



Vol. 40, No. 12

(518) 869-9800

June 2023

## Rob Kind Elected NESCA President

Robert L. Kind, Managing Shareholder of Teal, Becker & Chiamonte, CPAs, has been elected president of NESCA for 2023-24. Effective July 1, 2023, Rob will succeed Chris White of Southern Tier Insulations. He previously served as NESCA's vice president, treasurer and secretary following several years of service as a member of NESCA's Board of Directors.

Rob is the youngest Managing Shareholder elected in Teal, Becker & Chiamonte's 50-year history. His primary responsibilities include, but are not limited to, managing and supervising the firm's accounting and auditing services, management advisory services and tax services. Rob has a large client base which includes a concentration in construction contractors and real estate developers. He also provides auditing and tax services to hospitality, car dealerships, and professional practices. As Managing Shareholder, he is responsible for guiding the firm's strategic plan to continue growth and client satisfaction. In addition, he oversees the firm's administrative functions and works with the team in the day-to-day operations.

Ten years ago, Rob was instrumental in organizing a "young professionals" group within NESCA, and served as the first chairman of NESCA's Young Professionals Committee. NESCA's Young Professionals is a group of "younger" (roughly 21-40) NESCA members, 2<sup>nd</sup> generation company owners, and young management-level employees of NESCA members who would like to become more active in the association, gain exposure within the construction industry and business community at large, and network with other young professionals involved in the commercial construction industry. The Young Professionals Committee regularly schedules mixers and other networking events for NESCA and AGC young professionals.

Rob earned his Bachelor's Degree in Business Administration from Wagner College, and is a member of the American Institute of Certified Public Accountants and the New York State Society of CPAs.

Also elected as 2023-24 NESCA officers were Bryan Berry of Color Code Painting, Inc. as vice president, Joe Jerkowski of Armistead Mechanical, Inc. as Treasurer, and Lisa Willard of Miss Steel, LLC as secretary.

Members who were recently elected to serve on NESCA's Board of Directors beginning on July 1, 2023 are:

- For 3-year terms representing NESCA's Utility & Excavating Contractors – Mike Hamel of HMA Paving and Contracting as director, and Brian Bellamy of Bellamy Construction Co. as alternate director.
- For 3-year terms representing NESCA's Electrical Contractors – Gary Drizos of Albany Electrical, Inc. as director, and Rich Livsey of Brunswick Electric, Inc. as alternate director.
- For 3-year terms representing NESCA's Service Providers – Ian Townsend of NBT Bank as director, and Rick Otis of NFP as alternate director.
- For 2-year terms representing NESCA's Specialty Contractors – Emma Heck of AJ Sign Company as director, and Emmy Ingalsbe of EMI Guide Rail, LLC as alternate director.
- For a 1-year term representing NESCA's Steel Fabricators and Erectors – Robert Gennett of Schenectady Steel Co., Inc. as director.



*Incoming President Rob Kind (right) accepts NESCA gavel from Chris White*



## PRESIDENT'S MESSAGE

It's amazing how quickly a year can come and go! This will be the last newsletter message that I'll be writing as, sadly, my days as NESCA President will soon be coming to an end. Before my Oscar speech, let me catch you up to speed on a few things...

May was another busy month for NESCA. On May 11th, NESCA held its annual safety awards presentation. Our safety awards are based on the Lost Workday Incidence Rate from members' OSHA 300 logs and also having had no serious OSHA violations. This year, a record 106 members qualified for safety awards. Congratulations to all the award winners, and keep up the good (safe) work! NESCA also held a Binghamton regional membership meeting on May 16th where our Southern Tier members received an update on legislative issues which impact on the construction industry. Then on May 23rd, NESCA held its annual "Sales Tax" seminar at the Building Industry Center. Once again, as it is almost every year, this event sold out proving its popularity and necessity.

All members have been sent registration materials for NESCA's July 20th "Day at the Races" in Saratoga as well as our annual golf outing which will be held this year on September 18th at Troy Country Club. Both events are already filling up quickly, so if you would like to attend either or both events, contact the NESCA office as soon as possible.

Although my time as President is swiftly coming to an end, I look forward to the future of proudly displaying a "NESCA Past President" pin at the membership meetings, reminiscing with current members, and getting to know new members. I'm happy to announce that I've been elected to a 2-year term as Vice President of the National Subcontractors Alliance (NSA) and look forward to collaborating with subcontractors throughout the country to bring new and innovative ideas to NESCA. I'll be leaving you in great hands as Rob Kind, from Teal, Becker, and Chiaramonte, will be moving in to serve as this coming year's NESCA President. I'm especially proud to be in the record books as Rob Kind, Bryan Berry, and Joe Jerkowski as the first "all bald" cabinet of officers in NESCA history! Call it a (Mr.) clean sweep if you will!

Thank you to all who have helped me during my tenure as president. Special thanks goes to the following: Roger "Parrot" Jones...who hired Mr. Mike Misenhimer all those many years ago. Without Roger, and his tenacious work, this association in all likelihood would not be what it has grown to be today. Mark "Woody" Woodward...who's work throughout the years has led the charge to grow the association through new member recruitment. Janice Miller...for helping

my transition into President and public speaking which made it a lot less nerve racking! Sue Furlong and Lorraine Pelkey...for all their hard work behind the scenes to make our events run smoothly, members happy, and for being a hell of a lot of fun! Sarah Barber...for getting me involved and active in NESCA. And last, but certainly not least...Mike "Owl" Misenhimer. Mike, your knowledge and wisdom in our industry seems to have no limits. The commitment and dedication you've put in throughout your time as Executive Director are a true testament to why NESCA is the largest subcontractors association in the US. I sincerely thank you for everything you've done for myself, my company, and our association.

