

The AOAC and the Realty Sector Continue Their Respective Plans for “Rent Guidelines Season”

By Jeff Hanley, IMPACT Editor

WHITE PLAINS

The Apartment Owners Advisory Council (AOAC) is continuing its preparations for the realty industry’s testimony on rent guideline increases for rental apartment buildings affected by The Emergency Tenant Protection Act (ETPA).

The preparations, AOAC officials recently said, include the planning of the strategies of the realty industry for

the upcoming Public Hearings and Deliberations of The Westchester County Rent Guidelines Board. Realty industry officials annually term the overall process as the “Rent Guidelines Season.”

The guidelines board is the entity that annually decides on guidelines for lease renewals affected by the ETPA. Those guidelines are decided upon after the board conducts its Public Hearings and Deliberations.

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Impact

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Serving Westchester and the Mid-Hudson Region

News for the Building and Realty Industry

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Years of Providing Knowledge to the Building Community



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Industry Officials:

NY State Legislators, NYC Council Taking Aim at the Very Heart of Co-op Boards' Fiduciary Responsibilities

ALBANY

In what building and realty industry officials termed as “a seemingly simultaneous and thorough effort,” Albany state legislators and members of the New York City Council have caved to the powerful Realtor lobby by recently introducing bills to severely constrain Boards of Directors of co-ops in their fiduciary responsibilities by imposing unworkable timetables and mandating reasons for an applicant's denial.

On the state level, there are two bills that directly threaten a co-op board's fiduciary duties for a thorough, uniform, fair and legal approach to processing applications from prospective shareholders, building and realty industry officials said. The bills are:

*S2540, sponsored by Sen. Kemp Hannon (R-C-IP 6th SD, Central Nassau County, L.I.). Essentially, this bill requires applications to purchase cooperatives to be acted upon within 45 days. Failure to do so results in automatic approval.

*S4551, sponsored by Sen. James Sanders, Jr. (D-WF, 10th SD, Queens). The bill requires that cooperative corporations provide a prospective purchaser with a written statement of reason(s) when withholding approval to purchase.

One Westchester County Co-op Board President said: “This is a classic one-two punch. First, they want to hand-cuff a co-op board into a time-frame that could

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Lashing Out At Landlords, Again: MCI's Targeted by Legislators in Albany

ALBANY

New York State's long-standing and incredibly lop-sided legislative and judicial history against landlords of rental housing in the New York City metropolitan area has taken on yet another ugly chapter with the introduction of bills to severely restrict the return on Major Capital Improvements (MCI's) that owners make to their aging rental buildings, building and realty industry officials recently said.

The bills, and their Democratic sponsors (A.2239, Shelly Mayer-D, Westchester and S.4568, Jamaal Bailey-D, Bronx-Westchester) would undercut an owner's incentive and reward to invest in repairing, enhancing or extending the life and condition of their rental buildings. Specifically, the legislation calls for capping the amount of collectible rent increases due to MCI's at

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SEQRA ‘And You Shall Find’... The BI-BRI is the Lone Industry Voice Criticizing DEC's SEQRA “Reforms” at Mar. 31 Public Hearing in Albany



Albert Annunziata

ALBANY

The first recommendations to streamline the state's State Environmental Quality Review Act (SEQRA) Regulations drew some 60 people representing some 25 organizations, environmental groups and other stakeholders to the State Department of Environmental Conservation's (DEC's) flagship Public Hearing at its headquarters in Albany on Mar 31.

The Builders Institute (BI)/Building and Realty Institute (BRI) of Westchester and The Mid-Hudson Region was the only construction and realty-based industry association to appear and provide critical verbal and written testimony on DEC's proposed SEQRA changes.

BI-BRI representatives Albert Annunziata, executive director of the organization; Kenneth J. Finger, chief counsel, BI-BRI; and Nat Parish, planning and engineering consultant to the association; all spoke at the hearing.

“If one were keeping score as to attendance, it would have been environmental and preservation groups 25, building industry two,” Annunziata said.

The New York State Builders Association (NYSBA) was represented as well, but the organization's representative chose not to speak.

“The only positive thing that I can say, based on my more than 30 years of representing the homebuilding, commercial building and multi-family housing industry in Westchester, is that DEC's proposed amendments to SEQRA are themselves, proof-positive of the need to reform and improve the environmental review process,” Annunziata said at the hearing. “However, DEC did not address the core problems in the current SEQRA process.”

A Big Problem

Building, realty and construction industry experts have long maintained that one of the main

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Insurance Insights: A Review of Why the BRI Does Not Support the New York Senate Bill to Remove the State Insurance Fund 30-Day Rule

By Ken Fuirst and Jason Schiciano, Levitt-Fuirst Associates

TARRYTOWN

The Building and Realty Institute of Westchester and The Mid-Hudson Region (BRI) represents more than 1,500 Contractors, Condo/Co-op/Apartment Owners and Property Managers from around the state of New York.

The BRI has asked Levitt-Fuirst Associates to explain why it is in everyone's best interest to keep the State Insurance Fund (SIF) 30-Day Rule. This article will describe why the SIF has this unique rule, and you will understand the interests of the insurance brokers' lobbying group that is trying to remove it.

By the end of this piece, you might wonder why every insurance company does not have a 30-Day Rule.

About the SIF

First off, let us explain the State Insurance Fund (SIF). This self-supporting insurance company is the largest insurer of Workers Compensation for businesses in New York State.

The fund's mission is to guarantee the availability of Workers Compensation Insurance at the lowest possible cost to employers. The SIF is a competitive option to help the businesses of New York keep their mandatory Work-

ers Compensation Costs down. But, the SIF, unlike other insurance companies, does



Ken Fuirst



Jason Schiciano

not pay any commission to insurance brokers! And there lies the rub! Other insurance companies not only pay a commission, but many offer bonuses to insurance brokers for moving business to them.

The SIF is the only insurance company in New York that requires a Policy Holder to give 30 days of notice if they are considering canceling their SIF insurance. The Policy Holder does not have to commit to cancelling their insurance in 30 days, only to notify the SIF that it might cancel. This law protects both the Certificate Holder and, also, Policy Holders.

Why Does It Protect a Certificate Holder?

If you hire a contractor, you are going to want to know that they have Workers Compensation Insurance. Typically, you ask for a Certificate of Insurance to prove that there is

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From the Editor's Desk

Hanley's Highlights

by Jeff Hanley

Associate Director, Building and Realty Institute (BRI), *Impact* Editor

Reminders of the Varied Composition of the Builders Institute/Building and Realty Institute

ARMONK

Summarizing the diverse sectors of the building, realty and construction industry that The Builders Institute (BI)/Building and Realty Institute (BRI) represents always produces a detailed description. A look at the reports in this edition of IMPACT offers clear examples.

Articles on key issues affecting many of the sectors of our association's diverse membership - Builders, Developers, Remodelers, Owners and Managers of Rental Apartment Buildings and Complexes, Co-op and Condo Corporations, Property Managers of those facilities and Supplier/Professional Services firms serving those components of our industry - are featured. Those stories include:

- ◆ A Page One report on the continuing efforts of the BI-BRI to offer the input of our industry regarding the proposed revisions of New York State's Department of Environmental Conservation (DEC) to the State Environmental Quality Review Act (SEQRA). The update is an IMPACT Staff Report;
- ◆ A Page One analysis on why the BI-BRI does not support the removal of the State Insurance Fund's 30-Day Rule. Ken Furst and Jason Schiciano of Levitt-Furst Associates, insurance manager for our association, authored the piece;
- ◆ An update on Page One on the strong opposition of The Cooperative and Condominium Advisory Council (CCAC) of the BRI to proposed statewide bills requiring: 1) Boards of Directors of co-ops to act on decisions regarding proposed buyers/shareholders within 45 days and 2) Mandating that co-op corporations provide a prospective purchaser/shareholder with a written statement of why the proposed buyer/shareholder was not approved. The analysis is an IMPACT Staff Report;
- ◆ A Page One story from our IMPACT Staff on two proposed bills that would negatively affect Owner/Manager members of The Apartment Owners Advisory Council (AOAC) of the BRI. The proposals call for capping the amount of collectible rent increases due to Major Capital Improvements (MCI's) at six percent of the Legal Regulated Rent. An additional Page One report covers the AOAC's preparations for the upcoming Public Hearings and Deliberations of The Westchester County Rent Guidelines Board. The board is the entity that annually decides on guidelines for lease renewals affected by the Emergency Tenant Protection Act (ETPA). Those guidelines are decided upon after the board conducts its Public Hearings and Deliberations;
- ◆ An industry study showing that builder confidence in the market for newly-built single-family homes is experiencing a noteworthy increase. The report cites that the confidence mark of builders jumped six points to a level of 71 on the recently-released National Association of Home Builders (NAHB's)/Wells Fargo Housing Market Index (HMI). The rate is the highest reading since June of 2005, the analysis said. Another NAHB study in this

edition reports that the national apartment and condominium market has seen its recent momentum remain intact;

- ◆ A complete review in Counsels Corner on how Owners, Managing Agents and Boards of Directors of Co-ops and Condos should deal with troublesome employees. The report was authored by Finger and Finger, A Professional Corporation. The firm serves as Chief Counsel to the BI-BRI;
- ◆ A Review of the May 3 Membership Meeting of the Advisory Council of Managing Agents (ACMA) of the BRI. The conference - entitled "Business Email Compromise/Fraud Prevention/Understanding and Preventing Cyber/Email Fraud - focused on the dangers of internet usage that confront all businesses. Representatives of Bank United, a member of the BI/BRI, delivered the presentation.

Other reports of interest in the issue include:

- ◆ An article on Ginsburg Development Companies (GDC) recently joining with White Plains officials to celebrate the debut of GDC's first residential rental property in downtown White Plains. The 124-unit, 12-story building - formerly known as Halstead White Plains - was recently purchased by GDC from DSF Group and is being rebranded as The Metro by GDC. GDC is a longtime member of the BI-BRI;
- ◆ A report on how representatives of the BI/BRI are continuing their consistent efforts of highlighting the organization's latest Membership Benefits - the "Member to Member Incentive Series" and the "Medical, Dental, Vision and Wellness Programs." Both initiatives were formed by the BI-BRI in 2016. The programs were coordinated by the BI-BRI staff, including Maggie Collins, director of membership, and Albert Annunziata, executive director. BI-BRI President Carmelo Milio also worked on the development of the overall initiatives;
- ◆ A summary from Collins in her Membership Update column on the many key meetings, seminars and events that the BI-BRI coordinated, or attended, during an extremely busy month of March for our organization, its staff and our members;
- ◆ A special Case Study on how financial cyberattacks are continuing to expose businesses to a serious of troublesome scenarios. The report, prepared by Sterling National Bank, a member of the BI-BRI, summarizes how Fraud Monitoring Services offer the best protection to those cyberattacks;
- ◆ An analysis in Tech Talk on how your Internet Service Provider (ISP) now has the right to sell your internet history to the highest bidder. The approval of recent federal legislation means that your provider will now be able to sell everything they know about your use of the Internet to third parties, without requiring your approval. Andrea Wagner of Wagner Web Designs, a BI-BRI member, composed the summary.

Enjoy the issue. We are sure that our readers will agree with our assessment of its diverse nature!

The AOAC and the Realty Sector Continue Their Respective Plans for "Rent Guidelines Season," Continued from p.1

The guidelines board released its tentative schedule of Public Hearings and Deliberations for 2017 at its Jan. 31 meeting at the offices of the New York State Homes and Community Renewal Agency (HCR) in White Plains.

The tentative schedule is as follows, with locations and times, HCR officials said, to be announced:

- June 5 The Yonkers Public Hearing;**
- June 12 The Mount Vernon Public Hearing;**
- June 14 The White Plains Public Hearing;**
- June 20 The Presentations of Owners and Tenants;**
- June 27 The Deliberation Session.**

The board's decision will affect rent adjustments for one or two-year leases which begin between Oct. 1, 2017 and Sep. 30, 2018.

A Critical Need for Participation

"Each year, we consistently stress the fact that it is so very important that Owners and Managers testify on the continuing increases in costs that the realty sector is facing," said Alana Ciuffetelli, AOAC chair. "Again, we are urging our members to attend the Public Hearings and Deliberations and to offer their individual struggles with their day-to-day costs to the guidelines board."

Ciuffetelli added: "We simply cannot emphasize it enough - we need the AOAC membership to help us. In

turn, the participation of our members will help us help them. The lack of a good turnout from the membership of the AOAC will, without a doubt, hurt the realty industry in this process."

Albert Annunziata, executive director of the AOAC, said that a strong level of attendance from the AOAC membership at the Public Hearings and Deliberations is "critically important."

