is that “everyone should work together to accomplish the ultimate goal of providing a safe work environment.” The insurance companies have latched onto this feeling of cooperation, and rightfully so. It has become very clear that a cooperative effort stood a much better chance of achieving the ultimate goal of preventing accidents and injuries in the workplace.

The insurance carriers have continued the momentum over the years and have increased their service offerings to their customers. The emphasis is on more training and more resources versus more inspections. Most carriers have open access to their websites to obtain training materials, including tool box talks and even sample programs. It’s all part of the cooperative effort and the feeling that sharing safety information is the right thing to do. SAFETY IS NOT PROPRIETARY!

Am I saying that insurance companies no longer care about site inspections? I’m not that naïve. Your carrier must still perform site inspections, but the approach is different. Believe me, if your loss control representative saw your employees dangling off a bridge or in an unshored trench, it would be firmly discussed. However, today, due to everyone’s emphasis on safety, you’re less likely to find extremely poor conditions, so the loss control people can focus on evaluating exposures and operations with an eye toward the creation of proactive plans and programs.



My point is this. Put your insurance carrier loss control people to work! Embrace them and find out all that they have to offer. Make them a part of your team, and you will maximize their potential. Your agent/broker should assist and help you foster the relationship. Whether you have a full time safety person or not, the carrier loss control people can assist you by being a resource for training and research. The carriers have a tremendous amount of talent and information available to them, and they’re willing to share it with you.

To recap, to get the most out of your carrier's loss control service:

- Allow your agent/broker to facilitate the carrier loss control process.
- Meet with your rep at renewal, and come up with a formal service plan for the year that includes site inspections, training and program review (including contractual risk transfer).
- Make the loss control person part of your company safety committee, or allow them to help you establish one.
- Use the carrier’s loss control website, there’s a ton of information there.
- **Develop the relationship**, not only with the loss control person, but with the underwriter. Let the underwriter see that you have embraced the carrier’s loss control service delivery.

In summary, develop a mutual trust with your loss control representative. The payoff is that you’ll get the service you are paying for, improve both your program and your results and put yourself in a much better position with your underwriter. All these things will help with your renewal, and most importantly help you to provide a safer workplace.



Jay Sciortino
Partner



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Revised Paycheck Protection Program (PPP) Loan Forgiveness and Deductions

by *Chuck Mattern, CPA—Partner, AVZ*



The Internal Revenue Service (IRS), and the Small Business Administration (SBA) have recently issued clarifying guidance on PPP loan forgiveness, and the tax deductibility of PPP expenses.

Revenue Ruling 2020-27 and Revenue Procedure 2020-51, provide guidance for the deductibility of expenses that were paid for with PPP loan proceeds. The guidance indicates that the expenses paid for with PPP loan proceeds will not be deductible, if the PPP loan proceeds are reasonably expected to be forgiven.

The PPP loan program was enacted by way of the CARES Act (Coronavirus Aid, Relief, and Economic Security Act), and is administered by the SBA. During 2020 and the Pandemic, covered loans could be applied for during certain covered periods, which ultimately became the period February 15, 2020 to December 31, 2020. A loan taken during this period is guaranteed by the SBA, and may be eligible for complete forgiveness, based on using the loan proceeds for specific eligible expenses paid or incurred during the covered period. These eligible expenses include payroll costs, interest on a mortgage obligation, rent payments, and any utility payment.

In accordance with SBA guidelines, an application for forgiveness form must be completed that lists the eligible expenses paid or accrued during the covered period and gets submitted to their covered lender. In addition, documents substantiating the eligible expenses must accompany the form. The covered lender then has 60 days to approve or deny costs as eligible or not, in accordance with the CARES Act.

The CARES Act excludes the forgiven amount from gross income, regardless of whether the income would be categorized as forgiveness of income, or otherwise includible income under Internal Revenue Code Section (IRC) 61.

The IRS has previously made it clear in a May 2020 Notice, that any expense that results in forgiven income, by virtue of the payment of the expense, is not deductible. And went on to clarify that the expense is not deductible whether it results in forgiven income or is reimbursed.



Chuck Mattern, CPA
Areas of Specialization:
Accounting and Auditing
Not-For-Profit
Wealth Management

Mr. Mattern has over 36 years of professional experience in accounting, auditing and taxation. He developed a niche in construction and real estate, real property holding, and not-for-profit accounting, auditing and taxation. In addition, Mr. Mattern also assists with planning, management advisory services and tax needs for manufacturing, software engineering companies, professional services firms and other closely held companies. He has broad-based experience in auditing, accounting and taxation, and provides business advisory services, business succession planning, and consulting to high net-worth individuals with regard to wealth management services. Mr. Mattern is also responsible for quality control policies and procedures.