*Chris White, President*

## NESCA NEWSLETTER

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**INSIDE TOP 300 FIRMS** 2020

**ALBANY BUSINESS REVIEW**  
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2020 BEST PLACES TO WORK

**TOP WORK PLACES** 2021





## COUNSEL'S MESSAGE

This month's legal column will generally address the topic of construction insurance, which can be confusing and complicated. Different insurers may provide coverage under different policies and exclude coverage within policies that a particular coverage might be anticipated by the contractor. Insurance rates may also vary from policy to policy depending on the coverage a particular insurer provides.

It is emphasized that engaging an agency for your insurance needs that has a good knowledge of the construction industry and a primary business focus of providing insurance to contractors and materialmen is of critical importance. This column will "not dive into the weeds" on the topic of insurance or insurance coverage but rather will outline the basic insurance policies and coverage encountered in the construction industry.

Anyone who has attempted to thoroughly read and completely understand an "all risk" insurance policy will experience an exercise in

futility. Potential losses which logically should be covered are excluded but then frequently added back in with payment of an additional premium. Why then was it excluded in the first place?

In the simplest definition terminology, the primary policy grants coverage, exclusions remove coverage, extensions give back coverage taken away by exclusions or add coverage to the main policy; endorsements may either take away or expand coverage; riders may expand or exclude coverage. Yes, it is extremely confusing.

Does the policy provide coverage on a "claims made" basis or an "occurrence" basis? The definition of what constitutes an occurrence is constantly shifting.

Is it your practice to only procure the policy coverage specified in the contract? If so you may become exposed to an uninsured loss due to omitting a policy that was "not needed". Special trades may require coverage to protect their business operations, but the Owner may not believe such coverage is necessary.

All the foregoing amplifies the need to engage a knowledgeable construction insurance agency to protect construction business activities. An exclusion of a Pollution Insurance policy coverage may result in uninsured liability and loss in the millions.

In closing, insurance policy language and coverage frequently changes which may result in creating risk where it did not previously exist. An annual extensive review of your insurance program should be a mandate.

*Walter G. Breakell, NESCA Legal Counsel*

## Question of the Month

**Q.** It is my understanding that the lien rights of subcontractors and suppliers working on a public project expire 30 days after the project has been completed and accepted by the public owner. The problem is, I don't necessarily know when a public project I am working on has been certified as completed and accepted. How can I get this information so that my lien rights don't expire without me knowing?

**A.** Section 11-a of the Lien Law requires, upon the written request of a subcontractor or supplier, that a public owner must provide the subcontractor or supplier with written notice within five days of the completion and acceptance of the project. It is recommended that NESCA members file a written request for notice of project completion at the beginning of every NYS public project you become involved with. Members may contact the NESCA office for a sample letter requesting notification of project completion and acceptance.

## Minimum Wage to Increase Yet Again

Effective Date	NYC, Long Island, Westchester	Remainder of State
January 1, 2024	\$16.00	\$15.00
January 1, 2025	\$16.50	\$15.50
January 1, 2025	\$17.00	\$16.00

Beginning on January 1, 2027, the minimum wage will automatically be modified annually by the Commissioner of Labor. These annual wage modifications will be based on the Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W) for the Northeast Region. In other words, the minimum wage will be indexed to inflation.

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## Calendar of Events

**June 1, 2023**

*Board of Directors Meeting*  
Century House, Latham 6 pm

**July 20, 2023**

*Day at the Races*  
Saratoga Race Course, 11 am

**August 3, 2023**

*Board of Directors Meeting*  
Century House, Latham, 6 pm

**September 7, 2023**

*Board of Directors Meeting*  
Century House, Latham, 6 pm

**September 18, 2023**

*Annual Golf Outing*  
Troy Country Club

**October 5, 2023**

*Board of Directors Meeting*  
Century House, Latham, 6 pm

**October 12, 2023**

*42<sup>nd</sup> Annual NESCA Trade Show*  
Century House, Latham, 4 pm



**2023 NESCA Safety Award Winners**

## Chris White Elected Vice President of NSA

NESCA President Chris White of Southern Tier Insulations was elected Vice President of the National Subcontractors Alliance (NSA) at the association's annual conference in Atlanta held April 26-28, 2023.

NSA connects subcontractors associations across the United States that share a common purpose and provides a forum for the exchange of ideas and information.

Congratulations Chris!

## Milestone Member Anniversaries

**Capital Safety Services – 10 Years**

**J Squared Construction Corp. – 10 Years**

**ABM Air Conditioning & Heating, Inc. – 20 Years**

**Empire Insulation Specialties, Inc. – 20 Years**

**Amsure – 30 Years**

**Bill DeCicco & Sons, Inc. – 30 Years**

**Mackey Electric, Inc. – 30 Years**

**Seaway Diving & Salvage Co., Inc. – 30 Years**

**Burt Crane & Rigging – 35 Years**

**The Bonadio Group – 45 Years**

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