"Without a doubt, a good response and turnout from the AOAC and members of the realty industry makes a good impression upon the guidelines board," he said. "It is as basic as this - if we do not receive a good turnout from the AOAC membership and our industry, the results will be highly negative to Owners and Managers, as well as to the overall realty sector."

Annunziata said that AOAC members - as well as members of its affiliate organization, The Building and Realty Institute (BRI) - will receive updates on the efforts of the AOAC as it continues to prepare for the Public Hearings and Deliberations.

The AOAC represents more than 300 Owners and Managers of more than 18,000 rental units, association officials said. The BRI has more than 1,800 members in 14 counties of New York State. Those members are involved in virtually every sector of the building, realty and construction industry, association officials said.

Lashing Out At Landlords, Again: MCI's Targeted by Legislators in Albany, Continued from p. 1

six percent of the legal regulated rent, building and realty industry officials added.

"We're dealing with legislators who continue to pander to tenants who already have a sweet thing going for them under the Rent Stabilization and Tenant Protection laws," said one rental housing industry leader in New York City. "Most legislators throughout the rest of the state don't know about rent-regulated housing. Metro New York legislators know about it all too-well, and attempt to shove bills through the Senate and Assembly, all for the benefit of tens of thousands of tenants, who vote. These politicians are no fools!"

Anger

Westchester Apartment Building Owners were incredulous and angry upon hearing the news.

"Over the years the changes in rent laws, whether judicial or legislative, have increased the payback periods for Major Capital Improvements, making MCI's less attractive," said one major landlord in Yonkers. "The Mayer-Bailey bills provide a clear disincentive for owners to make improvements."

Albert Annunziata, a spokesman for The Apartment Owners Advisory Council (AOAC) of The Building and Realty Institute (BRI) - representing more than 300 landlords of approximately 18,000 rent-regulated apartments in Westchester - called the bills nothing short of "insulting, destructive and without any clue of how owners maintain the only significant stock of affordable housing in the county."

"This so-called 'Empire State' might just as well ask all landlords of heavily-regulated apartments for the keys to their investments, their buildings, and banish the owners to another state," observed Annunziata. "Why? Because landlords will be forced to put-off system-wide improvements to these aged buildings, or do patchwork repairs that will result in more water leaks, electrical fires, elevator malfunctions, and a whole host of things leading to the degradations of the quality of life for the tenants."

Building and realty industry officials said that state government's attacks on landlords have been relentless. Building and realty industry officials cited that Gov. Cuomo himself declared war on landlords since winning re-election in 2014. They noted that he circumvented the state legislature and established a "Tenant Protection Unit" (TPU) within the state's Division of Housing and Community Renewal (DHCR), a "gestapo-like operation" (according to a major landlord of units in New York City and Westchester County) within an agency already charged by law to enforce the Rent Stabilization law (and its suburban counterpart, the Emergency Tenant Protection Act, or ETPA).

Sources close to IMPACT Newspaper confirm that the governor has made no secret of his disdain for those in real estate, especially owners and investors in multi-family apartment buildings. Those sources said that, in creating the TPU, the governor charged it with leaving no stone unturned in going over and over again the records of landlords who had already applied to - and received approval from - DHCR for MCI projects. In many cases, sources added, the work was done, the fractional increases in the rent calculated, checked and double-checked and approved.

"The Governor's TPU has been turning one of the few bureaucratic systems that do work, into one of bullying and harassment of landlords, with ample staffing of the TPU to make sure that 'no landlord gets away with anything,' " one New York City/Westchester County owner said.

AOAC officials said that the organization will be working closely with its allied rental industry associations in New York City, the Rent Stabilization Association (RSA) and the Community Housing Improvement Program (CHIP) in fighting the Mayer-Bailey bills in Albany.

An IMPACT Staff Report

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Building and Realty
Industries

Impact

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“A Surprising Turn” in the NYS Budget: The Building & Realty Industry Welcomes Progress in Reforming the State’s Workers Compensation System

An IMPACT Staff Report

ALBANY

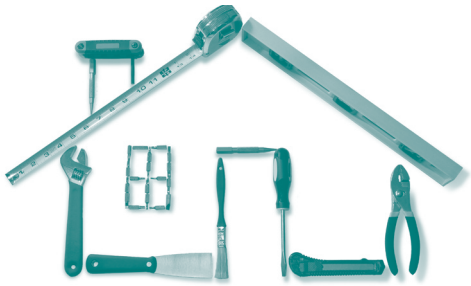
- The New York State Fiscal Year 2017-18 Budget has enacted various reforms to the Workers Compensation System, building, realty and construction industry officials said.
- Industry observers - as well as representatives of related industry sectors - said that they view the changes as a positive step toward reform. Industry officials cited a series of changes as among the noteworthy highlights of the action:
- Establishes a 130-week General Rule for reaching Maximum Medical Improvement (MMI) for the purpose of classifying for Permanent Partial Disability Awards, and provides a safety valve for injured workers who have not reached MMI within 130 weeks;
 - Removes the requirement that injured workers remain attached to the workforce after being classified with a permanent disability;
 - Expands the Safety Net Threshold from above 80 percent to above 75 percent impairment, to allow the most seriously injured workers to petition to continue receiving benefits after the Permanent Partial Disability Caps have been met;
 - Moves the responsibility for Annual Safety Net Reporting from the Department of Labor to the Workers’ Compensation Board (WCB);
 - Provides for a statutory mechanism to require release and implementation of updated impairment guidelines reflective of advances in modern medicine;
 - Provides for a Comprehensive Prescription Drug Formulary;
 - Authorizes the WCB to implement administrative efficiencies related to billing and periodic reporting;

- Authorizes the WCB to execute Assumption of Liability Policies for the Special Disability Fund and the Reopened Cases Fund;
- Requires a study of Independent Medical Examinations be conducted by the WCB and that a report be submitted to the Legislature and the Governor;
- Prohibits the WCB from disallowing certain claims by police or firefighters that are related to job stress;
- Provides for a reduction in the Maximum Fund Balance from 10 to five percent that can be retained by the WCB from the Section 151 Assessments and creates a fiduciary fund to transfer such excess fund balance for the purpose of rate stabilization.

“It will take time to determine the overall effect and savings realized by New York State’s private and public sectors by these changes,” said Albert Annunziata, executive director of The Builders Institute (BI)/Building and Realty Institute (BRI) of Westchester and The Mid-Hudson Region.

Annunziata added: “Certainly, these efforts, on the face of it, are going in the right direction, and they give the state’s Workers Compensation Board greater responsibility and flexibility in the review and handling of cases, along with increased accountability to the executive and legislative branches of state government. It is a welcome and surprising result of budget negotiations.”

The BI/BRI, Annunziata said, will be working with other building, realty and construction industry groups - as well as its insurance industry consultants - to better assess the changes going forward.



The Vendor Showcase of the BI-BRI is Set for Oct. 12

By Jeff Hanley, IMPACT Editor

WHITE PLAINS

The Second Vendor Showcase of The Builders Institute (BI)/Building and Realty Institute (BRI) has been scheduled for Thursday, Oct. 12, association officials recently announced.

The event will run from 5:30 p.m. to 9:30 p.m. It will be at The Crowne Plaza Hotel in White Plains.

More than 175 members of the local building, realty and construction industry attended last year’s showcase on Oct. 13. The event featured representatives of virtually every membership sector of the BI-BRI, a building, realty and construction industry membership organization with more than 1,800 members in 14 counties of New York State.

BI-BRI spokesmen said that the 2016 showcase was the first of its kind in the 70-year history of the organization, since it featured many sectors of the association’s diverse building, realty and construction industry membership base. More than 40 Vendors wishing to promote their services and products to that membership base participated in the event. The showcase was termed as a tremendous success by most vendors and attendees, BI-BRI officials added.

Maggie Collins, event coordinator of the showcase and the director of membership for the BI-BRI, said full details on the 2017 event will soon be sent to members of the organization.

“Notices with full instructions on the registration processes for exhibitors, as well as for overall participants, will be in the mail in the coming weeks,” Collins said. “We urge companies wishing to exhibit at this year’s event to respond as soon as possible. The response to the 2016 showcase was tremendous. We expect the same to happen this year.”

Based in Armonk, the BI-BRI was formed in 1946. Members of the association are involved in virtually every sector of the building, realty and construction industry. The organization has more than 1,800 members in 14 counties of New York State.

Counsels’ Corner

How to Deal With A Troublesome Employee

By Kenneth J. Finger, Esq., Carl L. Finger, Esq., and Daniel S. Finger, Esq., Finger and Finger, A Professional Corporation, Chief Counsel To The Builders Institute (BI)/Building and Realty Institute (BRI)

WHITE PLAINS

One of the most significant problems encountered by employers, whether it be a Landlord, Managing Agent or Cooperative or Condominium Board of Directors, is how to deal with a troublesome employee.

While, as attorneys, we have handled many hundreds of Grievances and Arbitrations, it is, of course, best to avoid those processes, if possible. An employee problem can arise in the context of insubordination, failure to do the assigned work, poor performance, fighting, or the like.

Most of the employers in the realty industry in Westchester County deal with Local 32-BJ Service Employees International Union (SEIU), but there are also other unions in the mix, as well as non-union employers.

In any case, while this article is geared toward union employees, we strongly suggest that even in a non-union context that the employer follow these recommendations, even when there are problems with non-union employees.

Education Is A Key

The basic principle of discipline in the Labor Relations Field is to educate the employee so that the objectionable behavior can be corrected and/or problems can be rectified and the employee becomes productive and valuable to his or her employer.

Therefore, to go back to the beginning, every employee should not be hired without checking on the references and utilizing the Probationary Period, whether it be the period set forth in the union contract, or 90 or 120 days. While we understand that, during the Probationary Period, most employees are on their more than best behavior, you can certainly get an idea of the quality of the work, work ethic and attitude. If there are issues and you can, try to extend the Probationary Period. Once the employee becomes permanent, it is infinitely harder to terminate him or her.

Steps

If you are having problems once the employee becomes permanent, the basic tenet is “Progressive Discipline.” That means that there are steps that you take to correct the problems, and as stated, salvage the employee’s job.

The first step is an Oral Warning. That means that you meet with the employee (and with the union representative, if possible) and advise of the adverse behavior, work, etc., and that failure to improve, or correct, can ultimately lead to job termination.

Every step must be noted in the employee’s personnel file, with the date, reason and substance of the warning and who was present. It is always advisable to have another management person present at the time of the warning. The union, if any, should be notified, in writing, of the Oral Warning and the substance of the warning. We recommend that the union should even be invited to be present, unless time does not permit.

If there is a repeat of the problem, or another problem, the next step is a Written Warning. That is the second stage and obviously more serious. Once again the employee should be counselled with advice, again, of the detrimental consequences of the failure to cure and rectify the problem.

The employee should be requested to sign for the Written Warning and if he/she refuses to sign, have the two management personnel note on the warning of the refusal to sign. Once again a copy should go to the union.

Ultimately, if the situation is not resolved and the employee continues to act in a fashion determined to be unsatisfactory, a Final Written Warning should be given to the employee, noting that the next step might be suspension and/or discharge. And, again, a copy should go to the union and the employee should again be requested to sign for the warning. And, as with all such disciplinary steps, management should have two people present.

The next-to-final step is a suspension, and once again the employee should be counselled, again in the presence of at least two management personnel and the union representative. And, again, send a written copy of the suspension letter / notice to the union, and have the employee sign for its receipt.

The Final Act

The final step is, of course, the most significant and that is Discharge. A Discharge will generally be for repeated defalcations, after repeated warnings, or an obviously bad act such as striking a supervisor, fighting, drunkenness on the job, stealing and the like.

If you do discharge the employee you should prepare, with the advice of counsel, a Letter of Termination providing the reasons for the termination and send same to the employee, copy to the union. Be complete and careful with the letter because you will be bound by its contents in a future Arbitration. We also suggest that if the discharge is not due to a one-time event, such as stealing, insubordination, fighting, etc., that you list the prior warnings and history.

At the time you advise the employee of the disciplinary action, we strongly recommend that you interview the employee (in the presence of two management personnel), and question the employee as to the action or actions leading to the discharge, and try to find out why they didn’t do what they should have done, or did do what they did (which led to the discharge).

At this time you should also interview any other employees who may have been involved or were witnesses. If you can video them, all the better. In these days of cell phones, it is not that hard to video.

Also, if you see something wrong, video it for future reference and proof.

After the Disciplinary Action, the union may, or may not, file a Grievance, which is a procedure by which the union and the employer “informally” meet to air the issues and attempt to arrive at a mutually satisfactory resolution. If not resolved, be ready for an Arbitration Demand. Make sure you let an attorney know each step of the way as soon as you get any notices from the union and keep counsel advised.