Safe Harbor Rules: The IRS also issued Revenue Procedure 2020-51, Internal Revenue Bulletin (IRB) 2020-50, that contains two safe harbor rules for deducting otherwise non-deducted eligible expenses if the taxpayer received a PPP covered loan. The first safe harbor basically allows for the deduction of otherwise non-deducted eligible expenses in 2020 if the criteria for the safe harbor are met. The second safe harbor allows for the deduction of otherwise non-deducted eligible expenses in a subsequent tax year, i.e. after 2020.

For either safe harbor, the tax return that the non-deducted expenses are deducted on, must contain a statement that says, “Revenue Procedure 2020-51 Statement”. Details of what else needs to be included are included in the Revenue Procedure.

For either safe harbor, the taxpayer must be an eligible taxpayer, and can qualify if the taxpayer meets at least one of the following two requirements:

The first requirement is met if:

- The taxpayer paid or incurred eligible expenses, which are not deductible, because the taxpayer is reasonably expecting to have the covered loan forgiven based on those expenses paid or incurred.
- At the end of 2020, the taxpayer submits or intends to submit, an application for covered loan forgiveness in a subsequent tax year.
- In a subsequent tax year, the application for covered loan forgiveness is denied in whole or in part.

The second requirement is met if:

- The taxpayer meets the first two requirements above.
- The taxpayer irrevocably decides not to seek covered loan forgiveness in a subsequent year.

The effective date of the Revenue Procedure is for tax years beginning or ending in 2020.



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Guidance and FAQs on Paid Sick Leave Law

by Richard Ziskin, Esq., The Ziskin Law Firm, LLP

The New York State Department of Labor has released FAQs¹ and a webpage² addressing the New York State Paid Sick Leave Law which became effective September 30, 2020. The webpage restates the basic provisions of the new sick leave law, while the FAQs address several unresolved questions, including those related to Collective Bargaining Agreements.

All private sector workers in New York State are now covered under the state's new sick and safe leave law, regardless of industry, occupation, part-time status, overtime exempt status, and seasonal status. The law requires employers with five or more employees to provide their employees with paid sick and safe leave. Businesses with fewer than five employees and a net income of \$1 million or less must provide unpaid sick and safe leave to employees.

AMOUNT OF LEAVE:

Employees will receive an amount of sick leave depending on the size of their employer:

Number of Employees	Employer Sick Leave Requirements
0 - 4	If net income is \$1 million or less in the previous tax year, the employer is required to provide up to 40 hours of unpaid sick leave per calendar year.
0 - 4	If net income is greater than \$1 million in the previous tax year, the employer is required to provide up to 40 hours of paid sick leave per calendar year.
5 - 99	Up to 40 hours of paid sick leave per calendar year.
100 +	Up to 56 hours of paid sick leave per calendar year.

Note: "calendar year" means the 12-month period from January 1 to December 31. For other purposes, including use and accrual of leave, employers may set a calendar year to mean any 12-month period.

Employees must accrue sick leave at a rate of at least 1 hour for every 30 hours worked. Alternatively, employers may fulfill their obligation under the law by providing the full amount of sick leave in a lump sum at the beginning of each year. Employees are required to be paid their normal pay for leave time under the law. Accrued sick leave may be used by an employee for preventive care of a mental or physical illness, injury or health condition.

