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October 2025

NESCA Trade Show Coming October 9th

It's Show time! Business owners, managers and supervisors involved in the commercial construction industry who wish to learn about the latest in construction products and services will have the opportunity to engage in some one-stop shopping when NESCA hosts its 44th Annual Trade Show on Thursday, October 9, 2025, at the Century House in Latham. The Trade Show, which will be held from 4:00 - 8:30 p.m., will expose general contractors, subcontractors, design professionals, facilities managers, developers and others to a wide variety of products and services in virtually every trade category. Specialty gas and welding products, rigging products, water & sewer products, power tools, aerial lifts and scaffold, acoustical products, insulation systems, concrete accessories and products, insurance and bonding services, building materials, fasteners, and equipment rentals are among the many products and services that will be on display at the Trade Show.

All available exhibit space has been sold out for the Trade Show, and total attendance is expected to top 500. NESCA members who have attended the Trade Show in the past know that it is much more than just a trade show, it is an industry event calculated to bring the various segments of the commercial construction industry together for an evening of business networking. Not only that. In addition, we will once again be holding a silent auction, the proceeds of which will be donated to the U.S. Marine Corps Toys for Tots Campaign. A festive atmosphere, great food, interesting door prizes and a chance to raise money for Toys for Tots will make this Trade Show one you won't want to miss! While taking in the exhibits, attendees will be treated to a variety of hors d'oeuvres, carving stations and other great food provided by the Century House. Door prizes will be given away by exhibitors, and a "Super 50/50" drawing will be held, with a guaranteed payout of at least \$1,000 to the winner!

NESCA's condensed 4 ½ hour format, unlimited food and bar, exciting prizes and the chance to see the most complete line-up of construction industry products and services available, has made this the premier commercial construction trade show in Northeastern New York. To register to attend the Trade Show, contact the NESCA office at (518) 869-9800.

NESCA Joins New Scaffold Law Reform Coalition

NESCA recently joined with nearly 50 other organizations in a new initiative dedicated to reforming New York's infamous Scaffold Law. Build More New York is a coalition of business, labor, civic, housing, and construction organizations dedicated to strengthening New York's future. The group unites a broad alliance of stakeholders with a shared commitment of advancing a safer, more efficient, and more affordable construction environment. The coalition is working to ensure that vital infrastructure, housing, and economic development projects can move forward without unnecessary obstacles.

The Scaffold Law (Sections 240 & 241 of the NYS Labor Law) imposes absolute liability on property owners and contractors for gravity-related injuries to construction workers. The statute was enacted in 1885, and New York is the only remaining state that imposes such liability standards on construction projects, even when the worker is at fault. In forty-nine other states, absolute liability statutes have been replaced with a contributory negligence standard. As a result, insurance rates in New York are significantly higher than in other states and many insurers have left the New York market entirely.

Currently, Build More New York is concentrating its efforts on supporting the "Infrastructure Expansion Act of 2025" (H.R. 3548), federal legislation introduced by Congressman Nick Langworthy that would exempt federally funded or federally permitted projects in New York from the Scaffold Law. Projects covered by the bill include "the construction, erection, demolition, repairing, altering, painting, cleaning, or pointing of a highway, bridge, tunnel, airport, railway, bus or railroad station, depot, pier, harbor, park, building, support facility, or utilities" and "any infrastructure associated with" these activities, "including private developments required to modify public assets as a condition of construction or permitting."

The coalition is seeking passage of the Infrastructure Expansion Act as a stand-alone bill, as part of the next Surface Transportation Act, or even through budget reconciliation if it can be shown it will have a fiscal impact. NESCA has sent letters to New York's Congressional delegation in support of this legislation.



PRESIDENT'S MESSAGE

As summer has come to an end, I hope everyone was able to spend some time with family and friends to enjoy the many things we must be thankful for in life. NESCA has planned for a busy fall with many upcoming events that I hope everyone tries to take advantage of.