Finally, in preparation for the eventual Arbitration that is sure to follow a Discharge, if not resolved at the Grievance Stage, bear the following caveats in mind:

1. Check references before hiring and use the Probationary Period wisely;
2. Be consistent with your discipline - do not engage in disparate treatment;
3. Follow the Progressive Discipline Process previously outlined;
4. Do not discipline in front of a fellow worker;
5. Always discipline, or interview, with more than one management person present;
6. Consider the Length of Service in disciplining;
7. Speak to the witnesses and make good notes, or video, if possible;
8. You can always reduce discipline, not increase it at the time. So if you are debating what to do, impose the more severe and retain the right to reduce at the discussion, Grievance or later stage;
9. If you are in doubt about a severe incident, suspend with the understanding that you retain the right to discharge after full investigation;
10. Remember that there may be a duty to accommodate an employee’s disability or handicap;
11. The basic tenet for an employee who objects to doing work is to work now and grieve later, unless there is a safety issue, and then it may be the employee’s burden to show the “danger;”
12. At the time of an Annual Review, do not automatically give “excellents,” “wonderful employee,” etc. If there have been problems, even without formal discipline, make sure that the Annual Review notes them and they are noted in the personnel file. It is much harder to complain or discipline about bad performance if



Ken Finger



Carl Finger



Dan Finger

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The Builders Institute (BI)/
Building and Realty Institute (BRI)

Welcomes its Newest Members

Anabu Enterprises, Inc.

Brown & Brown of New York, Inc.

County TV & Appliance

DSE Properties LLC

Horizon Painting & Renovation LLC

Hudson Millwork Inc.

Johns Manville Mfr. Roofing Systems & Services

Keller Williams Realty Group

Nordic Industries Corporation

Padron International Associates

Schwartz Sladkus Reich Greenberg Atlas LLP

Tri-County Maintenance & Contracting Inc.

Wells Fargo of Yorktown Heights, NY

Report: Builder Confidence Hits 12-Year High

By Jeff Hanley, IMPACT Editor

WASHINGTON, D.C.

Builder confidence in the market for newly-built single-family homes is experiencing a noteworthy increase, according to a recent building and realty industry report.

The confidence mark of builders jumped six points to a level of 71 on the recently-released National Association of Home Builders (NAHB's)/Wells Fargo Housing Market Index (HMI). The rate is the highest reading since June of 2005, the report said.

The index was released on Mar. 15.

"Builders are buoyed by President Trump's actions on regulatory reform, particularly his recent executive order to rescind or revise the waters of the U.S. rule that impact permitting," said NAHB Chairman Granger MacDonald, a home builder and developer from Kerrville, Tex.

"While builders are clearly confident, we expect some moderation in the index moving forward," said NAHB Chief Economist Robert Dietz. "Builders continue to face a number of challenges, including rising material prices, higher mortgage rates, and shortages of lots and labor."

Derived from a monthly survey that NAHB has been conducting for 30 years, the NAHB/Wells Fargo HMI gauges builder perceptions of current single-family home sales and sales expectations for the next six months as "good," "fair," or "poor," the report said.

The survey also asks builders to rate the traffic of prospective buyers as "high-to-very high," "average," or "low-to-very low." Scores for each component are then used to calculate a seasonally-adjusted index where any number over 50 indicates that more builders view conditions as good than poor, according to the study.

Healthy Numbers

All three HMI Components posted robust gains in March, the report said. The component gauging Current Sales Conditions increased seven points to 78, while the index charting Sales Expectations in the Next Six Months rose five points to 78. The component measuring Buyer Traffic jumped eight points to 54, the study said.

The report said that when looking at the three-month moving averages for regional HMI scores, the Midwest increased three points to 68 and the South rose one point to 68. The West dipped three points to 76 and the Northeast edged one point lower to 48.

NAHB officials said that the report is strictly the product of NAHB Economics and is not seen, or influenced, by any outside party prior to being released to the public. HMI tables can be found at nabh.org/hmi. More information on housing statistics is also available at housingeconomics.com, NAHB officials added.

The Local Outlook

Officials from The Builders Institute (BI)/Building and Realty Institute (BRI) of Westchester and The Mid-Hudson Region said that the findings of the NAHB index were accurate and reflected conditions in the region.

"We have heard of increasing confidence from our members, including their upbeat feelings regarding President Trump's actions on regulatory reform," said Albert Annunziata, executive director of the BI-BRI, a building, realty and construction industry membership organization with more than 1,800 members in 14 counties of New York State.

"But, there are still a series of negatives facing our builder/developer members, including, as the NAHB report cites, rising material prices and shortages of lots," Annunziata said.

What Really Constitutes a Happy and Satisfied Membership?

March Madness for the Building and Realty Institute (BRI)!

By Maggie Collins, Director of Membership
Builders Institute (BI)/Building and Realty Institute (BRI)



ARMONK

In my 15-month tenure as Director of Membership at The Building and Realty Institute (BRI), I can mark no other month as having been as busy as March of 2017. The momentum began building in January and, suddenly, it seemed we were striding, non-stop, through March. And here it is early April as I write. The one thing we aim for is a good Return of Investment (ROI) of time.

The central question(s) we ask while making investments of our time are – what is the effect on member retention of the time we spend? And, secondly, what are the prospects for increasing membership?

Let's consider the first point. In the world of non-profit membership associations such as ours, member retention is considered the Holy Grail and the most important effort we make. You cannot grow your 'numbers' without a membership that is proud and satisfied with the organization (referred to by BRI President Carmelo Milio in his column in our January/February 2017 issue).

What constitutes a satisfied membership? Apparently, the BRI must know because the rate of member retention at the association is so solid that it exceeds the standard norms for an organization such as ours. The broad reasons are: people have ongoing and consistent access to business-to-business connections and opportunities; an active, united front strong enough to advocate on behalf of the group's interests; forums of speakers/panels and programs that offer knowledge and learning pertinent to the various parts, and whole, organization.

An Important View

Let's look at what went on in the mad month of March, since it offers a catalog of illustrations to the point:

- ◆ I attended the Business Council of Westchester's (BCW's) Breakfast Meeting on Mar. 7 that featured a panel on "Reimagining Our Downtowns: The Residential Model" (meeting people, learning);
- ◆ The BRI exhibited on Mar. 13 at the Westchester and Hudson Valley Chapter/ American Institute of Architects (AIA's) Showcase at the Marriott Hotel in Tarrytown (networking, marketing, etc.);
- ◆ The BRI's Annual Charitable Luncheon for SHORE (Sheltering the Homeless is our Responsibility) on Mar. 8 at Sam's of Gedney Way in White Plains;
- ◆ The BRI's Board of Trustees' Meeting of Mar. 9;
- ◆ The BRI's General Membership Meeting of Mar. 9 on the Affordable Care Act (networking, learning, camaraderie, at the Crowne Plaza Hotel in White Plains);
- ◆ A Building Codes Seminar on Mar. 22 with Erika Krieger of the Department of State (DOS), at the Mount Kisco Holiday Inn (education);
- ◆ A co-sponsored cooking event on Mar. 28 between the BRI and Leibert's Royal Green Appliances at Leibert's White Plains outlet (Leibert's is one of our many new members, and the event featured networking, co-sponsoring, and marketing);
- ◆ The trip of our Executive Director, Albert Annunziata, to Albany in late March to represent the BRI in key discussions with state legislators on important issues affecting the building, realty and construction industry;
- ◆ And, I must squeeze in an early April Membership Meeting (Apr. 3) of The Cooperative and Condominium Advisory Council (CCAC) of the BRI, arranged by Jeff Hanley, associate executive director of the BRI, and the Board of Directors of the CCAC. The meeting spoke directly, and dramatically, to topics concerning swimming pools at co-ops, condos and rental apartment building complexes. The meeting was excellent and exceeded all expectations - a perfect example of fulfilling the needs of members. More than 54 CCAC/BRI members were in attendance;
- ◆ And, finally, the BRI exhibited on Mar. 29 at the BCW's Annual Expo/Trade Show at the Rye Town Hilton in Rye Brook. Annunziata, Hanley and myself spoke to a large number of participants at the event about the BRI. We touched upon marketing, publicity, and also spoke with many membership prospects.

Each of these events offered one or more opportunities to meet potential members, created value in building knowledge for our members, raising our profile, and created goodwill. Keep in mind that this is only a partial list! The word count would exceed my allotted space!!

And last, but hardly least, the camaraderie that exists is because of the constancy of our members, and our staff, in delivering for one another. It has a very high value. I find it very easy to talk about what constitutes a satisfied membership. It's easily observable and it's been going on here for a very long time. Make that 71 years (the BRI was formed in 1946)!

The Winner

The Raffle Winner from the Mar. 9 General Membership Meeting of the BRI is Joe McCarthy of The Sulgrave Owners Corporation of White Plains, a longtime member of the CCAC of the BRI. Congrats, Joe!

The BRI's 2017 Baseball Outing Is Set for August 14 at the "Subway Series" Game Between the Mets and Yankees

By Jeff Hanley, IMPACT Editor

NEW YORK

The Building and Realty Institute (BRI) has announced the scheduling of its 2017 Baseball Outing.

BRI officials recently said the association has purchased 50 seats for the Aug. 14 "Subway Series Game" between the New York Mets and the New York Yankees. The contest is scheduled for a 7:05 p.m. start at Yankee Stadium.

Features of the outing, association officials said, include a full Pre-Game Reception and solid seats for the game along the third base/left

field sections. BRI spokesmen said that full details on the event - including pricing and the deadline for ticket purchases - will soon be sent to members of the organization.

"We started our Baseball Outing Series in 2012 and it has proven to be a popular Social Event for our membership," said Albert Annunziata, executive director of the BRI. "Our members have always enjoyed themselves at the outing and we know that will be the case, once again, with this year's event."

Added Margie Telesco, event coordinator of the 2017 outing: "The pre-game reception this year will be in one of the new reception areas

at Yankee Stadium. The location of the pre-game event in that new area in left field promises to produce a really nice atmosphere and event for our members. It should be a nice outing for BRI members, all the way around, between the pre-game reception and the solid seats for the game."

BRI officials said that ticket purchases for the event will be on a first-come, first-served basis. Members of the association with further questions can contact Telesco at (914) 273-0730, or through margie@buildersinstitute.org.

The BRI is a building, realty and construction industry membership organization. The association has more than 1,800 members in 14 counties of New York State. Those members are involved in virtually every sector of the building, realty and construction industry, association officials said.

BI-BRI Continues to Stress the Benefits of its Incentives and Health/Wellness Programs

By Jeff Hanley, IMPACT Editor

ARMONK

Representatives of The Builders Institute (BI)/Building and Realty Institute (BRI) are continuing their efforts of highlighting the organization's latest membership programs, association officials recently said.

Spokesmen for the BI-BRI said on Apr. 6 that the association is consistently stressing its recently released “Member to Member Incentive Program” to the organization's membership - as well as to prospective members - in a series of promotional campaigns. BI-BRI officials added that the association, as part of that campaign, is also highlighting its Medical, Dental, Vision and Wellness Programs.

Both programs were formed by the BI-BRI in 2016. The initiatives were coordinated by the BI-BRI staff, including Maggie Collins, director of membership, and Albert Annunziata, executive director. BI-BRI President Carmelo Milio also worked on the development of the overall programs.

“Our organization has always had a series of valuable Membership Benefits, and these latest programs most definitely add to that series,” said Annunziata. “We are proud to continue to highlight the benefits of the initiatives to our members and to those members of the building, realty and construction industry who are considering membership in our association.”

A total of 17 BI-BRI members are participating in the “Member to Member Incentive Program.” The initiative is comprised of special discounts and services that the participating BI-BRI members are offering to their fellow members. Participating member companies of the BI-BRI are:

- Blair Interiors Group, Ltd.
- The Brothers That Just Do Gutters
- Capital One Bank
- CertaPro Painters
- Croton Auto Park Advantage
- Elefante and Persanis, LLP
- Finger and Finger, A Professional Corporation
- Levitt-Fuirst Associates, Ltd.
- Mackoul and Associates, Inc.
- New Crystal Restoration
- NYCtravelBiz
- Petro Commercial Services
- Roher/Sprague Partners, Communications Design
- Sir Speedy of Pleasantville
- Sunrise Building and Remodeling
- Sunrise Solar Solutions
- Trion Real Estate Management

“The Incentives Program produces additional levels of opportunities for our members to interact, to help each other and their businesses,” said Collins. “Those dialogues add to the solid networking opportunities that are produced by our many Membership Meetings and Seminars. It is a totally positive mix for our members, as well as for members of the building, realty and construction industry.”