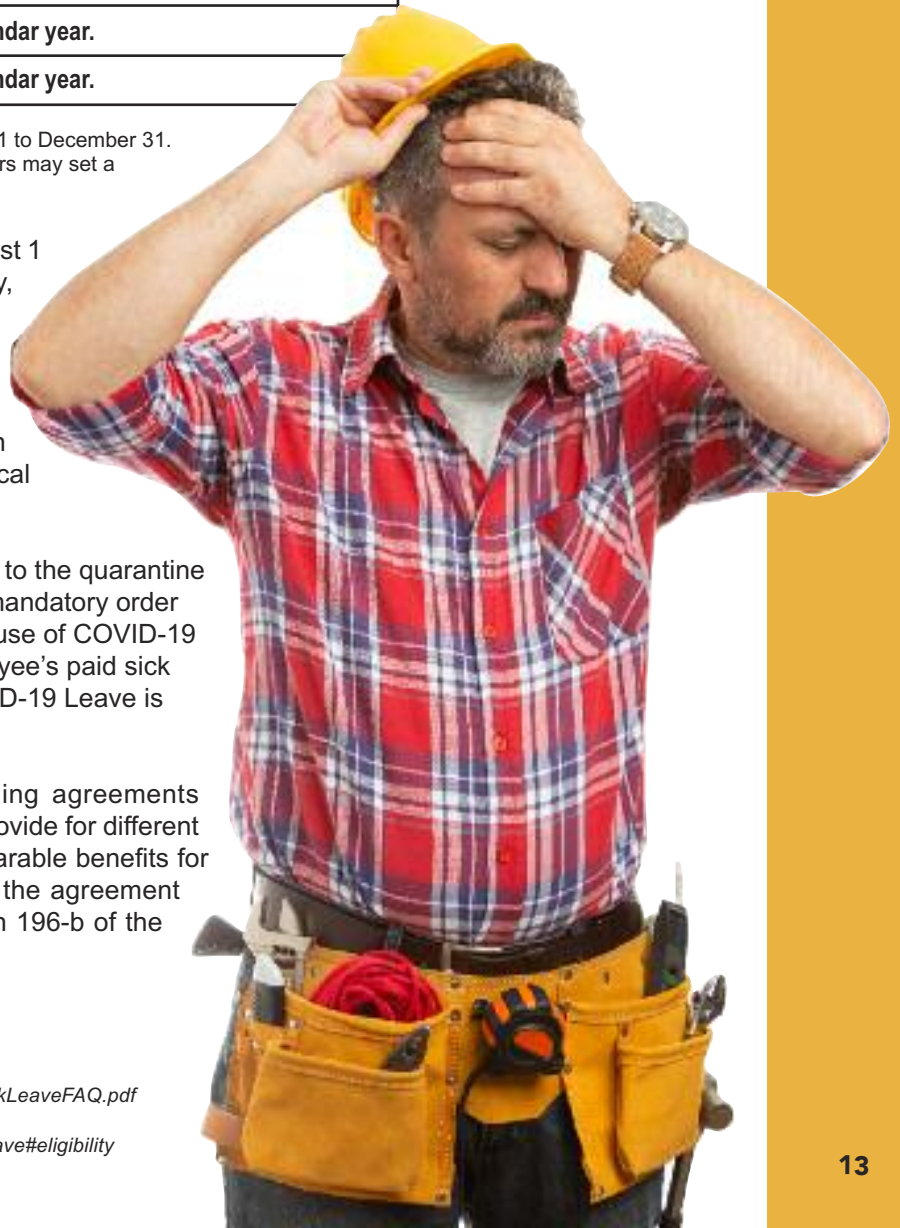
Sick leave under this law is separate and additional to the quarantine leave for employees subject to a precautionary or mandatory order of quarantine or isolation related to COVID-19 and use of COVID-19 leave does not impact or otherwise utilize an employee's paid sick leave accruals or usage. More information on COVID-19 Leave is available at: www.paidfamilyleave.ny.gov/covid19

The law further provides that collective bargaining agreements entered into on or after September 30, 2020 may provide for different leave benefits, so long as such benefits are "comparable benefits for the employees" to those required by the law, and the agreement specifically acknowledges the provisions of Section 196-b of the Labor Law.

###

¹New York State Department of Labor FAQs can be found at: https://www.ny.gov/sites/ny.gov/files/atoms/files/PSL_FAQ_PaidSickLeaveFAQ.pdf

²New York State Department of Labor website can be found at: <https://www.ny.gov/new-york-paid-sick-leave/new-york-paid-sick-leave#eligibility>



A Fond Farewell

BY CONGRESSMAN
PETER KING

After 28 years in the United States Congress, I will be retiring as of January 2, 2021. I have literally loved and appreciated every moment that I have had the opportunity to represent Long Island in Congress. I have absolutely no regrets whatsoever. It was just time to turn the page and open a new chapter. Rosemary and I are in good health and look forward to being able to spend more time with our children and grandchildren. We will be staying on Long Island.

Looking back over the past 28 years there are several distinct, lasting memories:

- The horror of 9/11. Visiting Ground Zero with President Bush in the days following the attack. Attending so many funerals and working with the victims families. The repeated—and ultimately successful—years long struggle to obtain just compensation and health care benefits for 9/11 victims and families. And the unconquerable spirit of Long Islanders.

- The ravages of Sandy which devastated so much of Long Island, particularly its South Shore, and how hard we had to fight to secure the federal assistance we absolutely needed.

- There was also, of course, the 2008 financial collapse, and the devastating COVID Pandemic which we are still enduring.

On the positive side, I will have truly outstanding memories of the tremendous relationship I enjoyed with the Long Island Contractors' Association. The unique cooperation between the building trades contractors and unions was extraordinary and was so vital to the health and growth of the Long Island economy, especially during hard times. I and the entire delegation, could always count on your sound advice providing a way forward. Thank you!

As I close my Congressional chapter, I look forward to remaining active in Long Island's life and politics and will always appreciate the opportunity the people of Long Island gave me for all these years. Thank you!



Photos:
(Top) Congressman King speaking at LICA's Annual Legislative Breakfast event 2016.
(Center) LICA Executive Director Marc Herbst with Congressman King at the 2017 NYRIC reception at our nation's capitol.
(Bottom) LICA Deputy Executive Director & CFO Sheryl Buro with Congressman King at the 2016 LICA Legislative Breakfast.

