

SKY LINES

#37

VOLUME TEN
SPRING/SUMMER2020

WHAT'S NEW IN FISP CYCLE 9

New stringent requirements require building owners and managers to be more proactive and vigilant than ever on multiple fronts. p6

GET A FREE COVID-19 SAFETY MANUAL

Safety policies and procedures for the construction industry, in English and Spanish, available upon request. p13

GRANT MORATORIUM ON SCAFFOLD LAW

The best of NY construction and real estate firms urge the governor to grant a 12-month moratorium on the "absolute liability" provisions. p10

Reopening New York

What you need to know on safely operating a construction worksite in the COVID-19 new reality





Watch Video

COVID-19 Safety Guidelines Video
for Jobsite, Office, and Warehouse

<https://vimeo.com/432299166>

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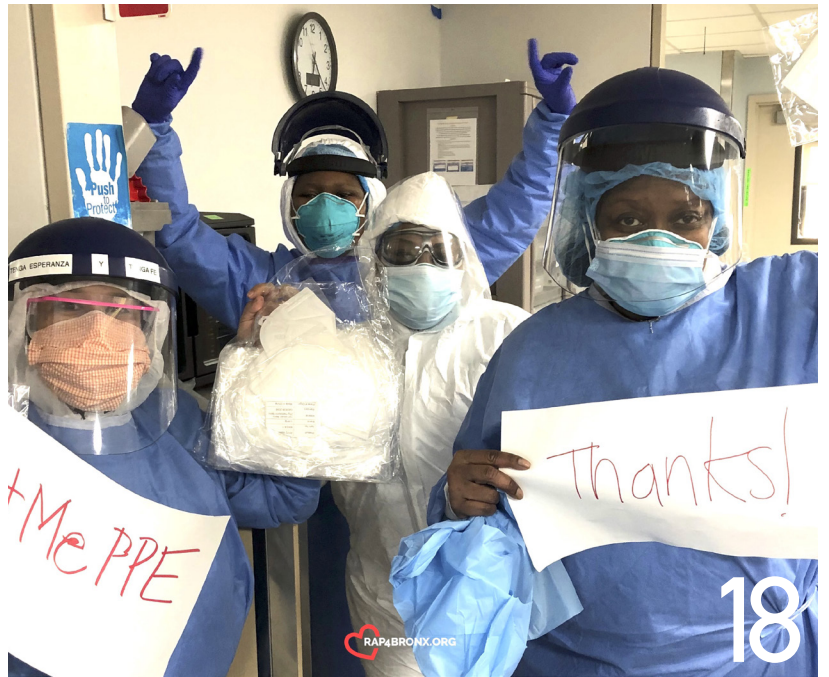


PHASE 1: NYC CONSTRUCTION RESTART

8



5



18

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COVID-19
RELIEF MEASURES



12-MONTH
MORATORIUM
ON THE
SCAFFOLD LAW

CLICK HERE TO VOTE ➔



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6



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COVID-19
PREPAREDNESS
PLAN

SAFETY
POLICIES &
PROCEDURES
FOR THE
CONSTRUCTION
INDUSTRY

**RACISM
IS NOT AN OPTION.**

**SILENCE
IS NOT AN OPTION.**

**CHANGE
STARTS WITH US.**

LOOKING BACK... MOVING FORWARD!

In the spring of 2010, a newsletter by the name of *SKYlines* made its debut. It was the brainchild of John Kalafatis, Skyline Restoration's founder and former president & CEO, who asked the writer to add editor to her role as director of marketing. The newsletter was conceived as a way of keeping our diverse publics informed on topics of interest to the design and construction community with a special focus on the building envelope restoration and preservation industry in New York City and beyond.

From the start, the newsletter was available in print and online. Interest grew and we soon learned that people were actually looking forward to the next issue! Why did it work? We like to think it has something to do with our commitment, from the beginning, never to be self-serving. Our goal was to offer information for the industry as a whole.

Over the years, we have featured bylined articles by our associates in engineering and architecture. We update all on the latest rules and regulations from the NYC Buildings Department, OSHA and the Landmarks Preservation Commission. We explore new and emerging construction technologies and materials. We post editorials; previews on upcoming projects; recaps of industry events including the very successful Skyline Restoration golf outings supporting various charitable organizations. Signature projects and awards are noted in the context of lessons learned with tips that could be useful to our readership.

All past issues are [archived](#) online.

As we celebrate *SKYlines*' 10th anniversary, we hope to make this publication better and more helpful and relevant than ever. As always, we invite your comments, ideas and suggestions. Email us at skylines@SkylineRestoration.com

Be safe!

Eva Hatzaki

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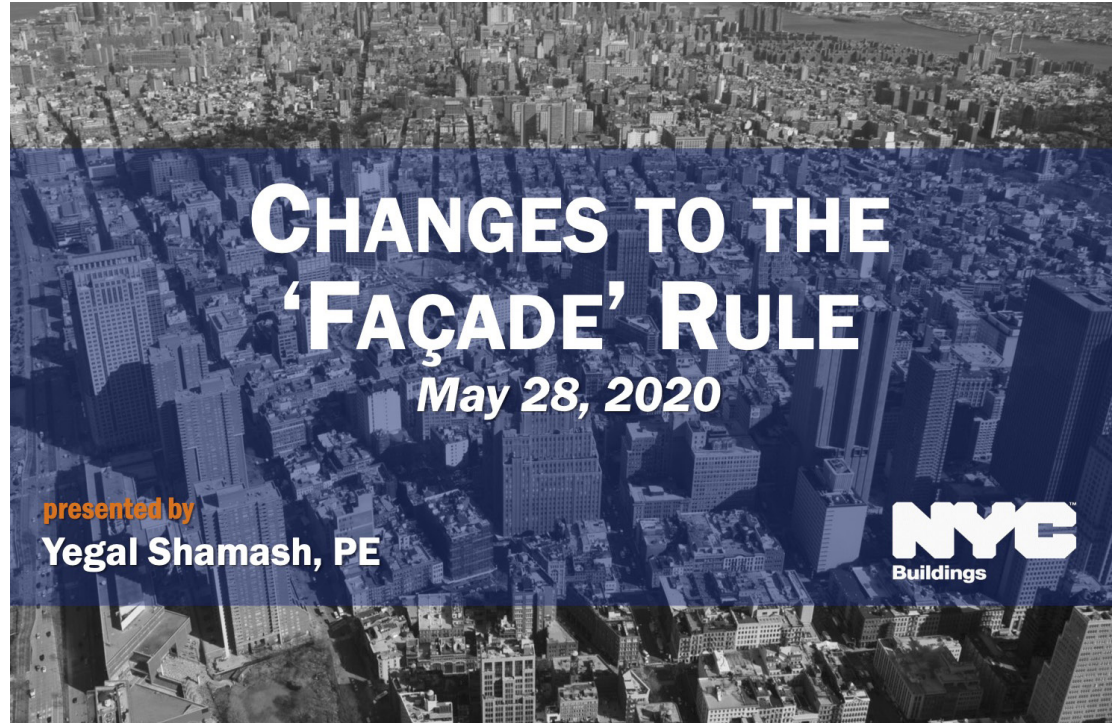
SUCCESSION

John Kalafatis, the founder, former president and CEO of **Skyline Restoration** since 1989, will be resigning to dedicate his time to venues in film production, charitable enterprises and education. His resignation follows a carefully planned succession program, geared to ensure that Skyline Restoration will continue to perform at the same highly professional and skillful level that has earned the company its well-deserved reputation for excellence.