Collins added that the many benefits of the Medical, Dental, Vision and Wellness Programs of the BI-BRI are also consistently being stressed by the association. The programs, she said, produce a new, broad spectrum of initiatives for individuals, sole proprietors and small businesses. Plans and information on the programs can be found at <http://vebaenroll.com/pgmveba>. BI-BRI members should use the Access Code of JDNY4071, Collins said.

Further information on the products and services of the program can be obtained by contacting Ryan Pettus, account executive, Professional Group Marketing, Inc./GA Solutions, LLC at (914) 801-3501. Inquiries can also be sent to rpettus@pgmgrou.com, Collins said.

The BI-BRI is a building, realty and construction industry membership organization. The association, based in Armonk, has more than 1,800 members in 14 counties of New York State. Members of the BI-BRI are involved in virtually every sector of the building, realty and construction industry. The BI-BRI is marking the 71st anniversary of its formation in 2017, association officials said.

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STUDY: The National Apartment and Condominium Market Keeps Its Momentum Going Throughout the Fourth Quarter

By Jeff Hanley, IMPACT Editor

WASHINGTON, D.C.

The Apartment and Condominium Market across the U.S. is continuing its upbeat pace, according to a building and realty industry report.

The Multifamily Production Index (MPI), released on Feb. 23 by The National Association of Home Builders (NAHB), recorded a gain of two points to 55 in the fourth quarter, NAHB officials said.

NAHB spokesmen added that the MPI has been at 50, or above, for five straight years.

The MPI measures Builder and Developer sentiment about current conditions in the Apartment and Condominium market on a scale of zero to 100. The index, and all of its components, are scaled so that a number above 50 indicates that more respondents report conditions are improving than report conditions are getting worse, the report said.

The MPI provides a composite measure of three key elements of the multifamily housing market: the construction of low-rent units, market-rate rental units and “for-sale” units, or condominiums. Low-rent units remained unchanged at 54, while market-rate rental units rose one point to 58. For-sale units increased three points to 53, according to the study.

The report said that the Multifamily Vacancy Index (MVI) - which measures the multifamily housing industry's perception of vacancies - remained unchanged at a

reading of 42, with lower numbers indicating fewer vacancies.

After peaking at 70 in the second quarter of 2009, the MVI improved consistently through 2010 and has been fairly stable since 2011, the study said.

“Multifamily developers are feeling optimistic about the market as demand for renting remains robust,” said Dan Markson, chairman of NAHB's Multifamily Council. “However, regulatory burdens remain a challenge to the industry, which affect developers’ ability to meet this demand.”

NAHB Chief Economist Robert Dietz said that, when given the recent strength of multifamily starts and permit numbers, it isn't surprising that multifamily developer sentiment remains “positive.”

“Our current forecast calls for multifamily production to stabilize at a solid rate, and stay there, through 2018,” he said.

The report said that, historically, the MPI and MVI have performed well as leading indicators of U.S. Census figures for multifamily starts and vacancy rates. The study added that the indexes provide information on likely movement in the Census figures one to three quarters in advance.

NAHB officials said that data tables on the MPI and MVI can be accessed at www.nahb.org/mms.

New Home Sales Rise 6.1 Percent

NAHB officials, in a separate report from the association, said that sales of

newly built, single-family homes are continuing to expand.

Sales of those homes rose 6.1 percent in February to a seasonally-adjusted annual rate of 592,000 units, according to recently released data by the U.S. Department of Housing and Urban Development (HUD) and the U.S. Census Bureau contained in the NAHB report. The study was released on Mar. 23.

“February's increase in new home sales is consistent with Builders’ growing confidence in the housing market,” said Granger MacDonald, chairman of NAHB. “Builders are encouraged by heightened consumer activity and by the expectation that regulatory costs will decline in the year ahead.”

Added Dietz: “The uptick in mortgage interest rates is having a minimal effect on new home sales thus far. Ongoing job creation, rising household formations and affordable home prices should keep the market on an upward trajectory in 2017.”

The inventory of new homes for sale was 266,000 in February, which is a 5.4-month supply at the current sales pace, the report said. The median sales price of new houses sold was \$296,200.

Regionally, new home sales increased 30.9 percent in the Midwest, 7.5 percent in the West and 3.6 percent in the South. Sales fell 21.4 percent in the Northeast, the report added.

SEQRA ‘And You Shall Find’... The BI-BRI is the Lone Industry Voice Criticizing DEC’s SEQRA “Reforms” at Mar. 31 Public Hearing in Albany, Continued from p. 1

problems with SEQRA, of long-standing, has been the absence of binding timetables. The review process often extends for years, with the Builder/Developer having no recourse but to agree to extension after extension.

“The SEQRA review should be limited to a maximum of 18 months,” Annunziata said. “If one year is considered sufficient by New York State to review a proposed Nuclear Power Plant - and the new Tappan Zee Bridge, the largest Public Works Project in the country, had a SEQRA Negative Declaration within a mere six months - then a year-and-a-half should be sufficient for review-

“SEQRA-encumbered delays have resulted in less construction, less economic benefit, less income, less investment, less taxes generated and less housing for New Yorkers.”

— Ken Finger, chief counsel, BI-BRI

ing a proposed residential or commercial project.”

Building, realty and construction industry officials said that one of the myths and misconceptions associated with the SEQRA Review Process is that the limitation to a reasonable and ample review time period does not pre-ordain municipal approval of the proposed project. The project can, indeed, be denied, building, realty and construction industry officials stress. If it is denied, at least the Developer knows where it stands and can mull its options, abandon the project, change it, or take legal action, building, realty and construction industry officials added.

Another area of concern to building, realty and construction industry experts is “As-of-Right” development. The state could follow the lead of New York City in that if a proposed project is as-of-right, conforming to all current zoning and existing and applicable regulations, it should be a TYPE II (two) action not requiring review under SEQRA.

Building, realty and construction industry experts note at least two good reasons behind this Type II Designation. First, when a municipality adopts a zoning ordinance in conformance with a comprehensive plan, that municipality has determined that the land uses so permitted are appropriate for the areas designated

“The SEQRA review should be limited to a maximum of 18 months. If one year is considered sufficient by New York State to review a proposed Nuclear Power Plant - and the new Tappan Zee Bridge, the largest Public Works Project in the country, had a SEQRA Negative Declaration within a mere six months - then a year-and-a-half should be sufficient for reviewing a proposed residential or commercial project.”

— Albert Annunziata, executive director, BI-BRI

by that zoning, incorporated in that plan. Issues such as traffic volumes expected and public school students generated by permitted uses have already been accounted for and determined to be acceptable in the home-rule process of approving the zoning.

Second, while each individual project will undoubtedly have site-specific issues and problems - this is an almost invariable fact - these issues are (or should be) thoroughly reviewed during the site plan and subdivision review process necessary for a local government's approval, or disapproval, of the project, building, realty and construction industry officials added.

“A duplicate review process under SEQRA is unnecessary, costly and redundant,” Annunziata said.

Finger, chief counsel to the BI/BRI and principal of the eponymous law firm in White Plains (Finger and Finger, a Professional Corporation) was critical of the effects SEQRA has had over the years on the state's economy.

“SEQRA-encumbered delays have resulted in less construction, less economic benefit, less income, less investment, less taxes generated and less housing for New Yorkers,” he said. “The result? Developers and Builders who were ready, willing and able to invest millions in their state are exiting from New York in ever-increasing numbers to more friendly neighboring jurisdictions where the environmental reviews are undertaken in a far more expeditious, fair and impartial manner, with reasonable, but firm, time limits imposed on all the stakeholders in the process.”

“DEC’s recommendations do not substantively affect, nor provide, relief for the residential and commercial projects that are vitally important to the socio-economic vibrancy of New York’s municipalities.”

— Nat Parish, planning and engineering consultant to the BI-BRI

Nat Parish, a noted planning and engineering consultant with the legendary urban planning firm of Parish and Weiner, Inc., of White Plains, also spoke on behalf of the BI/BRI at the Mar. 31 Public Hearing.

“DEC's proposed changes focus almost entirely on facilitating and promoting the governor's 'Green Agenda,' namely solar and other alternative energy initiatives, sustainable development projects, etc.,” Parish said. “While these objectives, no doubt, are laudable, DEC's recommendations do not substantively affect, nor provide, relief for the residential and commercial projects that are vitally important to the socio-economic vibrancy of New York's municipalities.”

In addition to the only Public Hearing in Albany on Mar. 31, additional regional hearings were scheduled for New Paltz, Hauppauge (Long Island) and Rochester throughout the month of April. Written comments will be accepted by the DEC through the deadline of May 19. They can be submitted electronically by email to: SEQRA617@dec.ny.gov; and via regular mail to the following address:

Mr. James J. Eldred
Environmental Analyst
NYS DEC, Division of Environmental Permits
625 Broadway
Albany, NY 12233-1750

An IMPACT Staff Report

BankUnited’s National Deposit Team Relocating to Westchester

RYE BROOK

The National Deposits Group of BankUnited, a Florida based-bank with regional offices in New York City and Melville (L.I.), is relocating from Manhattan in June and opening an office in Westchester County, bank officials recently announced.

The office will be at 6 International Drive in Rye Brook. Led by Managing Director Joe Curran, Director Tom Linehan and Relationship managers Karen Gladding, Jay McGetrick and John Habermann, the National Deposits Group has built a robust business on its deep understanding of the commercial real estate market, officials said.

- The group's business focuses on providing banking services to the real estate industry, including:
- ◆ Property Owners and Managers;
 - ◆ Associations;
 - ◆ Title/Settlement Firms;
 - ◆ 1031 Exchange Companies;
 - ◆ Real Estate Attorneys and Firms.

The team, bank officials said, has built a segregated account and escrow platform specifically to service the real estate industry.

“Tom, Karen, Jay and I spent more than 20 years working together at Citi, where we helped build a \$20 billion deposit business,” Curran said. “We opted to move to a regional-sized institution, where flexibility and meeting the demands of the customer could be taken to the next level. John (Habermann) joined us from Webster Bank and we've been able to provide superior service, thanks to our extensive knowledge in the financial services industry.”

BankUnited, a member of The Building and Realty Institute of Westchester and the Mid-Hudson Region (BRI), issued a presentation on May 3 to the BRI's membership on preventing cyber fraud and avoiding business e-mail compromise. The event, the Membership Meeting of The Advisory Council of Managing Agents (ACMA), was attended by more than 25 ACMA/BRI members. It was held at the Crowne Plaza Hotel in White Plains.

The Current Dangers of Internet Usage for Businesses Reviewed at Building and Realty Industry Conference

By Jeff Hanley, IMPACT Editor

WHITE PLAINS

The recent Membership Meeting of a leading building and realty industry organization focused on the dangers of internet usage that confront businesses.

“Business Email Compromise/Fraud Prevention/Understanding and Preventing Cyber/Email Fraud” was the topic of the May 3 Membership Meeting of The Advisory Council of Managing Agents (ACMA) of The Building and Realty Institute (BRI). The conference was at The Crowne Plaza Hotel in White Plains. It was attended by more than 25 ACMA/BRI members, event officials said.

Representatives of Bank United, a member of the BRI, were the keynote speakers at the event. Tom Linehan, an executive vice president of Bank United, led the presentation.

“We urged our members to attend this important conference,” said Albert Annunziata, executive director of the BRI. “The seminar covered issues that affect all businesses, and certainly the business routines of our members. It was well done, and the presentation of Bank United reviewed some very important and timely topics.”

ACMA/BRI officials said that the meeting is open to all members of both organizations. Those wishing to attend the conference can confirm their attendance to jeff@buildersinstitute.org. Reservations are also being accepted through the ACMA/BRI offices at (914) 273-0730.

ACMA is composed of the leading property management companies in the Westchester and Mid-Hudson Region.

Houlihan Lawrence Commercial Group Expands Into Connecticut

RYE BROOK

Houlihan Lawrence Commercial Group, the commercial arm of Houlihan Lawrence, recently announced its expansion into Connecticut.

Agent Michael Rackenberg, the company said, will serve as team leader of the expansion. The company will serve communities throughout Fairfield County, including New Canaan, Greenwich and Stamford. Rackenberg will be joined by Terry Baxendale, Jim Higgins, Peter Wells and Teresa Marziano. The agents were termed as “experienced” by company spokesmen.

“Connecticut, much like New York, is experiencing renewed momentum in the commercial market from industrial, retail and health care industries,” said Thomas LaPerch, managing director of Houlihan Lawrence Commercial Group. “We're eager to meet these needs and introduce new buyers and sellers to our growing team of highly skilled, successful real estate professionals.” Rackenberg will oversee the agents, working between the company headquarters in Rye and the residential brokerage office in Greenwich.