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Kenneth G. Arnold, P.E.

Commissioner, Department Public Works
Nassau County

BADGE OF HONOR

For nearly 35 years, Ken Arnold has served Nassau County as a dedicated member of the Department of Public Works (DPW). During that time, Ken worked in at least five different offices while serving (or surviving, as some might say) under five different administrations — both Democratic and Republican—including the current administration led by County Executive Laura Curran, who appointed Ken as Commissioner in 2018. Some would suggest that Ken's longevity alone should qualify him for a special badge of honor, while everyone agrees that Ken's dedication, experience and hard work have already earned him a badge of respect.

FAMILY LIFE & SCHOLARSHIP

Born and raised in Farmingdale, Ken was first introduced to engineering by his father, a Tooling Engineer for Fairchild and Grumman. Growing up on Long Island and enjoying what the outdoors offered, fishing, crabbing and clamming and visiting his father at work during the heydays of Fairchild and Grumman, it's no surprise that Ken would choose engineering (with a special focus on the "up and coming" field of environmental engineering) as his college major. What is surprising, is the unusual coincidence Ken recalled during our interview at LICA headquarters...



As a high school senior, Ken applied to a local firm for a small scholarship they offered each year to an aspiring engineering major. It turns out the firm was Posillico, Inc. — a long-standing LICA member with a seat on LICA's board of directors, now held by Joe K. Posillico. Unfortunately, Ken didn't win the scholarship. But, nearly 40 years later — after earning his Civil Engineering degree at SUNY Buffalo followed by graduate



Photos (Courtesy NC DPW) Above: LICA member Pratt Brothers at work on Nassau Co. sump and drainage maintenance project at MacArthur HS (1996). Opposite page, top: Making progress on the new Nassau Co. Police Academy.

studies at Polytechnic University—Ken would become the man in charge of overseeing many County projects where Posillico is the general contractor. It appears the loss of scholarship failed to diminish Ken's career potential! Earlier in his career, Ken also remembers working with LICA Chairman and Pratt Brothers President Jim Pratt and his father, Guy, to solve persistent drainage issues. Today, there are many LICA member firms who have won contract awards for County capital projects that Ken now manages.

ENVIRONMENTAL SCIENCE

When I asked Ken how he landed his first (and only) job, I anticipated a backstory with a bit more intrigue. I assumed he, like many in local government, had a relative or friend who worked at the County or he "knew somebody who knew somebody". However, Ken's long standing career with DPW began rather ordinarily, by answering an ad in Newsday for wastewater engineers.



Due to an influx of funding from large federal and state grant programs of the 1970s, Nassau County was hiring a number of engineers to prepare for re-construction of two sewage treatment plants, plus upgrades to the various pump facilities. Ken's focus on environmental studies made him a good fit for the job, though his first responsibility was preparing hundreds of pages of paperwork for permit renewals to allow the County to continue their program of dumping sludge in the ocean, 106 miles offshore. (Thankfully, a program that was ended over 25 years ago).

Ken would then be tasked with reviewing plans and specifications associated with upgrades at those sewage treatment plants, and after Sandy rebuilding these same facilities and today as Commissioner, Ken is now responsible for overseeing the County's role in the historic Bay Park Conveyance project.



ENGINEERING

Despite 34 years within a single organization, Ken found variety and gained valuable knowledge at each of the DPW Units in which he worked. After his early days in Environmental Engineering, Ken moved onto the Hazardous Waste Services/ Water Management Unit for seven years, serving as a Project Engineer to bring underground fuel storage tanks into conformance and designing groundwater remediation plans associated with fuel spills, among other duties.



The Water/Wastewater Engineering Unit is where Ken would spend the next 15 years of his career, with the last four as Unit Head, doing some of the work he most enjoyed—stormwater and drainage—because of its direct impact on people’s daily lives. Before becoming Section Leader of the Water Engineering Section, Ken served as Program Manager for the County’s Storm Water Management Program and had responsibility for the study, design, construction and review of county drainage facilities, and storm water basins.

In 2010, Ken moved to the Commissioner’s Office. As an assistant to the Commissioner, he was tasked with managing the Department’s annual budget and the County’s Capital Program along with oversight of the Traffic Engineering, Signal Maintenance, Traffic Safety Office, and Water/Wastewater Engineering Units. In the aftermath of Superstorm Sandy, Ken was designated department liaison in charge of managing the funding associated with the County’s recovery, working with FEMA and other public agencies, dealing with the total loss of the Bay Park sewage treatment plant, dozens of pumping facilities, West Shore Road, both draw bridges and dozens of smaller facility issues.

FIRE SAFETY

Ken was officially appointed to the role of Commissioner in 2018. Beyond changing the title on his office door, Ken needed to start building his own support team, adding new Deputies to some who were already in place, as well as staffing-up the civil engineering department which had been depleted by early retirements.