On September 8th, NESCA held its 41st Annual Golf Outing at Colonie Golf & Country Club. 248 golfers participated in morning and afternoon flights and the weather was perfect for golf. A big thank you to the Golf Committee, chaired by Brian Carmer, for pulling off such a successful and enjoyable event. Thank you also to the many sponsors who make it possible for the Committee to add all the extras that make this tournament special. Next year, we will hold NESCA's 42nd Annual Golf Outing at Shaker Ridge Country Club.

NESCA also recently held another Young Professionals Mixer. Our young professionals networked with their peers from the Association General Contractors of NYS on September 18th at Trick Shots/Wicked Eatery Pub and Entertainment in Clifton Park. As

always, more than 100 attended the mixer and everyone had a great time. If you haven't been sending your young professionals to our mixers, you should. NESCA's Young Professionals is a group of "younger" (roughly 21-40) NESCA members, 2nd 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. By attending these mixers, our young professionals are developing important business relationships that could last for years.

As we move into the fall months, NESCA has lots of activities planned beginning with our annual Trade Show which will be held on October 9th at the Century House in Latham. As usual, all available exhibit spaces were sold out in a matter of weeks, and we expect over 500 will attend the Trade Show. Attendees can look forward to a night of networking, great food, and a chance to win over \$1,500 or more in our super 50/50 raffle. For more than 40 years, the NESCA Trade Show has served as a prime opportunity to NESCA members to become acquainted with the latest construction industry products and services our suppliers and service providers have to offer. Once again, we will feature a silent auction to benefit the Marine Corps Toys for Tots program. I look forward to seeing you at the Trade Show and if you have never attended put it on your calendar because it is well worth it!

NESCA also has some regular membership meetings coming up. On October 21st we will hold a regional

membership meeting for our Mid-Hudson members at Coppola's Italian American Bistro in Hyde Park. We will then hold our first Capital Region membership meeting of the year on November 13th at the Century House. And finally, on November 19th we will hold a regional membership meeting for our Binghamton area members at McGirk's Irish Pub in Binghamton.

Finally, I'd like to say thank you to the many members who responded to NESCA's requests for support letters for our 5% retainage bill, and opposition letters regarding the prevailing wage on custom fabrication bill. These letters will soon be delivered to the Governor's Office by our lobbyist.

We welcome members to contact us with any industry problems that we might be able to help your company with as an organization. In addition, it's important to our organization that we continue to grow and encourage our members to help recruit new membership over the next year.

Joe Jerkowski, President

NESCA NEWSLETTER

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COUNSEL'S MESSAGE

Readers of this column are very aware there is great emphasis on members taking time to read and understand the contracts which are presented them to sign. Failure to do so may realistically result in the economic failure of the subcontractor or materialmen's business.

As a companion to the contract's importance are the day-to-day critical procedures performed by field superintendents and project managers to protect their employers' legal and financial interests. Day-to-day routine procedures do not seem important until.... they become important long after the project is complete, but a dispute remains!

Members of the construction industry frequently change employment and employers. It may be years before a project dispute advances to a point where a superintendent or project manager will be called upon to recall a contract issue they realistically do not recall. That reality amplifies the importance of maintaining project records that can assist factual recall,

especially if the employer no longer employs a key witness!

Complete and accurate factual daily reports and photograph's recording the status of construction are critical on any project. Those reports will be relied upon in the event of a structural bridge failure such as in Amsterdam, or building collapse such as the Florida condominium failure, or the Kansas City collapse in the 1980's. These catastrophes occurred many, many years after completion.

It is recognized that focusing on timely completion of a project is the primary emphasis of the construction team. What may be considered the mundane may be reduced to secondary importance. That cannot be allowed to happen since the failure to timely and accurately respond to a communication or submission may result in the inability to factually support a construction issue several years after the fact. Absence of sufficient time is not an acceptable explanation.

The composition of construction teams is properly becoming younger. The purpose of this column is to emphasize the importance of factual record keeping, updated schedules and regular photographs of the construction project recording the stages and different time periods. It is our members responsibility to emphasize the importance of these tasks and train employees in the proper way to perform them.

Walter G. Breakell, NESCA Legal Counsel

Question of the Month

Q. A while back I remember hearing something about how frequently construction workers must be paid, and that the law had recently changed. Can you tell me more about this?