“This is an important move for Houlihan Lawrence Commercial Group, as it allows the company to expand its commercial services into the lucrative Connecticut market,” Rackenberg said. “I am committed to leading this new team to success by ensuring the utmost in honesty and integrity to clients.”

Company officials said the new team has already secured deals in Connecticut. Baxendale secured the sale of 62 Mason Street in Greenwich for \$2.8 million. The historic building was originally listed for lease, but Baxendale brought a prepared buyer to the opportunity.

Wells has brokered leasing deals in Greenwich, at both 86 Greenwich Avenue and 125 Mason Street, by sourcing the right tenants for the properties, company spokesmen said.

Houlihan Lawrence Commercial Group, a full-service division of Houlihan Lawrence, specializes in investment opportunities, office condominiums and leasing, industrial and retail sales and leasing, land acquisition and development, as well as municipal approval consultation.

The firm has 25 highly experienced agents across New York City, Westchester, Putnam, Dutchess and Fairfield counties. Featuring a database of international buyers and sellers, Houlihan Lawrence Commercial Group effectively markets commercial properties and investment opportunities on a global scale, company officials added.

Members of the organization help to oversee the operations of co-ops, condos and rental apartment buildings/complexes, association officials said.

The BRI is a building, realty and construction industry membership association. The organization has more than 1,800 members in 14 counties of New York State. Those members are involved in virtually every sector of the building, realty and construction industry, association officials said.

How to Deal With A Troublesome Employee?, Continued from p. 3

- the employee has exemplary Yearly Reviews;
- 13.** Prepare for the Grievance by meeting with your attorney and let your attorney negotiate with the union. Similarly, prepare for the Arbitration, with all of your witnesses meeting with your attorney. There is nothing like complete and detailed preparation to assure the best possible presentation to the Arbitrator. Have three copies of all documents ready for the Arbitration.
- Finally, be aware that timely and thorough preparation will give you the best chance at success in an Arbitration. We speak from many years and hundreds of Arbitrations of experience.
- Editor’s Note: The authors are with Finger and Finger, A Professional Corporation. The firm, based in White Plains, is Chief Counsel to The Builders Institute (BI)/ Building and Realty Institute (BRI).**

An IMPACT Special Report

A Project Case Study: Pump It Up - UV Disinfectant in Westchester County

WHITE PLAINS

There is no question that clean water is essential to the health of our global community.

Water is life! As Da Vinci said, “it is the driving force of all nature” and sometimes we neglect to realize just how fortunate we are for having access to the rarest natural resource on this planet.

Luckily, Westchester County understands the value of having this privilege and has prioritized the revitalization of its existing Water and Sanitation Systems, making sure it is at the top of the county’s “To-Do List.”

Aided with the help and support of the Environmental Facilities Corporation (EFC), Westchester County has increased the amount of UV Disinfectant used at each Pumping Station to rehabilitate its systems to provide a safe, long-lasting, and sustainable environment because, “clean water is an investment in the future,” as all involved parties agreed.

As such, the EFC backed the county’s decision to increase the UV Disinfectant for the two-tank water system south of the Kensico Reservoir, which services roughly 270 homes in the Town of North Castle.

If you had the pleasure of hearing Sabrina M. Ty, president and chief executive officer (CEO) of the EFC, speak at the Feb. 16 General Membership Meeting of The Builders Institute (BI)/Building and Realty Institute (BRI), she explained that one of the EFC’s goals is to provide as much Water Infrastructure Support as possible, with a combination of its federally funded loan program and the state Water Infrastructure Improvement Act Grant Program.

A Designation

In March of 2016, the Town of North Castle awarded the General Contracting and Site Development responsibilities for the “North Broadway UV Disinfection” project, an EFC-funded plan, to Kings Capital Construction of White Plains. The company is pioneered by J.D. Summa, chief executive officer and president of general construction, and Mike Casarella, chief operating officer and president of the firm’s Site Development Division.

Kings Capital Construction has ranked on Inc. 5000’s Fastest-Growing Companies List for the last three years. Since 2009, Summa and Casarella have successfully completed various projects in and around the tri-state area. The projects have specialized in turnkey, ground-up commercial construction offering expert services in Construction Management, Commercial General Construction, and Site Development, company officials said.

Kings Capital Construction owns and operates an extensive fleet of trucks and heavy machinery, the essentials for the company’s Site Development Division (led by Casarella), company spokesmen said.

The winning bid for the “North Broadway UV Disinfection” project was prepared by veteran Project Manager Jerre Coleman. Coleman has a degree in Civil Engineering from the University of Florida and has more than 40 years of field experience. Coleman focused his studies on water and wastewater systems, which proved to be advantageous for not only Kings Capital Construction, but also for the needs of the project in the Town of North Castle, company officials said.

The town was under a Consent Order mandating that the project be completed by October of 2016, a non-negotiable demand which meant that the construction schedule had limited flexibility and even less margin for error, company officials added.

The Winning Formula

Kings Capital Construction spokesmen said that it was Coleman’s extensive leadership experience and attention to detail that paved the way for him to confidently lead his onsite team to victory, completing all the work that was requested by deadline. Per the plans designed by GHD Consulting Services, the project’s scope of work required Coleman and his team of laborers to build an extension onto the existing building, since the original system was not to be removed, company officials said.

Moreover, company officials added, Kings Capital Construction had to guarantee that the water supply would remain available to the community, forcing Coleman to strategically plan, making sure the pumps never shut down for longer than 6-to-8 hours at a time. The process guaranteed that the system would continue to operate effectively throughout the entire working schedule for construction.

Kings Capital Construction was onsite for seven months at the North Broadway Pump Station. Coleman was onsite daily, overseeing and delegating responsibilities with his team, company officials said.

With the help of B.A.C Electric, CLR Plumbing, and Premier Comfort, Kings Capital Construction lived up to its reputation by providing excellent, reliable services for the Town of North Castle. With this rehabilitation project - as well as the remodeling of the Cottage Avenue and Winfield Avenue Pump Stations in Harrison, also guided by Kings Capital Construction and Coleman – Westchester County certainly proves that it cares for the health and wellness of its residents above all, officials from Kings Capital Construction said.

Goldschmidt and Associates Brokers Two Retail Leases in Armonk

ARMONK

Goldschmidt and Associates of Scarsdale recently announced that it has brokered two retail leases at 450 Main Street in Armonk.

Eric S. Goldschmidt, senior partner of Goldschmidt and Associates, made the announcement.

The entire shopping center, which is anchored by CVS, is now 100 percent leased, officials said. Lisa Daniel of Goldschmidt and Associates negotiated both leases for the facility. Daniel handles the leasing for the center.

The first signed lease was for 2,276 square feet to First Five Learn and Play, a children’s activity gym, which is opening its first Westchester location. The tenant specializes in classes that are constructed to be age and developmentally appropriate. The tenant was represented by Tyler Lyman and Ryan Stranko of RHYS

Commercial, officials said.

The second signed lease was for 1,120 square feet to Gumdrop Lane, which specializes in a full-service Gift and Party Destination. It also features one-of-a kind gifts, onsite monogramming, helium balloons and more. Daniel was the sole broker, according to spokesmen.

450 Main Street is a highly visible retail center in downtown Armonk. The center has a new CVS, Koku Restaurant and is close to Armonk Square, officials said.

Goldschmidt and Associates, since 1991, specializes in the leasing and sale of retail, office, medical, industrial, land, and investment properties in the New York metro area. The company is licensed in New York, New Jersey and Connecticut, company spokesmen said.

Finance Case Studies: Financial Cyberattacks Are Continuing to Expose Businesses - Fraud Monitoring Services Offer Best Protection, Finance Experts Report

YONKERS

Despite millions of dollars spent on cybersecurity each year in the U.S., financial fraud continues to victimize individuals and businesses of every size. As criminals become more sophisticated and internet mobility creates multiple access points for potential fraud, consumers are forced to find new ways to protect themselves. Financial institutions, as part of an often-targeted industry, are at the forefront of security against cyberattacks, but as banks become more advanced, fraudsters are now focusing attacks directly on individuals and companies.

Financial Fraud in the U.S.

Of the transaction methods subject to attempted or actual payments fraud in 2014, check transactions topped the list with a reported 77 percent greater chance of experiencing fraud than any other type of transaction. Breaches involving credit and debit cards, wire transfers, and ACH debits dipped to 34 percent, 27 percent, and 25 percent, respectively.¹ Although the dollar amount of financial fraud in the U.S. has declined from \$23 billion in 2010 to \$15 billion in 2015, the number of fraud victims increased from 10.2 million in 2010 to 13.1 million in 2015.² This trend is indicative of the adaptability of cyber thieves, as they will test would-be victims by breaching accounts in smaller, single-digit transactions to determine if the account-holder will catch the fraud. If the breach goes undetected, the fraudster will repeat the theft in a much larger denomination.

Anatomy of the Fraud

Although the use of checks is steadily decreasing, check fraud still accounts for 50 percent of business-to-business transactions in the U.S. and represents the largest dollar amount of financial loss due to fraud.³ This type of financial theft is the easiest to accomplish because it doesn't require the same types of security controls as other types of transactions. Physical checks can be stolen from the owner, intercepted in the mail, or copied by a vendor's employee. In any case, once the routing number and account number are captured, checks are easily altered or counterfeited and then cashed or used for payment of goods and services. While mobile deposits offer more convenience for customers, they are not immune to fraud by hackers intercepting the data electronically. Similarly, in the wrong hands, credit and debit cards can be vulnerable to a thief capturing the card number, expiration

date, and three-digit security code. Wire and ACH transactions are increasingly common targets of cyber fraud, allowing hackers to siphon money out of unsuspecting victims' bank accounts. Once an account has been compromised, a fraudulent wire can be submitted through electronic banking channels, as well as through offline channels, such as a call center, fax, or through a branch. In addition to simple check fraud previously described, cyber criminals often use malware or spyware to compromise financial data. There are an estimated 70,000 malware variants released every day and, according to the Anti-Phishing Working Group, 40 percent of computers are already infected.⁴ Once a victim unknowingly downloads the malicious program onto a device, the breach usually occurs in one of several ways. The criminal may steal the sensitive banking information directly by finding it on the victim's computer, gain access to the online account, or compromise an email account to manipulate a fraudulent transaction by exploiting human nature. Through this "social engineering" tactic, the thief hacks email accounts and impersonates a legitimate person to initiate transactions. In some cases, the fraudster will include bits of company news gathered from press releases to lend credibility and gain trust. The criminal might impersonate the account holder to appeal directly to the banker for a wire transfer. In other scenarios, the email may appear to come from the account manager to a bookkeeper ordering an urgent transaction or from a supplier to an A/P clerk with a change of address for payment.

Automated Fraud Detection

As banks build sophisticated systems around their customers' data, they also work to innovate for their account holders, providing online and mobile services that give them unprecedented control over larger and more complicated transactions. For that reason, banks must also offer products and services to protect customers as they enjoy that financial flexibility. While Sterling National Bank (SNB) has implemented a host of additional security features designed to help customers monitor and protect their accounts, the most effective and promising offering is the fraud monitoring service Positive Pay. Positive Pay, a product that significantly reduces financial fraud and was recognized as a "Best Practice" by the American Land Title Association,⁵ is an automated fraud detection tool that matches the account number, check number, dollar amount, and payee of each item presented for payment against a master list of

checks previously authorized and issued by a business or individual. All components of the check must match exactly or the item will not be paid. When a check is presented that does not match the master list, the customer receives a notification to review the "exception item" online and authorize or deny its payment. Positive Pay works in similar fashion for ACH and wire transfers, as the bank keeps track of the account holder's typical payees and flags the ones that fall outside of that list. As with check monitoring, the account holder has the option to approve or deny the flagged transactions individually. For added protection on Positive Pay for check transactions and ACH and wire transfers, the customer also chooses who receives the notice, who has authorization to approve the transaction, and if the notice is received by text, phone, email, or some combination. Also available to account holders are ACH Blocks, which automatically return all ACH transactions that are directed toward a suspicious or flagged bank account or account type, and ACH Filters, which allows customers to pre-authorize which accounts are exempt from those automated returns.

Further Considerations

Most financial institutions offer a cyber fraud prevention service like SNB's Positive Pay, but such systems are only effective if they are co-managed well by the account holder and bank. At SNB, a Relationship Manager serves as the single point of contact for every aspect of a customer's banking experience. Maintaining this more personal relationship cultivates a trusting environment where the banker can more easily identify suspicious activities and both parties have a vested interest to work together to mitigate losses.