I thought Ken would also need time to switch gears to prepare for the new County Executive's agenda. As the fifth administration under which he would serve (previously Purcell, Gulotta, Suozzi and Mangano) Ken seemed remarkably unphased by the changes. Though he acknowledged that each County Executive has different priorities, he says the basic work of the public works department remains consistent because many DPW projects tend to be long-term.

County Executive Curran's priority for Ken and the DPW is to get the county's core infrastructure (roads, bridges, buildings, etc.) and other assets (ambulances, buses, heavy equipment, etc.) in a "state of good repair". The directive may sound simple, but when necessary upgrades and basic maintenance have been delayed or neglected for too long, the result is a constant cycle of costly "fire drills"—something which this County Executive is committed to putting an end to. For Ken and his department, it's a tall order, but he is proud to note they are meeting the challenge head-on.

Today, electronic communications and technology such as the County's online bid and billing system, have become the "new normal"...

EMERGENCY PREPAREDNESS

To date, one of Ken's most gratifying achievements is the County's aggressive road resurfacing program. The Department will complete a total of 620 lane miles of resurfacing, 40% of all County Roads, in County Executive Curran's first term which is 200 more lane miles in any prior four year period. This year alone, the department completed design for nearly 240 lane miles and officially let more than 170 miles' worth, with more to come in 2021. Changes implemented included working more effectively with utility companies to minimize delays as well as bid contracts more strategically, utilizing options such as incentive clauses. Additionally, major projects on Austin Boulevard, Grand Avenue, Manorhaven Boulevard and Park/Beech are starting construction or currently being procured, these address not only road surface conditions but also traffic safety concerns. Bridge repairs and upgrades are also a priority, with about nine of the county's 40+ bridges currently in design.

Another source of pride is overseeing the largest public works project in Nassau County's history. The \$493 million Bay Park Conveyance (a partnership between NYS Department of Environmental Conservation and Nassau County DPW) will upgrade the County's wastewater management infrastructure, improving water quality and storm resiliency for Long Island. While the state manages the day to day operations, Ken must ensure the County meets the established design criteria and stays on budget, not an easy task with such a massive project. Now add a global pandemic into the mix...



Photo (Courtesy NC DPW): Nassau County Executive Laura Curran (center) and DPW Commissioner Ken Arnold (2nd from left) with DPW staff marking the achievement of their 200th lane mile resurfaced (2019).

PUBLIC HEALTH

Despite the many challenges COVID-19 presents, DPW barely skipped a beat. Ken is extremely proud of how well his department has adapted and kept up the pace. Getting 400 employees up and running to operate remotely was the first order of business and it's "working better than expected." Contracts for projects like Bay Park Conveyance are still being approved and awarded as we write, and the work is expected to proceed this winter.



The pandemic's timing prevented the County's 2020 capital plan from being approved, but from a DPW perspective, COVID hit at the best possible time when the fewest projects would be impacted. This meant projects, including the new Police Academy, have remained on schedule. After Ken put together a strict funding plan, work was able to continue as planned with most projects. Two let projects—the Bayville Bridge reconstruction and Phase 2 of Nassau County Family Court—have been "paused" until 2021 along with adjusting the upcoming letting dates of a number of smaller road and bridge projects. The County's 2021 capital plan proposal will be up for vote on December 14th.

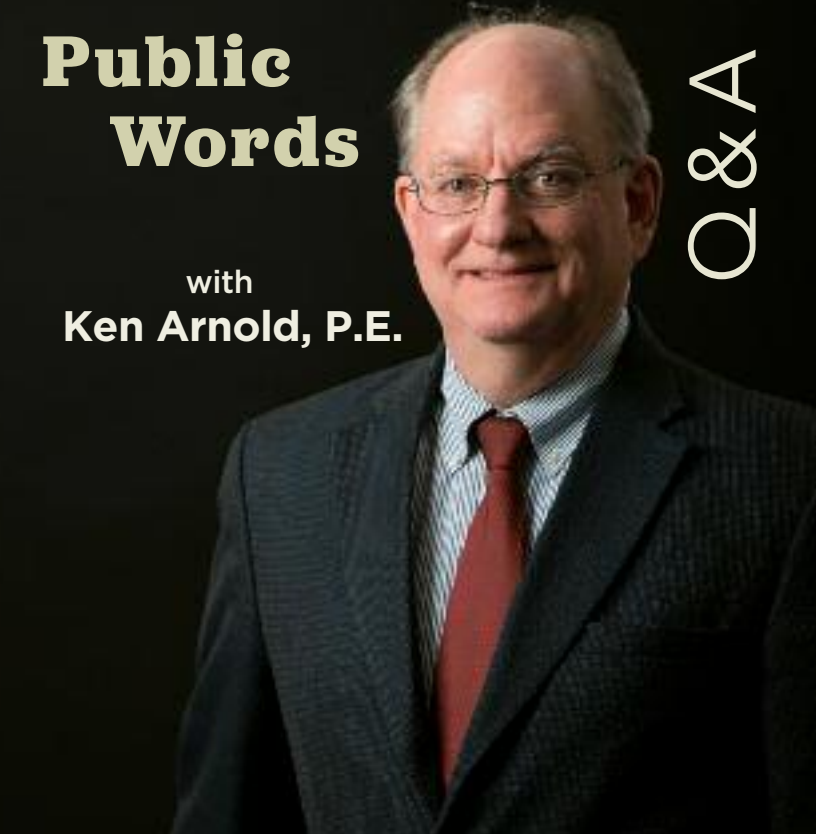
Thankfully, for all of us, coronavirus did not stop DPW's work, but it certainly added to their workload. Routine building maintenance now includes enhanced cleaning protocols and additional duties such as: optimizing ventilation systems and changing ventilation filters; building hundreds of plexiglass partitions; and installing additional signage. Dozens of COVID testing sites and food donation events required the assembly and disassembly of trailers and canopies. In the height of the crisis, Ken's department was given another difficult task, to help build a temporary morgue at Nassau County Medical Center. In those days, to help lighten the mood of those working back in the office, Ken instituted "tie dye Fridays" allowing staff to don their finest psychedelic tee shirts and channel some of their inner "chill" from happy memories of days gone by.