A. Section 191 of the New York Labor Law requires employers of employees who fall under the broad definition of "manual worker" to pay such employees weekly. Prior to 2019, frequency of payment claims against an employer were brought by the NYS Department of Labor, and if DOL found that an employer violated the frequency of pay law, it typically issued a relatively modest civil penalty and a directive to pay manual employees weekly. That changed in 2019 when New York's Appellate Division, First Department held that a manual worker could bring a suit in court seeking damages for not being paid on a weekly basis even when the full amount of wages has been paid. This resulted in a wave of "frequency of pay" litigation claims which allowed manual workers to recover liquidated damages in the many thousands of dollars for employer frequency of pay violations. The reason is, Section 198 of the Labor Law allows individuals to recover liquidated damages of up to 100% of the total amount of any unpaid wages. On May 9, 2025, Governor Hochul signed legislation intended to limit liquidated damages recoverable for frequency of pay violations. While the amendment affirms that employers must continue to pay manual workers on a weekly basis, going forward, employers who are paying manual workers at least semi-monthly are not liable until their second offense. Specifically, as a result of the amendment, if an employer is a first-time offender, an employee can only recover lost interest on the delayed wage payments. However, if the employer is a repeat offender, employees may continue to recover liquidated damages equal to 100% of the delayed wages.

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Calendar of Events

October 2, 2025

Board of Directors Meeting
Century House, Latham, 6 pm

October 9, 2025

44th Annual Trade Show
Century House, Latham, 4 pm

October 21, 2025

Mid-Hudson Membership Meeting
Coppola's, Hyde Park, 6 pm

October 28, 2025

Seminar: DOT Roadside Safety Inspections, 115 Railroad Avenue, Albany, 5:00 pm

November 13, 2025

Board of Directors Meeting
Century House, Latham, 5 pm

November 13, 2025

NESCA Membership Meeting
Century House, Latham, 6 pm

November 18, 2025

Notary Public Seminar
Building Industry Center, 12 noon

November 19, 2025

Binghamton Membership Meeting
McGirk's, Binghamton, 6 pm

Results of 41st Annual NESCA Golf Outing Colonie Golf & Country Club

First Place Team – Mark Stier, Bryan Figurski, Rob Stankiewicz, Scott Dabroski

Second Place Team – Matt Langevin, Dylan Nizolek, Brad Stewart, Casey Balzer

Closest-to-the-Pin Hole #2 – Adam Round

Closest-to-the-Pin Hole #7 – Ron Gould

Closest-to-the-Pin Hole #12 – Bob Kind

Closest-to-the-Pin Hole #15 – Bob Phillips

Men's Long Drive Hole #1 – Chris Bonaparte

Women's Long Drive Hole #1 – Allison Hathaway

Men's Long Drive Hole #17 – Mark Sagan

Women's Long Drive Hole #17 – Claudette Lawson

Men's Closest-to-the-Line Hole #5 – Chris Rose

Women's Closest-to-the-Line Hole #5 – Lynne Farrell

Men's Closest-to-the-Line Hole #10 – James Coy

Women's Closest-to-the-Line Hole #10 – Nikki Gocha

Morning Putting Contest Winner – 2-way split

Afternoon Putting Contest Winner – 4-way split

Milestone Member Anniversaries

United Construction & Forestry – 10 Years

Falcon Data Networks, LLC – 15 Years

Beacon Building Products – 25 Years

Governor Signs Apprenticeship Requirements for Certain Renewable Energy Systems

On September 5, 2025, Governor Kathy Hochul signed legislation that requires contractors and subcontractors performing construction work of renewable energy systems over 1MW or larger receiving renewable energy credits, offshore wind supply chain projects receiving New York State Energy Research and Development Authority (NYSERDA) funding, and major utility transmission facilities to use apprenticeship agreements. This legislation also requires thermal energy networks to require contractors and subcontractors to use pre-apprenticeship direct entry providers registered with the New York State Department of Labor. A pre-apprenticeship direct entry provider is an organization or program that prepares individuals for entry into a registered apprenticeship program. These providers offer structured training initiatives that build foundational knowledge, hands-on skills, and workplace readiness.



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