An IMPACT Special Report, From Sterling National Bank

Editor's Note: Sterling National Bank (SNB) is a member of The Builders Institute (BI)/Building and Realty Institute (BRI) of Westchester and The Mid-Hudson Region.

¹Association for Financial Professionals; "AFP Payments Fraud and Control Survey – Underwritten by JP Morgan" (March 2015); <https://nacm.org/pdfs/surveyResults/afp-payments-fraud-results.pdf>

²Erin Zwirn, Javelin Strategy; "13.1 Million Identity Fraud Victims but Less Stolen in 2015, According to Javelin" (February 2, 2016); <https://www.javelinstrategy.com/press-release/131-million-identity-fraud-victims-less-stolen-2015-according-javelin>

³Association for Financial Professionals; "AFP Payments Fraud and Control Survey – Underwritten by JP Morgan" (March 2015); <https://nacm.org/pdfs/surveyResults/afp-payments-fraud-results.pdf>

⁴Guardian Analytics – Dissecting Wire Fraud: How it Happens, and How to Prevent It (https://www.aba.com/Tools/Offers/Documents/Dissecting_Wire_Fraud_WP_Dec2013.pdf)

⁵American Land and Title Association; "Title Insurance and Settlement Company Best Practices" (October 7, 2016); <https://www.alta.org/best-practices/start.cfm>

Housing Case Study: Ginsburg Development Companies (GDC) Celebrates its Entry into White Plains with the Debut of The Metro

WHITE PLAINS

Ginsburg Development Companies (GDC) joined with White Plains officials on Mar. 20 to celebrate the debut of GDC's first residential rental property in downtown White Plains. The 124-unit, 12-story building, formerly known as Halstead White Plains, was recently purchased from DSF Group for \$35.25 million and is being rebranded as The Metro by GDC, company officials said.

"These are exciting times for downtown White Plains, which is undergoing a dynamic transformation with several major residential and retail projects under way," said Martin Ginsburg, president and founder of GDC. "GDC is delighted to be part of the excitement with the debut of The Metro. Transit-oriented developments, such as The Metro, are a driving force in today's multi-family market, especially with Millennials. With its easy access to Manhattan and vibrant retail and restaurant scene, White Plains has all the ingredients for continued economic growth." "We are seeing tremendous investment in our city and Ginsburg Development's investment in 34 South Lexington Avenue is an important part of that," said White Plains Mayor Thomas Roach. "This property is in the heart of the White Plains Transit District, an area for which we have recently completed extensive study and which we will soon begin to address short and long term improvements."

Roach added: "Like us, Ginsburg Development clearly recognizes the potential of the Transit District as an integral node of our downtown and the importance of White Plains as a regional business, retail, and entertainment hub. I welcome their investment in our city and look forward to working with them." The Metro becomes GDC's fourth luxury rental building and its first acquisition that is located with easy access to Metro-North train service, company officials said. Last year, GDC completed Harbor Square, a 188-unit luxury rental on the Hudson and next to the Ossining train station. Harbor Square features a public park, waterfront promenade and restaurant. The new restaurant was scheduled to open this April, company officials added. In Yonkers, GDC is currently completing the construction of River Tides at Greystone, a 330-unit luxury rental in Yonkers overlooking the Hudson River and Palisades. The project features a direct walkway to the nearby Greystone Metro-North train station. GDC is also building 1177@Greystone, a 55-unit luxury rental apartment building one block north of River Tides with similar easy access to the Greystone train station, company spokesmen said. Founded in 1964 by Martin Ginsburg, GDC is a premier residential developer in the northern suburbs of New York City. With 50 years of experience and market leadership, GDC has built many of the region's most successful and prestigious luxury developments, many with a Hudson River and/or transit-friendly focus, company officials said. Those developments include Harbors at Haverstraw, Livingston Ridge in Dobbs Ferry, Ichabod's Landing in Sleepy Hollow, Mystic Pointe in Ossining, Marbury Corners in Pelham and Christie Place in Scarsdale. GDC's developments have won numerous design and community planning awards, company spokesmen said. GDC also owns and manages a portfolio of commercial properties, primarily in Westchester County.

Save the Date!

BI-BRI Golf Outing September 12

New Location!

Glen Arbor Golf Club Bedford Hills



Industry Officials: NY State Legislators, NYC Council Taking Aim at the Very Heart of Co-op Boards' Fiduciary Responsibilities, Continued from p. 1

very well be unworkable, depending on the time of year or circumstances, like an incomplete application. Then, they want to force the co-op board to give reasons in the event of a rejected application. Under New York State co-op law, a board has the right to a uniform set of criteria, without prejudice or discrimination, in choosing its neighbors and fellow cooperative shareholders." Mary Ann Rothman, executive director of The Council of New York Cooperatives and Condominiums (CNYC) of New York City, and Albert Annunziata, executive director of The Cooperative and Condominium Advisory Council (CCAC) of The Building and Realty Institute of Westchester and The Mid-Hudson Region (BRI), equally denounced both the city's and state's efforts to tighten the regulatory noose around Boards of Directors and Presidents of co-ops. "It appears to be open season on co-op officers, who devote so much of their time on a voluntary basis in serving their housing cooperative," noted Annunziata. "This legislation rears its ugly head all too often now, with the sponsors having no idea as to the possible repercussions these bills could have on cooperative housing

throughout the metropolitan area." Annunziata added: "Whether it's artificial timetables or mandatory reasons for denial, once you start down that slippery slope, it threatens to permanently undercut a cooperative board's ability to govern fairly and well. The overwhelming majority of cooperatives process their applications in a timely fashion, so the Hannon bill and others like it, are so-called 'solutions' looking for a problem. For those few that do not, there are usually good reasons for delays, having nothing to do with arbitrary, capricious or discriminatory actions. Co-op boards are too wise and realize that they cannot afford to behave in that way." The CCAC is working closely with the CNYC in rebelling against what building and realty industry spokesmen termed as "these legislative attacks on the legitimate fiduciary powers of cooperative boards throughout the state."

An IMPACT Staff Report

“London Calls” on Mamaroneck Self-Storage

MAMARONECK

Mamaroneck Self-Storage was recently visited by a group of London-based insurance brokers who specialize in insuring self-storage facilities, company officials said.

The tour was arranged by Jacquelyn Nash of On the Move to give the English team of experts a first-hand, birds-eye view of select U.S. self-storage facilities.

“Mamaroneck Self-Storage is an amazing facility,” said Nash. “Our insurers were very impressed by the cleanliness, construction and security features at their facility.”

On The Move is a family business, servicing the self-storage industry for more than 25 years. The insurance agency offers industry-specific property and casualty insurance for self-storage operators, as well as an award-winning Tenant Protection Program. The company’s Tenant Protection Program helps operators increase rent rolls (at up to 90 percent margins), protect tenants and add value to their portfolio or property, company officials said.

Mamaroneck Self-Storage is also a family-owned business. The company offers local storage solutions for both personal and business storage opportunities in the Sound Shore area of Westchester County, company spokesmen said.

More than 40 representatives of the local building, realty and construction industry attended a Mar. 22 seminar of The Builders Institute (BI)/Building and Realty Institute (BRI) at The Holiday Inn of Mount Kisco. The meeting provided an update on the recent revisions to New York State’s Building Codes. Erika Krieger, assistant director for code compliance and inspection, Department of State (DOS), Division of Building Standards and Codes, was the keynote speaker. Krieger is pictured, standing, in the center, during her presentation. *Photo by Albert Annunziata*



The Builders Institute (BI)/Building and Realty Institute (BRI) was an exhibitor at the Mar. 29 Westchester Business Expo of The Business Council of Westchester (BCW). The event featured exhibitors that represented many sectors of the local business community. More than 1,500 representatives of the business sector participated in the program, event officials said. Pictured during the Expo, from left to right, are New York State Attorney General Eric T. Schneiderman; Albert Annunziata, executive director of the BI-BRI; and Marsha Gordon, president and chief executive officer, the BCW. The event was at the Hilton Westchester in Rye Brook. *An IMPACT Staff Photo*

Insurance Insights: A Review of Why the BRI Does Not Support the New York Senate Bill to Remove the State Insurance Fund 30-Day Rule, Continued from p. 1

a policy in effect. The SIF issues you a Certificate of Insurance and you are expecting the SIF to notify you if the contractor’s insurance is being cancelled.

This 30-day Notice Requirement allows the SIF time to generate and mail Cancellation Notices in advance of their policy cancelling.

Why Does It Protect the Policy Holder?

This explanation will alert you to why some insurance brokers might not want you to have 30 days to look at your insurance options. It can be very confusing for a Policy Holder to understand how much they are paying for their Workers Compensation Insurance. It is why the SIF mails out their policies 45 days before the renewal date to give their Policy Holders enough time to review it.

And, more than half of SIF Policy Holders are in Safety Groups which offer both Upfront Group Discounts and potentially large Group Dividends each year, following policy expiration. Plus, there are often Service Fee Costs associated with being in a Safety Group.

And, to make this more confusing, final premiums are determined after the policy is over when the audit is billed. So comparing one insurance program to another is not simple. The 30-Day Rule allows the Policy Holder 30 days to evaluate and carefully analyze options. There is no downside to allowing a business owner time to understand their insurance options.

A Negative Scenario

The impact of this protection was dramatically seen in the late 1990’s. During that time, some insurance brokers started selling a different concept, Self-Insurance Workers Compensation Trusts. These Trusts paid insurance brokers a significant commission to sell their product.

From the outside, the Trusts looked like they were offering business owners a significant savings on their Workers Compensation, a savings they just couldn’t refuse.

But, thanks to the 30-Day Rule, business owners were required to notify the SIF 30 days prior to leaving the SIF for these new Trusts. That allowed the State Fund and the business owners’ current insurance brokers to educate business owners to a significant risk with these new Self-Insurance Trusts.

In the “small print” of these Self-Insurance Policies was the fact that the business owners had to sign up to become jointly and severally liable for the Trust.

So, if the trust ended up having more claims than projected, the Trusts could assess the policy holders, years down the road! This is a huge exposure that the business owner never had before. This needed to be carefully explained and analyzed.

“The Bottom Line is that the 30-Day Rule allows for a free market of competition, while allowing the policy owners enough time to consider their options.”

Most business owners did not want to take on this added risk. But those that did soon learned the consequences.

Within a few years the Trusts collapsed, resulting in \$500 Million in assessments. Unfortunately many businesses could not afford these assessments and ended up closing down, or suing their insurance brokers. In the long run, all New York State Taxpayers were forced to cover the costs of these unpaid Workers Compensation Claims!

A Key

The Bottom Line is that the 30-Day Rule allows for a free market of competition while allowing the policy owner enough time to consider their options. There is only one group that has a vested interest in not allowing a business owner the time to weigh its options.

Editor’s Note: Levitt-Fuirst Associates is the Insurance Manager for The Builders Institute (BI)/Building and Realty Institute (BRI) The firm can be reached at (914) 457-4200.

Letters to the Building and Realty Institute (BRI) and IMPACT Newspaper

To Albert Annunziata, Executive Director, BRI and Publisher, IMPACT Newspaper

FEBRUARY 21, 2017

“Thank you for inviting me to share my thoughts on the global capital markets at the BRI’s inaugural (General Membership Meeting of January 12, 2017) meeting for the year. I was delighted by the terrific turnout (a total of 96 BRI members) and the active engagement of your members. Congratulations on celebrating your 70th (anniversary) year (in 2016), and best wishes for many more.”

Steve Cucchiaro, president and chief investment officer of 3EDGE Asset Management

To Jeff Hanley, Associate Executive Director, BRI, and Executive Editor, IMPACT Newspaper

APRIL 4, 2017

“When I first became involved with The Cooperative and Condominium Advisory Council (CCAC) of the BRI, I did so because I knew it would be an excellent forum for the exchange of information and experience. I did not expect that it would offer me the opportunity to spend time

with so many wonderful people whose company I truly enjoy. The CCAC, in fact, the BRI in general, is so much more than a networking organization. You and Albert Annunziata, Maggie Collins, Jane Gill, Margie Telesco and all the staff have created such a welcoming atmosphere at all of our meetings and events, and I am delighted to be counted among the many informed and concerned individuals who comprise the membership. I truly appreciate all you do.”

Kathleen Jensen Graham, Board Member, CCAC

Editor’s Note: All comments, letters and e-mails to The Building and Realty Institute (BRI) and IMPACT Newspaper are welcome. Letters can be mailed, or faxed to us, at BRI, 80 Business Park Drive, Suite 309, Armonk, NY 10504. Fax: (914) 273-7051.