Continued →

Public Words

Q&A

with
Ken Arnold, P.E.



If there's any such thing as a "silver lining" to the pandemic, it could be the demise of paper-based documents. Health concerns over document handling and the closure of County offices have forced the acceleration of the acceptance and usage of technology which, in government, can be painfully slow. It's taken nearly 35 years, but advances in various technologies is what allows the DPW to operate with a staff of 400 versus the 1,200 it required when Ken first arrived at the County.

Today, electronic communications and technology such as the County's online bid and billing system, have become the "new normal", where internal processes such as billing can be monitored, and payments tracked, by vendors, providing them with greater transparency. Contractors can now view bid specs without having to first pay for the bid package. These changes offer a small symbol of hope that something good might come out of a terrible tragedy.

CITIZENSHIP IN THE COMMUNITY



Ken also serves his community outside the Commissioner's office, as a board member for the not-for-profit Baldwin's Boy's Association and a Scoutmaster of Troop 182 in Baldwin. As a mentor for students in 5th grade through high school, Ken provides insight on various aspects of life and career. Along the way, he's helped dozens of students earn the prestigious Eagle Scout designation (something which eluded Ken, due in part to extreme shyness in his younger years).

Personal experience allows Ken to relate to students who face obstacles by sharing the story of how he fought to overcome his shyness and fear of public speaking in order to become a leader for his boy's Cub Scout troop. Undoubtedly, Ken can also attest to the benefits of hard work and dedication, which have enabled him to rise through the ranks and achieve his ultimate career goal.

The invisible badge of honor and respect which Ken has earned from his colleagues may not qualify as one of the 137 official Scout badges. However, it is sure to be the one he will wear most proudly while continuing to serve the County and his community in true Scout tradition... remaining both trustworthy and loyal.



Photo: Baldwin Boys Association Cabin

- Q.** Which Scout badge did you most enjoy earning?
A. Astronomy

- Q.** What was your best day on the job?
A. The day I was asked to serve as DPW Commissioner.

- Q.** What was the worst day?
A. Years ago, we had drainage trucks that were leaking and I was called into the Commissioner's office to account for it.

- Q.** What type of engineering work do you like most?
A. I enjoy working on drainage projects which really help people (prefer design aspect over construction).

- Q.** What concerns you more, the possibility of another pandemic or extreme weather event?
A. Another major weather event like Superstorm Sandy.

- Q.** From a DPW perspective, what's your biggest pet peeve?
A. Careless disposal of garbage and contaminants. Everything we dump or throw out will impact our environment. For Long Island, clean water is always an issue.

- Q.** If money were no object, what public works project(s) would you like done immediately?
A. Infrastructure upgrades to address climate change and protect us against intense storms and rising sea levels.

- Q.** If there was one thing you wish residents understood about your department?
A. The dedicated people at DPW who work extremely hard to improve every one of their lives in ways they probably don't realize.



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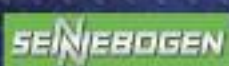


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Sustainable Pavement Management for the Town of Hempstead

by Robert W. de Bruin, P.E., President, de Bruin Engineering

Introduction

In 2019, de Bruin Engineering began working with the Town of Hempstead to develop a rational Pavement Management Program for its network of 1,230 miles of road. The initiative, created by Commissioner of Engineering Doug Tuman, is a synthesis of two of the major policy issues of our time – **Sustainability and Infrastructure**.