Having questions about reopening your business? Join one of NYC Department of Small Business' webinars to get help understanding and complying with requirements and best practices to reopen in NYC. To RSVP to any of the webinars visit <https://www.eventbrite.com/o/nyc-department-of-small-business-services-5423713077>

VIRTUAL PRESENTATION OUTLINES KEY POINTS ON FISP - CYCLE 9



On May 28, [ICRI Metro-NY](#) presented a virtual meeting on "Local Law 11/FISP- Navigating the Changes and What it Means for You," postponed from its original March 11 date.

Yegal Shamash, PE, assistant commissioner for investigative engineering services with the [NYC DOB](#), offered frank insights into the intent and purpose behind the various revisions that took effect on February 20, 2020. ICRI chapter president **Dennis Orozco** of HD Supply Construction & Industrial moderated a panel discussion and a Q & A featuring **George Cole**, CEO, Cole NYC; **Jason Coleman**, PE, director of restoration/project executive, O'Donnell & Naccarato Structural Engineers; and **Tina Tapinekis**, senior partner, Surface Design Group. Each aspect of the revisions is

"Terra cotta is the number one failing element found on sidewalk sheds and is therefore of great concern."

Yegal Shamash, PE, NYC DOB

geared toward, said Shamash, "enhancing public safety of the City of New York." He noted that the NRF (No Report Filed) population is the DOB's greatest concern since "We have zero information on these buildings." The Amnesty period beginning July 1 for all who failed to file a report during Cycle 8 (see page 7), though originally slated to run through August, was updated

in May to note that it may be extended at the discretion of the Department. https://www1.nyc.gov/assets/buildings/pdf/facade_amnesty_program_update_sn.pdf

SOME OF THE PRESENTATION'S KEY TAKEAWAYS WERE:

- QEWLs must provide photographic evidence – which can include 'selfies' – that they personally conducted and/or supervised the inspections. This is needed to ensure against fraudulent reports. In addition to the increased requirements to qualify as a QEWL, they have greater responsibilities: To maintain inspection records for at least six years; to make field notes, photos, records, and research; and to maintain insurance coverage. Persons approved previously as QEWLs are grandfathered in.

- There is an increased emphasis on hands-on inspections. Regarding the use of technology such as drones, Shamash pointed out that it cannot replace hands-on inspections. Similarly, Coleman noted, “We push the envelope and try to be more creative – also more competitive. Drones have advantages... [But they] can’t be a substitute for close-up inspections.”
- Mapping is now required to indicate exactly where Unsafe or SWAMP conditions are located.
- Repairs must correct underlying conditions – the DOB will not accept repeated fixes that fail to address root causes.
- Public protection must remain in place until an amended report is accepted – not just submitted.
- To determine if a building is, in Shamash’s words, part of “the FISP universe” and subject to Local Law 11, the building must be above six stories. Since a basement is defined as a lower floor that is over 50% above ground (as opposed to a cellar which is mostly below ground) a six-story building with a basement is considered a FISP building.
- The DOB’s focus is on *progress*. Even if repairs have not begun, the Department may grant extensions, which are made within 90-day intervals, if there is evidence that, for example, capital is being raised, bids are being gathered, and/or the GC is mobilizing.
- Terra cotta is, said Shamash, the number one failing element found on sidewalk sheds and is therefore of great concern. Responding to a participant question on repair vs. replacement, he said that at times repair may suffice however “there is a line in the sand. We need to know there is engineering behind the repair.”

For more information:
dobnowsupport@buildings.nyc.gov
facades@buildings.nyc.gov
 Façade Unit – 212-393-2551

FISP AND THE CLIMATE MOBILIZATION ACT



Photo: Andromeda Advantage

As building owners strive to comply with the FISP, they need to keep in mind that the 2020 NYC Energy Conservation Code (NYCECC), a wholly new, far more stringent code designed to ensure, as the DOB notes, “that the construction of new buildings, additions and alterations will meet the 80% greenhouse gas reduction by 2050” took effect on May 12, 2020.

A mid-February presentation on FISP Cycle 9 and the Climate Mobilization Act outlined strategies to navigate the multiple mandates. The event was hosted by [CANY](#)—a building enclosure consulting firm offering full architectural and engineering services— and featured

panelists (in the photo above, left to right) **Mike Sheppy, PE, CEM**, energy team leader, Apogee; **Timothy D. Lynch PE**, chief engineer for enforcement bureau, NYC Department of Buildings; **Adam Farber, LEED AP BD+C, CBCP**, manager of commissioning and sustainability services, MG Engineering; **Erin Fisher, PE**, director of engineering services, CANY; and was moderated by *Real Estate Weekly’s* **James Hagedorn**.

Fisher noted the need to view all holistically when scheduling and managing upgrades and repairs: “Think of your building holistically. Synergize your construction costs and upgrades.”

“It makes sense to bring in someone who can look at multiple sys-

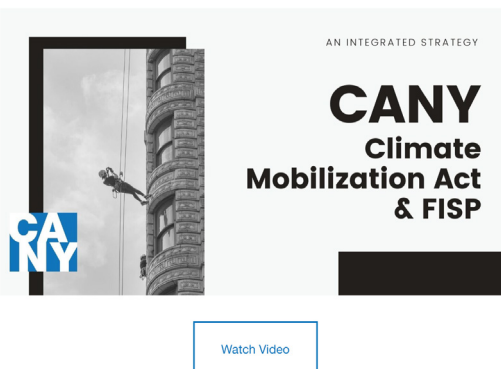
“Think of your building holistically. Synergize your construction costs and upgrades.”