E-mails can be sent to: Jeff Hanley, Associate Executive Director, BRI and Executive Editor, IMPACT, at jeff@buildersinstitute.org; Margaret Collins, Director of Membership, BRI, and IMPACT Advertising Director, maggie@buildersinstitute.org, or Albert Annunziata, Executive Director, BRI, IMPACT Publisher, aaabri@msn.com.

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Services Profile:

The Community Preservation Corporation (CPC) is Continuing Its Mission of Offering Solutions to Key Issues

By Jeff Hanley, IMPACT Editor

WHITE PLAINS
Many communities in the Westchester and Mid-Hudson Region continue to face a series of problems that affect their respective municipalities.

A goal of The Community Preservation Corporation (CPC), a member of The Builders Institute (BI)/ Building and Realty Institute (BRI), is to help those communities.

CPC, described by company officials as a non-profit affordable housing and community revitalization finance company, offers a variety of options to assist municipalities in the Westchester and Mid-Hudson Region.

Those options, CPC officials cite, are flexible capital solutions, fresh thinking and “a collaborative approach” to the complex issues facing the region’s communities.

CPC officials stress that the goal of the company is to be “more than just a lender.” Company spokesmen consistently say that CPC works as a partner to provide technical expertise, support and flexible solutions that help meet the capital needs and broader community revitalization goals of its clients, local stakeholders and the municipalities that the company serves.

CPC spokesmen say that the company’s “deep strategic relationships” with government agencies, local community groups, banks and other investors help to position CPC “as a trusted partner that works hand-in-hand” with housing providers to create customized financing solutions.

An Historical Look

In 1974, when CPC made its first loan, the goal of the company was to help owners and developers of small multifamily buildings in New York City revitalize their neighborhoods with safe, affordable housing, spokesmen said.

The company, CPC officials added, knew then that it would require working jointly with government agencies, local community groups, banks, pension funds, and other partners to help property owners secure the funding that is needed to build stronger communities. More than four decades later, CPC officials said, the value of the company’s collaborative approach is greater than ever. In 2016, CPC helped finance the creation, or preservation, of 5,752 units of affordable housing throughout New York State.

As a non-profit affordable housing and community revitalization finance company, CPC cites that it has developed “deep, strategic partnerships” that have

“CPC officials stress that the goal of the company is to be more than just a lender.”

been critical to the company’s “thoughtful approach to preserving and nurturing affordable housing.”

CPC officials stress that the organization’s “boots on the ground” approach involves ensuring that its experts are in the communities that the company serves. As a result of that placement, CPC representatives can build the relationships necessary to respond to customer and municipal partner needs, company officials said.

The Field Office Leadership Team of CPC is cited by company officials as keys in the products and services that the organization provides. The team includes:

❖ **Tom McGrath**, senior vice president for upstate strategy, 25 years of experience contributing to what CPC spokesmen termed as “his lending expertise and visionary affordable housing knowledge” throughout New York State;

❖ **Richard Conley**, senior vice president for agency originations, close to 30 years of experience as an affordable housing expert;

❖ **Michael Dewitt**, more than 25 years of experience in CPC’s specialty areas;

❖ **Doug Olcott**, senior vice president, regional director, Hudson Valley Region, more than 25 years of experience in CPC-specialty issues;

❖ **Nick Petraggiani**, Central and Western Region, more than 30 years of experience in addressing topics of importance to the organization and its clients;

❖ **Robert Riggs**, New York City Region, and **Michael Skrebutenas**, Capital Region, both with more than 25 years of CPC experience;

❖ **Matthew Nelson**, vice president/manager, small balance loan program, agency originations.

CPC veterans of that type regularly utilize the company’s Lending Products in the organization’s mission. Those important products, CPC officials said, include:

- ❖ Construction Lending;
- ❖ Permanent Lending;
- ❖ Agency Permanent Lending.

CPC, led by Olcott, was a co-sponsor of the Mar. 9 General Membership Meeting of the BI-BRI. CPC representatives issued a presentation on what the company offers to members of the local building, realty and construction industry. The presentation impressed many at the conference.

“I thought CPC was outstanding,” said Maggie Collins, director of membership and advertising for the BI-BRI. “The explanations of the speakers on how CPC can assist members of our industry were thorough, and I know many share that opinion. The deliveries at the meeting from CPC officials regarding the important work that the company does was excellent.”

GHP Office Realty Purchases 660 White Plains Road

TARRYTOWN

GHP Office Realty recently announced that, along with a group of private investors, it has acquired one of the largest and most iconic office buildings in Westchester County, 660 White Plains Road in Tarrytown.

The six-story building is 280,000 square feet and is presently 85 percent occupied with more than 30 tenants. The pyramid-shaped building is visible from the New York State Thruway, I-287 and the Sprain Brook Parkway. It is two miles from the Tappan Zee Bridge and 30 minutes north of New York City, GHP said.

The building was purchased at a substantial discount to replacement cost. The purchasers intend to initiate a substantial capital campaign to restore the building to a premier position as one of the most sought-after properties in the suburban New York Area, according to GHP Office Realty spokesmen.

GHP Office Realty officials added that the property was one of the last speculative office buildings built in Westchester.

Valuable Experience

GHP Office Realty Principal Andrew Greenspan confirmed that the new owners are intent on bringing their “considerable expertise and resources” to the property.

“We live and work in Westchester,” Greenspan said. “We are headquartered in Westchester. We own and manage a dozen other properties nearby. We have the capital plan and ‘know how’ to restore this property to the highest level.”

Greenspan added that renovation plans will include upgraded landscaping, lighting, parking lots, renovated lobbies and common areas, a new state-of-the art fitness center, modernized food service and re-vamped building and mechanical systems.

Continued on p. 11

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GHP Office Realty Purchases 660 White Plains Road, Continued from p. 10

“The acquisition of 660 White Plains Road is a natural extension of what we do,” he said.

Westchester County Executive Rob Astorino thanked GHP for its commitment to the county.

“GHP’s plan to upgrade and renovate the iconic pyramid building in Tarrytown underscores Westchester’s value as the smart place for business with its access to talent, commerce and quality of life,” Astorino said.

Astorino added: “In the past two years, GHP has focused its acquisition activity in Westchester. I want to thank GHP for its strong, ongoing investment in our county.”

Mortgage Financing was provided by James Houlihan and Bryan Houlihan of Houlihan-Parnes Realtors, LLC. Andrew Merin of Cushman & Wakefield’s Capital Markets Team represented the seller. The purchaser was represented by Andrew Albstein, Esq. of Goldberg Weprin Finkel Goldstein, LLP. Title was provided by John Martin, Esq. of the All New York Title Agency, GHP Office Realty officials said.

GHP Office Realty was formed in 1999. The company is headed by Greenspan and James Houlihan. GHP Office Realty owns, manages and leases approximately 5,000,000 square feet of commercial space in the New York Tri-State area. The company focuses on the acquisition, leasing and management of properties throughout the New York suburbs, GHP spokesmen said.

GHP Office Realty is a division of Houlihan-Parnes Realtors, LLC, one of the New York area’s leading owners, operators and purchasers of suburban New York commercial space.

GHP Office Realty has acquired, financed, redeveloped, leased and managed more than 5,000,000 square feet. Regionally, the partners presently own and manage buildings in Westchester and Rockland counties, Fairfield County (Conn.), Bergen County and Princeton (N.J.) and Fort Worth (Tex.).

Ferrara Management Group (FMG) Earns a Prestigious Building and Realty Industry Professional Accreditation

ARMONK

The Ferrara Management Group, Inc. (FMG) recently announced its receipt of a noteworthy building and realty industry designation. FMG officials reported that the company has earned the Accredited Management Organization (AMO) designation from the Institute of Real Estate Management (IREM). IREM is an affiliate of The National Association of Realtors (NAR).

The AMO accreditation is the only citation in the realty industry that recognizes excellence among real estate management firms. Companies that earn the designation must demonstrate the highest standards in professional service, financial stability and accountability. The firms must also have a Certified Property Manager (CPM) directing and supervising the real estate management team. AMO firms must abide by the rigorous AMO Code of Professional Ethics that is strictly enforced by the Institute, IREM officials said.

FMG, headquartered in Armonk, was founded in 2013 by Robert M. Ferrara, CPM. The company manages co-ops, condos and homeowners associations in Westchester County and the five boroughs of New York City. In less than four years, the firm has expanded to manage more than 40 residential properties. It has 18 employees, with offices in Westchester County, Manhattan and the Bronx, company spokesmen said. Company officials added that FMG is the first professional management company in Westchester County to become an AMO firm and one of less than 25 within New York State.

“We continue to show our commitment to the communities we serve and our employees by obtaining such designations,” Ferrara said. “Our team members are the heart and soul of the organization and I am very proud to be working with a group of talented professionals.”

Paul Boogaard, Esq., an account executive with FMG, added: “FMG is dedicated to promoting training and professional standards within the real estate management industry. Our advocacy on behalf of our clients has helped establish our foothold within the Hudson Valley and New York City areas.”

FMG officials added that, with the AMO designation, FMG is anticipating further growth as one of the leading real estate and property management firms in Westchester County and the five boroughs.

Development Study: Stagg Group Gets Approval for a New Apartment Building in Yonkers

YONKERS

In what was described by company spokesmen as the culmination of three years of review by city officials and numerous meetings with neighbors, Stagg Group recently announced that its plan for transforming a rundown abandoned property in Yonkers into a new luxury rental building is finally moving ahead.

After meeting with neighbors, it became clear that their primary concerns were about density. To address those concerns, Stagg and his team reduced the number of units several times, going from as high as 224 apartments to its current plan for 160 rental units, company officials said.

“We realized that 160 is the right number,” Stagg said. “This is what the neighborhood wants.”



PLANNED FOR YONKERS – Above is an Architect’s rendering of 705 Bronx River Road in Yonkers. Stagg Group recently announced that it is moving forward with its plans to develop a 160-unit, nine-story apartment building, with parking, on the site.

The announcement was made by company officials on Mar. 23.

Company officials said that the Yonkers City Council voted on Mar. 21 to rezone 705 Bronx River Road from commercial to residential. The vote allows Stagg Group to move forward with its plans to develop a 160-unit, nine-story apartment building, with parking.

After investing \$7 million into the project, Stagg company officials said on Mar. 23 that the company planned to begin demolition within 30 days and start construction later this spring. The new complex will take up a city block on Bronx River Road, Crescent Place and Reyer and Springer avenues. The block currently has an empty commercial building, parking lot and the 5 houses Stagg Group has acquired on Crescent Place.

For the past three years, Stagg Group has met repeatedly with neighbors and worked with city officials to adjust the number of units and address parking and density concerns so that it could proceed with plans to raze the existing structure and build new apartments there, company officials said.

“We want to be part of the solution,” said Mark Stagg, president of the real estate development company that is best known for the many units of housing it has built in Westchester and the Bronx since 1996. “We wanted to find out what works best for the neighborhood, what works best for the city.”

Background

When Stagg first acquired the rundown property at 705 Bronx River Road in 2013, company officials said, he envisioned it as the new headquarters for his company.

“We liked its central location and the fact that the building could accommodate all of our employees under one roof,” Stagg said.

But after inspecting the abandoned building - which had undergone four awkward additions over the years - Stagg said that he realized that renovating the existing structure was not economically feasible.

“It’s completely unworkable as is,” he said. “It’s a tiny commercial island surrounded by residences. If you look at a map, it looks like a missing tooth.”

A Response

Company officials said that, in response to community concerns, a new traffic pattern for the intersection of Bronx River Road, Midland Avenue and Broad Street to reduce back-ups was also added to the plan.

“We realize this was a pre-existing condition - however, we feel it’s the right thing to do for the entire community,” Stagg said.

The site at 705 Bronx River Road in Yonkers is within walking distance of two Metro-North train stations - Fleetwood and Mount Vernon West. Both Yonkers and Westchester County have planning policies in place that promote the construction of dense housing near train stations, also known as transit-oriented development, company officials said.

The end result, company officials added, is that an abandoned eyesore is being turned into an asset for the city and neighborhood while putting the property back on the tax rolls. It also helps unify the zoning map by inserting what Stagg said was “the missing tooth.”

Yonkers City Council President Liam J. McLaughlin said: “The City Council has worked closely with the surrounding co-op boards in the area to craft a plan that addresses community concerns, including parking, traffic and overcrowding. Stagg has worked with the community in a truly meaningful way on those issues and what we have is a finished product that puts a valuable parcel on the tax roll and creates good construction jobs. I’d like to thank everyone involved from the city, Stagg Development and the members of our co-op boards who worked together to bring this project to fruition.”

Stagg said that his company went the extra mile, spent the money, and listened and worked with the community to put together “a workable plan, something that will benefit everybody.”

“We wanted to do what is right, what is sensible,” he said. “It’s a win-win for everybody.”