Sustainable Design for Roads

“Sustainability” is a word that has captured the imaginations of people interested in the built environment. It is a concept focused on the prudent use of resources on a planet that has a fixed supply of them. In Engineering Economics classes, students learn about “Life Cycle Cost”, which is the total capital and operating costs of a project from cradle to grave. Good engineering design prioritizes a low life cycle cost over low capital cost. Since cost is directly related to the consumption of resources, “Low Life Cycle Cost” is a pragmatic definition of “Sustainable.”

Road networks are a unique case in Sustainability and Life Cycle Cost design. Roads provide for the movement of people and goods between destinations – the basis of most economic activity. If the destinations exist, the location of the roads are unlikely to change, so the life cycle of a road is measured in centuries, not years.

Long lifecycles point us in clear directions with respect to capital and operating costs. The first is that capital costs have a long time to amortize, so constructing high quality roads that are built to last makes sense. The second is that consistent investment in relatively low-cost management of the asset will minimize life cycle costs.

Good Pavement Design

Building a road that is meant to last requires imagination about the size and frequency of loads that the road will be subjected to over time. Pavement failure is caused by fatigue which is caused by repetitive loading that causes a small amount of deflection over and over - like bending a piece of wire back and forth until it breaks.

As we look out into the future, we can anticipate a transition toward more electric vehicles that are heavier due to large battery weights. We can also

imagine that fully automated driving will permit a higher number of vehicles to operate safely in a smaller space, ultimately requiring less pavement area to carry the same amount of traffic. The result is more cycles of heavier loads requiring better pavements. The good news is that it is much cheaper to build stronger pavements to sustain these loads than it is to build wider pavements to reduce them. Less paving width also means less impervious surface, and less storm water runoff – an added sustainability bonus.

Pavement Management

Pavement Management comes into play after a road has been constructed. The condition of a pavement is defined using a standard developed by the Army Corps of Engineers. The standard provides a methodology to measure defects in a pavement and to calculate a Pavement Condition Index (PCI). As you might expect, a PCI of 0 means a terrible pavement and a PCI of 100 is perfect. Once in use, a pavement’s PCI begins to fall. The rate of deterioration accelerates over time as the pavement sees more cycles of loading, and as water intrudes into the pavement through cracks and defects. Water is the natural enemy of pavements, as it is of all manmade structures.

The primary objective of a Pavement Management program is to keep water out of the pavement structure at the lowest cost. Crack sealing, microsurfacing, and pavement overlays are the construction tools used to achieve this objective. Crack sealing is the appropriate choice for pavements in very good condition (PCI >70) and has a life of about 3 years. Microsurfacing is

...capital costs have a long time to amortize, so constructing high quality roads that are built to last makes sense.

appropriate for good pavements (PCI >50) and has a life of 4 to 7 years. Mill and Fill is appropriate for pavements that are in poor condition (PCI < 25), and for pavements that have received several layers of microsurfacing. Mill and Fill is appropriate at about 20 years. If the PCI has dropped to below 25 it is in Very Poor condition and needs to be reconstructed.

Pavement Evaluation

To evaluate the existing road network, the Town had an automated inspection and PCI calculation done for all 1,230 miles of road. This survey found that 32% of the Town's roads were in Very Good Condition, 29% Good, 33% Poor and 6% Very Poor. The PCI of the whole network was 55 – good but trending toward poor.

Management Software

The Town worked with de Bruin Engineering to find Pavement Management Software that would assist in developing a rational long-term Pavement Management Program. The selected is software StreetSaver, an economical package developed by the Metropolitan Transportation Commission in San Francisco. StreetSaver provides algorithms to predict the deterioration of pavements over time and to recommend the most cost-effective way of improving, and then managing, the pavement network.

...consistent investment in relatively low-cost management of the asset will minimize life cycle costs

A pavement network with an average PCI of about 83 is optimal to achieve the lowest long-term management costs. Using local cost data, StreetSaver calculates that it would take \$725 million of work over 5 years to increase the current network PCI of 55 to 83. This is roughly 6 times the Town's current budget! A more achievable goal is to improve PCI to 83 over 20 years, which would take about \$1.3 billion, or roughly twice the current budget adjusted for inflation. Beyond the 20-year mark, the cost of managing the network would drop to about 30% more than the current inflation adjusted budget.

Conclusions

Investment in robust Pavement Evaluation and effective Pavement Management Software is allowing the Town of Hempstead to move toward a vision of a high-quality road network that supports the Town's economic success at a Low Life Cycle cost. The Town's efforts will become a prime example of **Sustainable Transportation Infrastructure**, a goal that deserves the support of our entire industry.