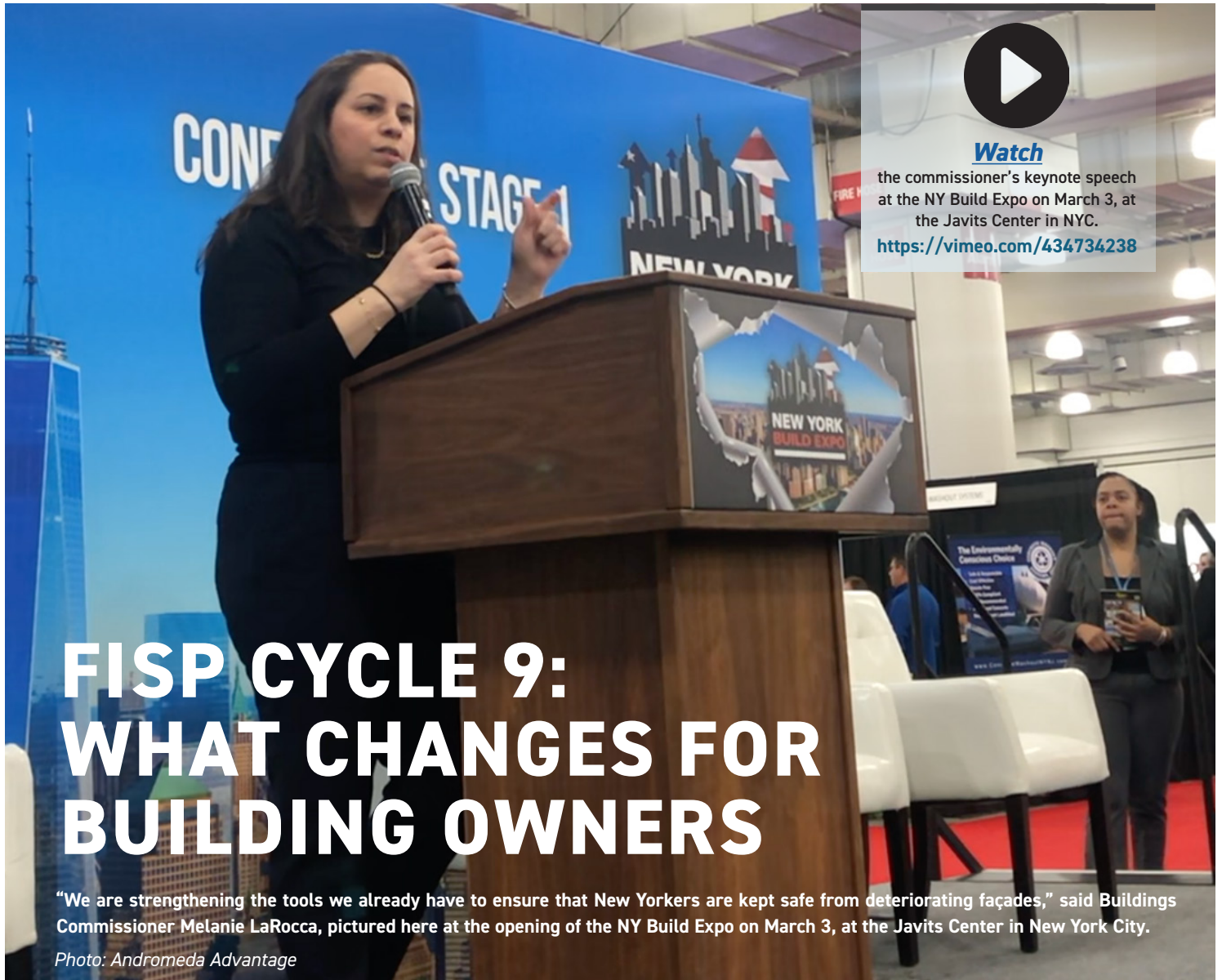
Erin Fisher, PE, CANY

tems,” added Farber.

Among the mandates included in the new NYCECC are those stating that construction projects need to:

- Improve the building thermal envelope with better performing walls and windows
- Seal and test the building envelope to minimize and control air leakage
- Require balconies and parapets to be continuously insulated
- Identify thermal bridging elements in the building envelope
- Meet minimum energy efficiency requirements for heating and cooling systems
- Require more efficient interior lighting and additional lighting controls
- Perform commissioning on more HVAC alteration projects
- Require efficiency measures on new elevators and commercial kitchen equipment
- Require the infrastructure for the future installation of electric vehicle chargers in one- and two-family homes
- Require whole building metering for new buildings greater than 25,000 square feet
- Allow source energy as a metric, instead of energy cost, for buildings choosing to comply with energy modeling
- Require additional thermal envelope performance requirements for buildings choosing to comply with energy modeling.





FISP CYCLE 9: WHAT CHANGES FOR BUILDING OWNERS

"We are strengthening the tools we already have to ensure that New Yorkers are kept safe from deteriorating façades," said Buildings Commissioner Melanie LaRocca, pictured here at the opening of the NY Build Expo on March 3, at the Javits Center in New York City.

Photo: Andromeda Advantage

"Building owners are on notice – maintain the safety of your façades, or you will face stiff fines and rigorous enforcement..."

NYC Buildings Commissioner
Melanie LaRocca

The NYC DOB's Façade Inspection & Safety Program (FISP) Cycle 9 launched on February 21, 2020 with significantly strengthened requirements designed to ensure the safety of all New Yorkers.

The changes in FISP Cycle 9 include more up-close, hands-on inspections, enhanced requirements for design professionals, steeper penalties for failing to make repairs, and a mandate to display official façade status certificates in building lobbies. The law updates and expands on Local Law 11/98 – which expanded on Local Law 10 – requiring owners of buildings over six stories tall to

hire licensed professionals to perform façade inspections every five years and submit reports to the DOB for review.

"Building owners are on notice – maintain the safety of your façades, or you will face stiff fines and rigorous enforcement..." said DOB Commissioner **Melanie LaRocca** in a [DOB release](#) dated January 22.

She continued, "We are strengthening the tools we already have to ensure that New Yorkers are kept safe from deteriorating façades. New rule changes and more proactive field inspections will better equip us to hold negligent building owners accountable, and protect

the public."

The Buildings Department oversees over one million buildings and construction sites across the five boroughs, of which 14,500 fall under the FISP guidelines according to DOB spokesperson **Andrew Rudansky**.

The reason for adopting stricter rules is [noted by the DOB](#), "Recent inspections have revealed significant deficiencies in façade compliance reporting by registered design professionals: therefore, the Department is enhancing the qualified exterior wall inspector qualifications, inspection requirements and civil penalties against owners to ensure public safety."

FASTER REPAIRS AND DISPLAY OF A CONDITIONS CERTIFICATE REQUIRED

HIGHLIGHTS OF THE NEW RULES INCLUDE:

Enhanced requirements for the Qualified Exterior Wall Inspector (QEWI)

A registered design professional now must have at least seven years of relevant experience with facades over six stories high, whereas formerly only one year was required. Inspections may be conducted by individuals other than the QEWI, but full and final responsibility of the filed FISP report lies solely with the QEWI. Michael Petermann, a forensic architect and administrator, told SKYlines that "the DOB now provides a list of QEWIs approved to perform and file FISP reports." He advised all to "Make sure the person you are dealing with is on the list."

Faster repair of unsafe conditions

This designation requires repair within one year of the inspection date. The QEWI must recommend the type and location of public protection and conditions must be corrected within 90 days of report submission.

(Definitions and distinctions between correction vs. repair are detailed in the [DOB's February 2020 FAQs](#)).

Increased close-up physical examinations

Under the new rule, close-up physical examinations must be performed at intervals no greater than 60' from grade to the top of an exterior wall fronting each public right-of-way including setbacks.

This change necessitates significant adjustments to the process and disallows several previously utilized inspection methods. The DOB explicitly states that "the use of drones, high-resolution photography, non-destructive testing, or other similar methods does not eliminate the requirement for close-up inspections."

Petermann told SKYlines, "this will result in significant cost increases to building owners...[and] put a larger demand on a limited supply of scaffolds and boom trucks."

Increased Cavity Wall Probes

Probes now must be performed on all cavity wall construction and, at a minimum, during every subsequent odd-numbered cycle. Cavity wall construction is defined as "an exterior wall system consisting of an exterior veneer with a backup wall whereby the exterior veneer relies on a grid of metal ties to the backup wall for lateral stability. The two layers of wall are separated by an air cavity which may or may not be filled with insulation."

Steeper Civil penalties – Fines and penalties are significantly increased for failure to file an acceptable report or correct an unsafe condition.

The civil penalty for failure to file is increased from \$1000 to \$5,000 per year "immediately after the end of the applicable filing window."