Tech Talk

Surprise - Your Internet History is Now on Sale!



By Andrea Wagner, President, Wagner Web Designs, Inc.

DANBURY, CT

The U.S. House of Representatives has just approved a President Trump-supported bill of privacy rules, which gives your Internet Service Provider (ISP) the right to sell your internet history to the highest bidder.

This approval means that whoever you pay to provide you with Internet Access - Comcast, AT&T, Time Warner Cable, etc. - will now be able to sell everything they know about your use of the Internet to third parties without requiring your approval - and without even informing you!

Your ISP already knows quite a lot about you: your name and address, and a host of other personally identifiable information, such as your Social Security Number. That’s on the customer information side.

On the service side, they know which websites you visit, when, and how often. That information is used to build a very detailed picture of you: your political and sexual views, whether you have kids, when you are at home, medical conditions, etc.

If they have sufficient value to companies willing to pay for them, it will soon be traded without your knowledge.

Your previous Search History can also impact what result you see in the future. The precise user profiles that can be built using this data are worth their weight in gold to advertisers.

How much is that information worth to your ISP? It’s about \$30 per household, per month. That jumps to \$60 per month if you get Internet Access through your cable provider - which most Americans do - because it also enables the company to monitor your TV usage and connect the two.

With more than 100 million households online in the U.S., that means Congress has just given “Big Cable” an annual payday of between \$35 billion and \$70 billion. What does this actually mean for end users?

At the moment, it gives them the right to effectively sell ads to a targeted audience. Google does the same thing in a different way - it uses your Search Results. It may use the Chrome browser - for example, Gmail being the big one - to build up your profile.

You are probably always logged into Gmail, and you have Chrome as your default browser, so everything you do potentially finds its way back to Google.

ISPs now have this power, too. Except they have one huge advantage: they don’t have to get you to login, or opt into, anything.

What You Can Do To Protect Your Privacy

1 Log out of Gmail. Switch your Search Engine to something that is not Google. DuckDuckGo is a Search Engine that does not track you, or store your information.

2 Log out of Facebook (and any sites you used Facebook to log into) and delete all the cookies it has installed on your system (your ISP still sees everything you are doing because its service is

your internet connection).

3 Log out. You don’t have to be logged into Facebook and/or Gmail all the time.

4 Call your ISP and ask them about opting out. Tell them you are concerned about them tracking your activity and ask them for their policies. Ask them what information they have on you and what they are allowed to sell. Ask them what you are allowed to opt out of (they are obliged to tell you), and then opt out of it.

Editor’s Note: Andrea Wagner is President of Wagner Web Designs, Inc. The company, a member of The Building and Realty Institute of Westchester and The Mid-Hudson Region (BRI), specializes in Optimized Small Business Websites. Wagner can be reached at (914) 245-2626.

Sunrise Solar Solutions “Takes the Lead” in Commercial Installations with Two New “Solarize Commercial Wins”

BRIAFCLIFF MANOR

Sunrise Solar Solutions has won two new commercial Solarize contracts, company officials recently announced.

Sunrise Solar Solutions is now the designated commercial solar installer for both Solarize Greenburgh and Solarize Peekskill. The company now has nine Solarize contracts, company officials said.

Company officials said that Sunrise Solar Solutions has also been named the designated residential and commercial installer by other Solarize programs throughout the region. They include Solarize Bedford-Mount Kisco, Solarize Cortlandt-Croton, Solarize Larchmont-Mamaroneck, Solarize Nyack Plus (including all of Rockland County), Solarize Rye Brook, Solarize Hastings-Dobbs Ferry and Solarize Wappingers.

Solarize is a Community Outreach Program that uses a discounted pricing structure, town-supported education and outreach to offer quality, affordable solar electric systems to property owners, company officials said. Sunrise Solar Solutions was chosen as the installer best suited to serve business owners through the Solarize program’s competitive bidding process, company officials added.

The process, company officials said, requires that all solar contractors be thoroughly vetted by state and local agencies, have a stellar reputation, a commitment to the community and prove that they are dedicated to best practices.

Company officials said that Sunrise Solar Solutions has “soared to the forefront of commercial solar innovation,” catapulted by many successful projects. Those projects include the recent completion of the first Community Distributed Generation (CDG) solar energy system in the Hudson Valley.

The completion of that initiative paved the way for commercial solar customers to sell energy to residents under the new “shared solar” arrangement - formally called “Community Distributed Generation” - now allowed in New York State where the solar electricity from commercial buildings directly reduces the elec-

tric bills in the homes of nearby subscribers, company spokesmen said.

Company officials added that Sunrise Solar Solutions created the first commercial solar installation for the Town of New Castle, which won the company an award from the New Castle Sustainability Committee.

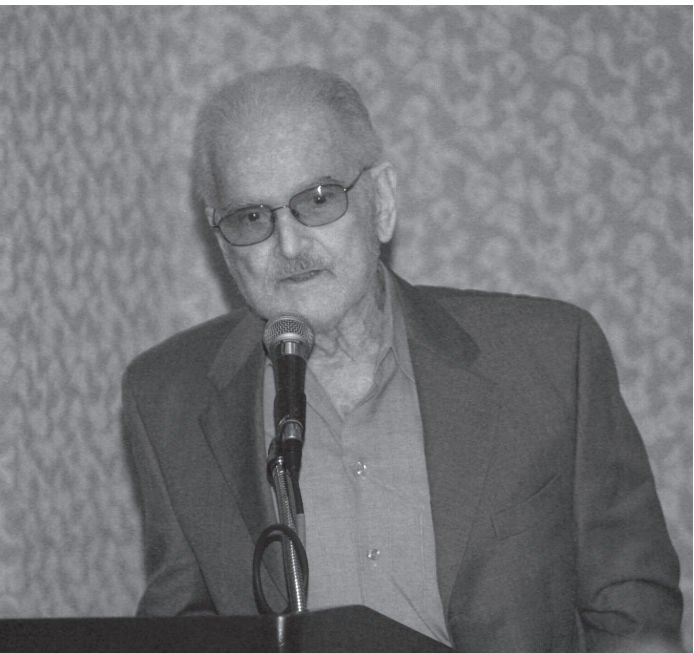
“For business owners, the economics have definitely tilted in favor of solar - so the demand is growing rapidly,” said Doug Hertz, president of Sunrise Solar Solutions.

Hertz added that Sunrise is “enthusiastically poised” to meet that demand. “We are excited about all the advances and innovations made with solar and the many new opportunities available to businesses and homeowners alike,” he said. “These are some really advanced, really challenging residential and commercial projects that other solar companies might shy away from, but for us, they are a very natural progression from the work we’re already doing and enjoying. So that is a big part of my vision for the future.”

Sunrise Solar Solutions has installed more than 428 installations in homes and businesses throughout Westchester, Rockland and the entire Hudson Valley, company officials said. The firm was recently named the company that “leads the way in the state-wide solar movement.”

“We are known as a top-tier residential and commercial installation company and guarantee our clients that they will receive the highest quality materials, the best possible service and pricing, and the benefit of our experience and hands-on customer service approach,” Hertz said.

Sunrise Solar Solutions is the largest locally-owned and operated solar company in Westchester, company officials said. The company covers all of the Westchester and Hudson Valley Region, as well as Connecticut and the boroughs of New York City. The firm offers sales, design, and installations of state-of-the-art solar energy systems for both homes and businesses, company officials added.



Herb Rose

Building and Realty Industry Representatives Are Saddened by the Death of Herb Rose, a Well-Known and Popular Industry Consultant

By Jeff Hanley, IMPACT Editor

NEW YORK

Members of the local building and realty community have expressed profound sadness over the recent death of Herb Rose, a well-known consultant to the industry.

Rose, a longtime consultant to The Building and Realty Institute of Westchester and The Mid-Hudson Region (BRI), died on Mar. 22, according to his wife, Myra Rose.

Regarded as an expert in property management issues affecting multi-family housing, Rose was the principal of Herb Rose Consulting of New York. He was frequently quoted in the media on issues affecting the building and realty industry, as well as the Co-op and Condo Sectors.

Rose was also consistently involved with the BRI and its affiliate organizations. He was a Special Consultant to the Board of Directors of The Cooperative and Condominium Advisory Council (CCAC) of the BRI from 1986 to 2015. He consistently spoke at CCAC Membership Meetings, as well as conferences and seminars of the BRI’s other affiliate groups.

Regarded by many in the building and realty industry as an expert in energy issues, Rose served as a representative of the

“His longtime help to our associations and the knowledge that he brought to our organizations was so very much appreciated. He will be missed.”

BRI and its affiliate organizations during his time as a member of a series of New York metropolitan area business and energy groups. He was also well-known for originating the popular Co-op and Condo Corner column for IMPACT Newspaper, the official publication of the BRI and its component associations. The column was authored by Rose from 1987 to 2015.

“We are all most definitely saddened by the loss of Herb,” said Diana Virrill, chair of the CCAC. “He was a true friend and ally to all of us at the CCAC and the BRI. His longtime help to our associations and the knowledge that he brought to our organizations was so very much appreciated. He will be missed.”

Jane Curtis, vice chair of the CCAC, also stressed the value of Rose to that association.

“He was a major contributor to the success of the CCAC,” Curtis said. “Herb was my mentor and steadfast friend during our years together on the Vernon Woods (a Mount Vernon co-op) Board of Directors. He began bringing me to BRI meetings back when we convened at the old Alex and Henry’s Roman Gardens in Eastchester. He also nominated me to the CCAC’s Board of Directors. I am grateful for his life, and the role he played in mine. And I am so very sad.”

Albert Annunziata, executive director of the BRI and the CCAC, termed Rose as “a great guy, a real gentleman.”

“Co-op and Condo Living, Governance, Finance and everything else affecting it was in his blood,” Annunziata said. “And he was very generous in sharing his knowledge, expertise and advice with all of us at the BRI and the CCAC, all served up with a healthy dose of humor, as well.”

Murphy Brothers Contracting Ranked Among “The Fast-Growth Companies” by New York SmartCEO 2017

By Jeff Hanley, IMPACT Editor

NEW YORK

New York SmartCEO recently honored Sean Murphy and Chris Murphy, co-owners of Murphy Brothers Contracting of Mamaroneck, by listing the firm among its “Fast-Growth Companies.”

The announcement of the ranking came at The 2017 Future 50 Awards Ceremony of New York SmartCEO on Mar. 16.

More than 300 executives joined New York SmartCEO in celebrating 60 of the New York metropolitan area’s fastest-growing companies. The firms included 50 mid-sized companies, six Blue Chip firms and four Emerging Growth businesses, event officials said.

Event officials added that the Future 50 Awards program is the largest and most anticipated SmartCEO awards program of the year. The program recognizes the region’s fastest growing, mid-sized companies, businesses that “represent the future of the region’s economy and embody the entrepreneurial spirit critical for leadership and success.” The winners are chosen based on a three-year average of employee and revenue growth, event officials said.

The Murphy brothers began their general contracting business in 1979, operating out of the basement of their parents’ home in Larchmont, company spokesmen said. The company is now known throughout the New York metropolitan area for its custom homes and renovations, as well as for its construction work at private clubs in the area, company officials added.

“The act of ‘building a building’ is essentially the same as it was when we started,” said Sean Murphy. “However, we’re learning to stay ahead of the curve with regards to green building, energy efficiency, stricter regulations and smart technology. After 40 years, we’re still learning.”

Chris Murphy attributes the company’s longevity to successful collaborations.

“Our company puts a lot of emphasis on achieving success through teamwork,” he said.

Added Jaime Nespor-Zawmon, president of SmartCEO: “Ask any CEO and they’ll tell you that leading a fast-growing company is one of the most exhilarating and challenging endeavors an entrepreneur can experience. From growing a startup to scaling an established organization, this year’s Future 50 winners have executed their growth strategies year-after-year. More impressively, they have created job opportunities and fueled economic prosperity in our region.”

The 2017 Future 50 winners collectively generate more than \$3.48 billion in annual

revenue and employ 10,984 individuals in New York, spokesmen said.

Murphy Brothers Contracting is a member of The Builders Institute (BI)/Building and Realty Institute (BRI) of Westchester and The Mid-Hudson Region. Michael Murphy of the firm’s New Project Development Division is a member of the association’s Board of Trustees.

Recent projects of Murphy Brothers Contracting have received both local and national design-award recognition. The company’s recent renovation of The Larchmont Yacht Club was honored by two local chapters of The National Association of Home Builders (NAHB) for building excellence. The project also received a Chapter Design Award from the American Institute of Architects (AIA), company spokesmen said.

Services of Murphy Brothers Contracting range from residential to light commercial projects, as well as to equestrian facilities and construction management, company spokesmen added.



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