**Sustainability
& Infrastructure**



About the Author: Mr. de Bruin is the President of de Bruin Engineering, P.C. He has provided civil engineering services for Long Island and New York City clients for over 40 years. He can be reached at: rdebruin@debruinengineering.com



**Growing Long Island and Our Economy:
Representing the Real Estate Development Community**

Long Island Builders Institute

by Mitchell H. Pally, Chief Executive Officer LIBI

As we all are aware, the real estate industry is one of the most important economic engines of the Long Island economy. In this regard, the Long Island Builders Institute (LIBI) represents close to 600 members of the industry, from builders of both single family and multi-family developments, law firms, title companies and all of the trades which are essential to developing housing on Long Island.

When one joins LIBI, one also receives membership in both the New York State Builders Association and the National Association of Home Builders. All three of these organizations main responsibility is to represent the home building portion of the real estate industry in the halls of government, whether on the local, state or national level. LIBI is intimately involved in all of the governmental decisions relating to real estate development, including issues such as the implementation of new septic systems in Suffolk County, prevailing wage requirements on the state level, scaffold law requirements under Sections 240/241 of the Labor Law, assessment practices in Nassau County, zoning issues in all of our local municipalities, and the new movement to transform many of our old retail stores and neighborhood shopping centers into mixed use developments including new multi-family housing.

LIBI represents the real estate community on many local and state committees, including the Suffolk County Health Department Article Six work group, the Nassau County Executive's Sec 239f commission, the Long Island Chapter of the League of Conservation Voters, Discover Long Island, the Town of Brookhaven Open Space Council, the Town of Hempstead Economic Development Committee, the MacArthur Airport Advisory Committee and many other initiatives. We work with other organizations, such as LIA, ABLI and LICA on transportation issues facing our community, especially relating to the need for additional funds for highway construction and redevelopment.

One of our major goals is to assist our development community through the planning and zoning process on Long Island and, as such, we will assist our developers in their negotiations and public hearings with the local municipalities to ensure that the views of our members are heard. We have a Community Outreach committee which finds residents of the local municipality in which the project is being proposed to speak at the public hearing in support of the project. When a project is approved, we make sure that representatives of the companies engage the speakers and their companies to ensure that they can bid on the various components of the project.

LIBI is getting ready to celebrate its 80th anniversary next year. We look forward to many more years of representing the real estate development community in the halls of government.



Libi's List
We are Long Island!

Mitchell H. Pally
Chief Executive Officer



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“Do I not destroy my enemies when I make them my friends?”

—Abraham Lincoln

On election night 2020, returns showed that the New York State GOP had made significant gains. Celebrations began, and legislative wheels started to turn. Little did the party know, many of these fetes were akin to the last hurrah.

The GOP soon found themselves buried in an avalanche of absentee and mail-in votes. News began to surface of constituents leaving early polling sites due to long lines, thus turning to alternative forms to cast their votes. On Long Island, mail-in ballots returned to office three of the four state senators who were, on election night, initially defeated. In other areas of the state, the results were the same. Even with an infusion of sizable campaign contributions, the GOP was unable to stem the tide of the paper ballots.

As far as the GOP is concerned, they will be treated with benign neglect, which will translate for them to bittersweet ambivalence.

Big donor efforts on the part of the GOP in this year’s election largely failed in swaying voter opinion. The campaign contributions were in response to social justice issues recommended by the Democrats. The state legislature, for its own part, put forth a number of initiatives, such as bail reform. The GOP falsely believed it would be able to tap into the public’s anger over this issue, ultimately, with no success.

Issues currently pending in Albany, such as the tax on millionaires, legalization of marijuana, sports betting, and other criminal justice reforms will have absolutely no input from Senate and Assembly Republicans. Now out of power, the GOP, specifically in the Senate, will be looking at a long, cold, winter of discontent.

Senate Democrats now control a super-majority. For the first time in decades, they will be drawing district lines to strengthen their delegation, while eviscerating their Republican colleagues. As far as the GOP is concerned, they will be treated with benign neglect, which will translate for them to bittersweet ambivalence. The future of the GOP in

the Senate will now look identical to their counterparts in the Assembly – relegated to the status of permanent minority.

The start of the ’21-’22 legislative session will also act as the kick-off of statewide campaigns for Governor, Attorney General, and Comptroller. Faced with an ineffective GOP, the governor will soon realize that his greatest threat to a fourth term will come from two fronts: 1) a rebellion from within his own party led by progressives who believe he is not “left” enough and; 2) fatigue on the part of an electoral constituency desperate for change. Only time will tell.

For those on Long Island, many of us remember when Republicans outnumbered Democrats by a 2 to 1 enrollment edge. Today in both Nassau and Suffolk counties, voter registration rolls now show that Democrats exceed Republicans—thus reflecting a change, not only in demographics, but in political philosophy as well. It is with great irony that the last GOP Assembly Speaker and Senate Majority Leader came from our region, a fact that will be recognized by few and understood by even less.



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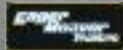
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