Late filing makes an owner liable for a civil penalty of \$1,000, quadrupled from the former \$250 fine. Failure to correct an unsafe condition makes an owner liable for \$1000 per month pro-rated daily.

Display of a Conditions Certificate

Buildings owners are required to post a DOB-produced certificate of the most recent condition of the FISP report in the lobby or vestibule of the building.

Real Estate Weekly editor Linda O'Flanagan noted that this will clearly have an effect "much like the gradings displayed in restaurants" ("Experts warn owners not to dawdle as city lays down local laws," Real Estate Weekly, February 12, 2020).

Thanks to Tina Tapinekis and Russell Newbold of [Surface Design Group](#) for providing information and summaries that contributed to the above list.



DOB NOTES general reminders for Façade Reports:

- Buildings with ongoing construction may not be designated as Safe.
- Provide color photos and a location diagram.
- Include a statement on water-tightness.
- Submit a certification that repairs identified in the prior cycle have been finished.
- Cite the cause and description of the deterioration.
- Include the QEWI's projection of the month and year when the defects will become hazardous and cause the façade to be classified as Unsafe.
- Cite which repairs will need a Department-issued work permit.
- Provide details about appurtenances.
- Acceptable forms of public protective measures:
 - Sidewalk shed
 - Fence
 - Structural Netting

All require Department of Building permits.

(See the DOB Facades page: <https://www1.nyc.gov/site/buildings/safety/facades.page>)

AMNESTY PROGRAM FOR FAILING TO FILE A FAÇADE REPORT DURING CYCLE 8

For a limited time and in the interest of public safety, the NYC DOB has enacted a FISP Cycle 9 Amnesty Program only for non-compliant Cycle 8 owners.

Building owners who failed to file a Façade Report during Cycle 8 which ended February 20, 2020, may administratively close by fil-

ing through the Cycle 9 Amnesty Program regardless of their assigned Cycle 9 sub cycle filing period.

The Amnesty Program does NOT waive late fees, civil penalties or ECB (Environmental Control Board) fines which must be paid prior to or at the time of filing. The amnesty period is in effect through

August 2020. The standard filing fee is required for the submission of the Cycle 9 Façade Report; there is no filing fee required for the administrative closure of Cycle 8.

For the May-update of the Service Notice see:

https://www1.nyc.gov/assets/buildings/pdf/facade_amnesty_program_update_sn.pdf

SITE-SPECIFIC HEALTH PLAN, AFFIRMATION, AND OTHER REQUIREMENTS

STEPS TO RESTART YOUR PROJECT



The NYC Buildings Department released a new guidance for property owners and contractors of all permitted construction sites across the five boroughs.



Watch Video

COVID-19 Safety Guidelines Video for Jobsite, Office, and Warehouse
<https://vimeo.com/432299166>

The new guidance reinforces the New York State Department of Health's interim guidance on construction activities during this public health crisis and emphasizes the responsibility of all members of the construction industry to make compliance a top priority. Additionally, the guidance reinforces the City's commitment to use education and enforcement to work collectively towards a safe restart and to mitigate the transmission of COVID-19 during this ongoing pandemic.

Employers are also required to develop a site-specific health plan that is prominently visible on worksites. They will also be required to submit and display an affirmation to the State that they have read and understood the additional reopening requirements as required in the NYS Interim Guidelines.

WHAT TO KNOW:

Steps to Restart Your Project

New York City is now in Phase 3 of the State's reopening plan which means ALL construction sites can reopen and begin work. You are still required to ensure your site meets all Building and Electrical Codes as well as all the rules and regulations of the New York City Department of Buildings (DOB).

BEFORE you restart work, at minimum, you **MUST** do the following things:

- Read, understand, and act on the State's Interim Guidance for Construction Activities During The COVID-19 Public Health Emergency.

- **Prepare** a Safety Plan that is specific to each of your job sites. The general contractor can develop one plan including all subcontractors and their employees, or contractors can develop their own.
- **Implement** all aspects of your Safety Plan on your job site.
- **Post** the Safety Plan at your job site in a highly visible location at all points of egress from the construction site.
- **Affirm** to the State that you have read and understood your obligation to operate your site in accordance with the State's guidance.
- **Print** this affirmation and keep it on site.

During these inspections, DOB inspectors will be looking for the following:

- **Safety Plan** specific to the site is available and posted where it can be easily seen. This plan needs to include a copy of the **affirmation** to the State.
- Compliance with **social distancing** protocols.
- All site personnel and visitors must **wear acceptable face coverings** appropriate for their task. For further guidance on appropriate face coverings, see the State's Department of Health guidance and OSHA guidelines for personal protective equipment.
- Readily available hand hygiene stations, using either:
 - Soap, running warm water, and disposable paper towels; or
 - Alcohol-based hand sanitizer

where hand washing stations are not practical.

- **COVID-19 signage** that is visible to all reminding personnel to adhere to proper hand hygiene, physical distancing rules, appropriate use of PPE, and cleaning and disinfecting protocol.
- Properly completed and **updated cleaning and disinfection logs**.
- **Tightly confined spaces** (e.g., elevators, hoists) occupied by 50% maximum allowed number of people.
- 50% capacity must be posted within the cab AND at each landing
- **A communication plan** for employees, visitors, and clients on site.
- Correctly completed and updated **logs of every person** who may have had close contact with others on site to ensure effective contact tracing.

DOB inspectors will focus their initial visits to permitted construction sites on educating construction professionals on-site to confirm the guidance is followed. Permitted sites should expect to see follow up inspections to make sure compliance continues thereafter. Any violation of these requirements, or other New York State or New York City mandates, is subject to enforcement including issuance of violations and associated penalties.

For additional information, please visit nyc.gov/buildings. Find your closest COVID-19 testing site by calling 311 or visiting nyc.gov/COVIDtest.



Correctly completed and updated logs of every person on site must be kept and presented upon DOB's request.



Photos: Andromeda Advantage

THE BEST OF NY CONSTRUCTION AND REAL ESTATE URGE CUOMO:

GRANT MORATORIUM ON SCAFFOLD LAW



Photo: NY.GOV

In the wake of a fragile recovery, a coalition of the best New York construction and real estate firms urge the Governor to grant a 12-month moratorium on 'absolute liability' provisions of a law that makes NYS infrastructure projects the most expensive in the world.

With the renewal of construction activity across New York, the Scaffold Law Reform Coalition (SLRC) and the New York City Special Riggers Association (NYCSRA) have sent an urgent appeal to Governor Andrew Cuomo asking him to use his executive authority to issue a moratorium on the “absolute liability” provisions of the “anachronistic and inequitable” Scaffold Law.

This statute, comprised of New York Labor Law sections 240/241 and commonly known as the Scaffold Law, holds contractors and property owners absolutely liable for any elevation-related injuries sustained by a worker, regardless of the worker's gross negligence. The NYCSRA has been working with the Lawsuit Reform Alliance of NY to support Scaffold Law Reform.

In a statement, John Kalafatis, board member, NYCSRA said: “Some may say that a moratorium on absolute liability could hurt labor. I say absolutely not – this helps labor!

Being a construction business owner for over 40 years where labor safety and well-being are my primary concern, there have been countless times where our firm's capital expenses are tied up in insurance and legal costs instead of going where they belong – labor, safety, training and productivity. Without question just and equitable compensation for laborers that do get injured is warranted. However, because the absolute nature

of the law incentivizes litigation, quite simply, too many allegations are not real. This moratorium would not negatively impact those actually injured. Insurance carriers would return to the New York marketplace where competition is virtually non-existent. The time is now to help our state and do the obvious.”

The letter, dated June 18, praises the Governor and his team's bold vision for the infrastructure and small business and reminds him that he has supported fixing the Law in public comments. It notes that his vigorous, forward-looking agenda is hindered by a law that makes NYS infrastructure projects the most expensive anywhere in the world and that New York is the only state in the nation to retain such a law.

While the state strives to recover from the COVID-19 pandemic and civil unrest, many businesses continue to file for bankruptcy, local governments may be unable to meet loan obligations, and the threat of “spiraling into a full-scale economic depression” still looms. The Coalition faults “special interest groups” for profiting from the Law's inequities at the expense of the public.

It continues, “At this crucial time, where the electorate is acutely aware of the devastation COVID-19 has wrought upon our economy, we must cut down special interests in favor of the public interest. Now is the time to act.”

It calls for the moratorium as an opportunity to “help our state

come back strong.”

The letter outlines numerous facts supporting the repeal of the Scaffold Law.

Infrastructure

- It costs more to build infrastructure projects in New York than anywhere else in the world. A mile of subway in NYC costs \$3.1B versus \$928M in American cities like San Francisco, or \$400M in similarly dense cities like Tokyo.
- Insurance costs on the Second Avenue Subway ballooned from \$93M to \$554M, a rise blamed on the Scaffold Law.
- The Scaffold Law is estimated to have added \$200M - \$400M to the cost of the Mario Cuomo bridge.
- Liability costs on one joint New York/New Jersey bridge project are more than double on the New York side, strongly suggesting that state laws, not construction costs, are to blame for the cost increase.
- Across the state, the Scaffold Law is estimated to add over \$785M in annual costs to public projects.
- On a per project basis, the Scaffold Law is estimated to add an additional 7% to large-scale construction projects.
- The Scaffold Law hinders disaster relief, as evidenced by Habitat for Humanity and several other non-profits struggling to get insurance for rebuilding projects in the wake of Super-

Continued on page 12



The organizations signing the letter to Governor Cuomo, urging him to issue a twelve-month moratorium on the “absolute liability” provisions of the “anachronistic and inequitable” Scaffold Law, during the devastation COVID-19 has wrought upon the economy.

BUILDING ACCESS MADE EASY



With a knowledgeable team of technical experts with vast experience working with equipment from the scaffold industry's top manufacturers, SkyTrac Access Group can "help you solve your toughest problems to maximize product uptime and safety on your job sites". "SkyTrac is an agile company that is excited and ready to service the construction industry with all of its suspended access needs. We are problem solvers and service-oriented professionals. What's important to us is delivering on our promise to help clients grow and succeed with the equipment and services they need, today," said **Nick Kokodis**, president. SkyTrac offers and services motors, platforms, material hoists, outrigger systems, while covering all fall prevention and personal protective equipment needs. SkyTrac promises to source and deliver the equipment you need on time, by leveraging the deep network of leading manufacturers like: Tractel, Sky Climber, Beta Max, Reimann & Georger, All Seasons Equipment, Winsafe Corporation, GWP Palmer Safety, among others. For more information visit SkyTracUSA.com or call 718-590-7000 to speak to an expert.

CONSTRUCTION AND REAL ESTATE FIRMS URGE CUOMO TO GRANT A COVID-19 MORATORIUM ON SCAFFOLD LAW



Continued from page 10

storm Sandy.

Insurance

- Most national insurers will not write construction policies in New York and some of the few remaining insurers have stopped writing policies in the last few years.
- Insurance availability threatened the Owner-Controlled Insurance Program of the New York School Construction Authority (SCA) which provides insurance to over 800 M/WBE firms.

Education

- The New York School Boards Association estimates that the

Scaffold Law costs upstate schools \$200M annually.

- In 2013, the New York School Construction Authority was nearly unable to get insurance for its \$2 billion capital program, despite an excellent safety record. The new insurance costs are \$240M for 2014, nearly triple that of the previous year.
- The SCA's increased insurance costs are equivalent to 8-10 new schools over a three-year period.

Law

- The problematic absolute liability of the Scaffold Law is not written into the original law.

Rather, it is the result of judicial interpretation, suggesting that this was not the original legislative intent.

- The number of Scaffold Law cases has increased 500% since 1990, despite a drop in overall construction injuries. A contributing factor to these claims is the compensation arrangement of plaintiff's attorneys. Suspect and often frivolous claims would not be pursued but for the absolute liability provision of the law.

Public Support

- Progressive Speaker of the New York City Assembly, Corey Johnson, called for repealing New York's Scaffold Law in his plan to fix the MTA.
- Over half of the state's county governments have passed resolutions supporting the reform or repeal of the state's Scaffold Law.
- New York is the only remaining state that has a law like the Scaffold Law. Illinois repealed its Scaffold Law in 1995, and construction-related fatalities decreased by 26% over 5 years.

For more information see scaffold-law.org, nycsra.org and lrany.org

LAWSUIT REFORM ALLIANCE OF NY

For months, the COVID-19 pandemic has nearly shut down our state's economy. As New York begins to re-open, we must now set our sights on the current economic crisis and the potential for economic calamity.

New York is a challenging environment for construction in the best of times. Under these dire circumstances, many small contractors, including minority and women-owned firms, face the very real possibility of being forced to

close their doors.

With Federal relief uncertain and the state's budget under unprecedented strain, we must look to cost-free regulatory relief. No aid would be greater and more impactful than relief from the onerous strict liability of Labor Law 240, also known as the Scaffold Law. In addition to saving the private sector billions, relief from the Scaffold Law would save the state hundreds of millions of taxpayer dollars every year. The law is es-

timated to cost the state government over \$750million annually.

The construction community of New York urges you to suspend the application of strict liability under Labor Law 240 during the COVID-19 recovery.

Send your message to suspend the application of strict liability under Scaffold Law during COVID-19 recovery

<https://www.votervoice.net/MobileUserSite/LRANY/Campaigns/74482/Respond>

JOB HAZARD ANALYSIS & PPE

OSHA's safety guidance for the construction workforce

The Occupational Safety and Health Administration recently released a [guidance](#) with recommendations and descriptions of mandatory safety and health standards for construction employers and workers.

OSHA recommends that companies assess the hazards to which the workers may be exposed; evaluate the risk of exposure; and select, implement, and ensure workers use controls to prevent exposure.

Exposure risk levels

OSHA has created a table that describes construction work tasks associated with the exposure risk levels in OSHA's occupational exposure risk pyramid, which may serve as a guide to employers in this sector.

Lower (caution)

- Tasks that allow employees to remain at least 6 feet apart and involve little contact with the public, visitors, or customers.

Medium

- Tasks that require workers to be within 6 feet of one another.
- Tasks that require workers to be in close contact (within 6 feet) with customers, visitors, or members of the public.

High

- Entering an indoor work site occupied by people such as other workers, customers, or residents suspected of having or known to have COVID-19, including when an occupant of the site reports signs and symptoms consistent with COVID-19.

Very High

- Category not applicable for most



Photo: Andromeda Advantage

anticipated work tasks.

Conducting a job hazard analysis can help determine whether work activities require close contact (within 6 feet) between workers and customers, visitors, or other members of the public. When a job hazard analysis identifies activities with higher exposure risks, and those activities are not essential, consider delaying them until they can be performed safely.

Cloth face coverings are not PPE

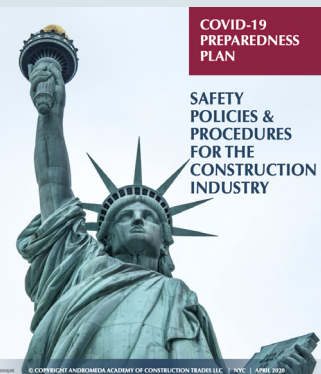
OSHA reminds employers that cloth face coverings are not appropriate substitutes for PPE such as respirators (like N95 respirators) or medical facemasks (like surgical masks) in workplaces where respirators or facemasks are recommended or required to protect the wearer.

While wearing cloth face coverings is a public health measure intended to reduce the spread of COVID-19 in communities, it may not be practical for workers to wear a single cloth face covering for the full duration of a work shift (e.g., eight or more hours) on a construction site if they become wet, soiled, or otherwise visibly contaminated during the work shift.

If cloth face coverings are worn on construction sites, employers should provide readily available clean cloth face coverings (or disposable facemask options) for workers to use when the coverings become wet, soiled, or otherwise visibly contaminated.

For additional information visit www.osha.gov/coronavirus

COVID-19 PREPAREDNESS PLAN - SAFETY POLICIES & PROCEDURES FOR THE CONSTRUCTION INDUSTRY



ANDROMEDA
ACADEMY OF CONSTRUCTION TRADES LLC
AndromedaAcademy.com

The Andromeda Academy of Construction Trades, a DOB-approved training provider in New York City, has developed a COVID-19 safety policies and procedures manual for the construction industry.

The safety manual is available, in English and Spanish, in both digital and printed versions.

To receive a free copy, email info@andromedaacademy.com

*In addition to safety manual, the Andromeda Academy of Construction Trades offers **online COVID-19 safety courses free of charge.***

To register for a free COVID-19 safety course, or other courses, including Site Safety Training courses, visit andromedaacademy.com

ENERGY EFFICIENCY REPORT (EER) SUBMISSION EXTENDED

IN RESPONSE TO THE ONGOING COVID-19 PUBLIC HEALTH EMERGENCY

NYC

June 2020

SERVICE UPDATE

COVID-19 Response: Local Law 87/09 Energy Efficiency Report Submission Extension

In response to the ongoing COVID-19 public health emergency, owners of covered buildings who are not able to submit the required Energy Efficiency Report (EER) by the December 31, 2020 deadline, due to COVID-19 complications, may file for a six-month extension.

Extension Reasons

Local Law 87/09 allows building owners required to submit an EER to file an extension request for one of the following reasons:

Good Faith Efforts

(1) An owner may apply for an extension of time to file an EER if, despite good faith efforts, the owner is unable to complete the required energy audit and retro-commissioning prior to the due date of the report, for reasons other than financial hardship of the building.

Financial Hardship

(2) An owner may apply for annual extensions of time to file an EER based on the financial hardship of the building.

Successful filing of an extension request by December 31, 2020 will extend the EER submission due date to June 30, 2021.

Apply for an Extension

To apply for the COVID-19 EER filing extension, email a completed [EER2 Application to LL87@buildings.nyc.gov](mailto:LL87@buildings.nyc.gov). The Department will confirm receipt of the EER2 application via an email that will include instructions on how to make the required payment. DOB encourages owners of covered buildings to visit the [Energy Audits and Retro-Commissioning](#) page for further details.

Assistance with Local Law 87/09 inquiries is also available through the NYC Sustainability Help Center, Monday through Friday, 9:00 am to 5:00 pm by phone at (212) 566-5584 or by email at LL87@NYCSustainability.org.

POST UNTIL: September 30, 2020

Monika E. La Rosa, Commissioner

Local Law 87/09

LL87@buildings.nyc.gov

nycsustainability.org

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THE NYCSRA ELECTS ITS FIRST FEMALE PRESIDENT

The New York City Special Riggers Association (NYCSRA) is proud to announce, welcome and congratulate its new president, Veronika Sikorski, who took office with a slate of other officers on February 1, 2020.

Veronika Sikorski, vice president at [ELM Suspension Systems](#), is joined by newly elected Vice President, Michael DiFonzo, president of [Central Construction Management](#) and returning treasurer, Eric Janczyk, president at Nova Construction Services. This slate of leaders will build upon the successful foundation created by our founding members and take the NYCSRA into 2020 and beyond. The NYCSRA expresses deep gratitude to the outgoing team of leaders who have tirelessly run

this organization with dignity and respect.

Outgoing President, John Pantanelli of [Swing Staging](#), is a founding member. Under John's leadership the NYCSRA has grown into an organization that is well respected amongst our elected officials and the Department of Buildings leadership. John will continue to serve as a member of the board. Outgoing vice president, Matthew Jaworski, owner of Brend Restoration, has served as vice president for the last 4 years, bringing a new level of outreach, organization and forethought to the board. Matthew will continue to sit on the association's DOB Committee.

The New York City Special Riggers Association is dedicated to keeping its membership updated on safety



New president, Veronika Sikorski with outgoing president, John Pantanelli. Photo: Alison Garber

trends and methods, including but not limited to NYC Department of Buildings/OSHA code changes and compliance, with emphasis on the safety of workers and the general public. Its dedicated government relations team monitors

NYC legislation, rules and regulations, and lobbies the Mayor's Office, Department of Buildings, New York City Council and other agencies to ensure the interests of its members are heard. For more information visit nycsra.org

A STATE-OF-THE-ART HALL OPENS AT LGA'S TERMINAL B

On June 13, Skanska USA joined Governor Andrew Cuomo and Rick Cotton, Executive Director, Port Authority of New York and New Jersey, to celebrate the opening of the new LaGuardia Airport Terminal B Arrivals and Departures Hall (Headhouse).

The new Hall is the central entry point for travelers flying out of LaGuardia Airport's Terminal B, with seamless integration to passenger concourses and gates, the new parking garage, and the Central Hall that connects to Terminal C and the planned future AirTrain. The building, which spans four levels, will transform the customer experience and streamline airport operations, unimaginable with the old facility.

Air Canada, American Airlines, Southwest Airlines, and United Airlines will operate all their ticket counters and bag claims from the new hall.

"Today is a special day for Skanska as we celebrate the most significant milestone yet on our largest-ever project – the LaGuardia Airport that New Yorkers deserve," said **Richard Kennedy**, President and CEO, **Skanska USA**. "We're grateful for this once-in-a-lifetime opportunity to reimagine LaGuardia from the ground up, and for the thousands of employees, subcontractors and trades who logged millions of hours helping us realize this vision."

The new Headhouse features an open floor plan with 60-foot tall ceilings and a glass façade that floods the 850,000 square foot facility with natural light. The first floor includes a new ground transportation center for arriving passengers, followed by the arrivals hall and baggage claim on level two, and check-in on level three. The fourth-floor features shops, restaurants and other customer amenities.

Dual pedestrian bridges will con-

nect the Headhouse to Terminal B's two island concourses. The Eastern Concourse Pedestrian Bridge that opened on June 13, is approximately 420 feet long and elevated 65 feet above the ground. Skanska and the design joint-venture **HOK** and **WSP** designed these bridges to span active aircraft taxi lanes underneath – frequent bottlenecks under the old airport design – which will improve aircraft taxi circulation and ultimately help reduce traveler delays. Once both terminals are completed, LaGuardia will be the first U.S. airport to feature two of these innovative pedestrian bridges.

"The opening of the new Arrivals and Departures Hall at Terminal B is the biggest milestone to date in the transformation of LaGuardia Airport into a world-class transportation hub that is worthy of New York State," **Governor Cuomo** said. "As we continue to upgrade and modernize this airport for the 21st century, this new state-of-the-art hall will offer passengers a unique travel experience with new concessions, traveler amenities and art installations by four of the world's leading artists, while increasing space for passengers to move more safely and efficiently during and after the COVID-19 pandemic."

[Skanska](#) is the lead partner of the Skanska-Walsh Joint Venture responsible for the construction and design, in partnership with [HOK](#) and [WSP](#), of the new Terminal B. Skanska is also a founding member of [LaGuardia Gateway Partners](#), selected in 2015 by the [Port Authority of New York and New](#)



Photos: usa.skanska.com

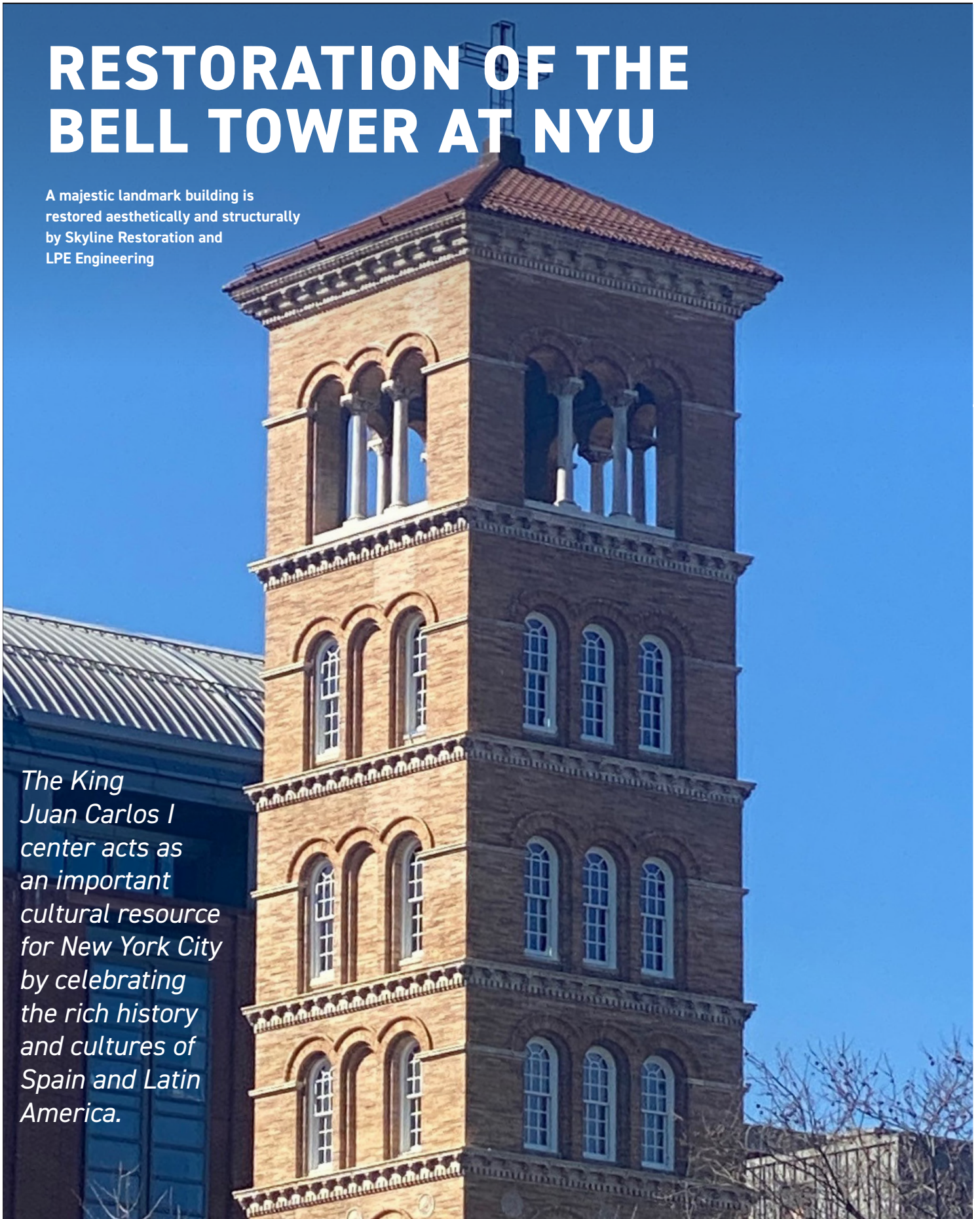
[Jersey](#) to deliver and manage this extensive capital redevelopment project – a key component of the

ongoing \$8 billion transformation of LaGuardia into a unified, 21st-century airport.

RESTORATION OF THE BELL TOWER AT NYU

A majestic landmark building is restored aesthetically and structurally by Skyline Restoration and LPE Engineering

The King Juan Carlos I center acts as an important cultural resource for New York City by celebrating the rich history and cultures of Spain and Latin America.



The King Juan Carlos I of Spain Center at [NYU](#), named for the octogenarian monarch who ceded the throne to his son, features programming on Spain and the Spanish-speaking world that serves the college community as well as general audiences. It acts, notes the website (<https://www.kjcc.org>) as "an important cultural resource for New York City by celebrating the rich history and cultures of Spain and Latin America." The over 100 year-old Bell Tower constructed originally for Judson Memorial Church is a distinctive part of the Center, protruding majestically at 53 Washington Square South, topped by a stencil-like metal cross outlined in black against the sky. It is designated as a landmark building by the [Landmarks Preservation Commission \(LPC\)](#).

In 2018, [Skyline Restoration](#), which has a longstanding relationship with NYU, was asked to bid on a restoration of the Bell Tower. **Ruslan Dimarsky**, business developer and estimator, generated a cost estimate for the project resulting in a contract agreement with NYU. **Wilson Cajilima** was assigned as project manager for the job.

[LPE Engineering](#), headed by **R. Lynn Levine**, president, joined the team. LPE Senior Architect **Matt Brower, R.A., AIA**, assessed the structure and developed a comprehensive plan of action. Matt Brower explained, "LPE acted as the architects and engineers to design the components which Skyline installed."

Skyline Restoration first removed the roof tiles and concrete decking. The existing steel frame on the roof was examined and found to be in good condition. It was repaired as needed and new precast concrete panels were manufactured to fit into the frame, constituting the underlying structural slab of the roofing system.

Wilson Cajilima said, "A total of 150 panels had to fit precisely into

the frame. This required cutting each to exact measurements, then anchoring and screwing each securely in place."

New clay terra cotta Spanish tiles to replace those discarded were approved by the Landmarks Preservation Commission to replicate the appearance of the original roof. The steel cross was removed, reinforced, repainted and placed in its original location making it the sole surviving element from the original roof.

A cement-based carbon-fiber mesh material known as *Ruregold* (formerly called *Ruredil*) was chosen to reinforce the masonry tower. **Patrick Morrissey, C.E.**, president of [ConSpec Associates, Inc.](#), a vendor for the product and a longtime associate of both Skyline Restoration and LPE, said, "The product is compatible since buildings are composed of masonry, not concrete. *Ruregold* is ductile, not brittle, it stretches and has elasticity."

Resin-based products do not work as well in this context.

Brower said, "The product creates a secondary shell that is aesthetic as well as structural and looks exactly like stucco." It is also fire resistant and has OTCR (Office of Technical Certification and Research) approval.

Morrissey said, "When I knew Skyline was doing the project, I knew it would be done right."

Any exterior and interior bricks that needed to be replaced had to meet exact size specifications to meet LPC standards. All the existing arch or radius windows were removed, and new ornamental wood-framed windows were manufactured and installed.

The front entry steps at the lower elevation of the tower were removed, reconstructed from existing materials, cleaned then re-installed.

An exterior base of the building had to match the existing greyish stone. Installing the pillars flanking the entrance and the approx-



imately 1000 lb. headstone on top of the doors required extremely careful maneuvering using special hoists. "We had to be sure to protect every element installed," said Cajilima.

The Bell Tower restoration was substantially completed in February 2020. Though the project posed challenges, all were successfully met and resolved.

"This beautiful landmark, a century-old building, was reconstructed and restored so that New York City residents and guests can enjoy it for the next 100 years," said Dimarsky.

The restoration clearly illustrates the Latin motto prominent on the seal of NYU, a leading global university founded in 1831: *Perstare et praestare* - To persevere and to excel.

The Bell Tower of the King Juan Carlos I of Spain Center at New York University soars at 53 Washington Square South, a designated landmark of New York City.

Photos: Skyline Restoration

RELIEF ACCESS PROGRAM INITIATED AMID THE COVID-19 PANDEMIC

HELPING NEW YORK'S VULNERABLE



The Relief Access Program for the Bronx (RAP4Bronx) was launched on April 1, 2020 with a mission to collect and donate meals, groceries and essential supplies to frontline workers, senior citizens, the homeless and vulnerable residents in the Bronx and throughout New York City.



In just ten weeks after the first delivery of 100 boxed meals donated by [Great Performances](#) to POTS soup kitchen, the RAP4Bronx has grown to be a substantial operator in the New York City food relief space. As of **June 24**, RAP4Bronx had:

- Purchased, packed and delivered 73,800+ meals of pantry items
- Distributed 22,000+ meals of produce, baked, and dairy items
- Distributed 3,780+ meals with the Get Food program
- Distributed 40,000+ cooked meals in partnership with [World Central Kitchen](#)
- Distributed 3,000+ units of PPE for frontline workers
- Distributed 1,000+ household boxes of food to ReadNYC families via [United Way](#)

- Distributed 860 boxed meals for the department of Veterans Affairs with [NYPD](#)
- On-boarded 150+ volunteers through [New York Cares](#)
- Reached 1,400 households weekly with produce from [City Harvest](#)

It began in mid-March, when [York Studios](#), a Bronx-based film and television production company, initiated the program and partnered with [Andromeda Advantage](#) which provided its building facilities in Long Island City, a fleet of vehicles, along with a task-force of managers, laborers and volunteers to organize and run RAP4Bronx. While community based organizations were reaching their limits by an overnight multiplication of demand and simultaneous reduction of volunteers, the private sector

had available resources resulting from the shutdown of all but the most essential businesses.

Powered by [The Skyline Charitable Foundation](#), a 501(c)(3) non-profit organization, RAP4Bronx began building a coalition of partners which includes food donor [City Harvest](#) (fresh produce boxes for 1,400 households weekly), volunteer resource [New York Cares](#) (more than 150 volunteers on-boarded), space donor [Urban Edge Properties](#), [Bronx Community District 9](#), funders [New York City Special Riggers Association](#), Judy & Jamie Dimon, [HERE to HERE](#), the [Bronx Community Relief Effort](#) and the [Bronx Private Industry Council](#).

To find out more about the initiative and ways you can support please visit rap4bronx.org



BronxCB9 @CB9Bronx · 3s
Today we gave out 800 boxes w/1600 meals to Veterans, seniors and shelter families. We want to thank the NYPD, NYC Dept. of Veteran Services, Bruckner Commons-Urban Edge & RAP4Bronx for making this possible @NYPD43Pct @nycveterans @NYPDPBBronx @revrubendiaz



73,800+

MEALS OF PANTRY ITEMS
PURCHASED, PACKED & DELIVERED



22,000+

MEALS OF PRODUCE, BAKED, AND
DAIRY ITEMS DISTRIBUTED



3,780+

MEALS DISTRIBUTED WITH THE
GET FOOD PROGRAM



40,000+

COOKED MEALS DISTRIBUTED
IN PARTNERSHIP WITH WORLD
CENTRAL KITCHEN



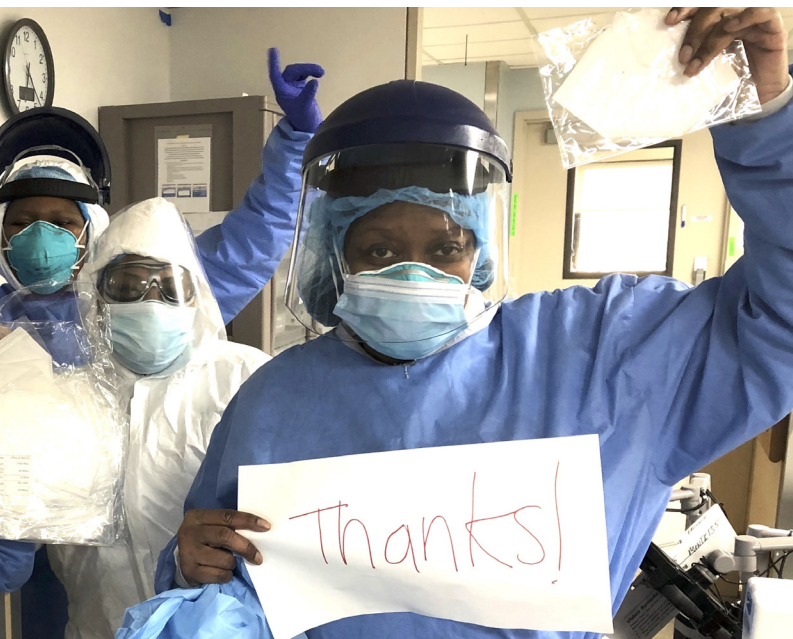
3,000+

UNITS OF PPE
PURCHASED AND DISTRIBUTED
TO FRONTLINE WORKERS



1,000+

HOUSEHOLD BOXES OF FOOD
DISTRIBUTED TO READNYC
FAMILIES VIA UNITED WAY



NEW HUB OPENS AT LGA'S TERMINAL



TERMINAL

D

C

See page 15 for story & video
Photo: usa.skanska.com

Paper from responsible sources



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