



Jeff Orvis Elected NESCA President for 2026-27

Jeffrey Orvis, Senior Supervisor/Operations Manager at Dagostino Building Blocks, Inc., has been elected president of NESCA for the 2026-2027 term. Effective July 1, 2026, Jeff will succeed Joe Jerkowski of Armistead Mechanical, Inc. Jeff has been active in NESCA for many years and has served on the Board of Directors since 2021.

Shortly after graduating from Bethlehem Central High School (with the famous Sue Furlong), Jeff began his career at Dagostino Building Blocks, Inc. in 1983 as a yard forklift operator. After a few years in the yard, his mechanical drawing experience brought him into the office where he eventually moved to an inside sales position. After learning what he could about concrete masonry, and attending many industry training courses at CMHA, NYSCMA, AIA, he assumed the role of outside sales/sales manager working with architects and engineers along with various contractors assisting with technical details, product selection and installation. In 2016, he moved into his current position as Senior Supervisor/Operations Manager overseeing all facility operations, production, transportation, and sales.

Jeff is an “association guy” having served in leadership positions with other organizations including past president of the Schenectady Builders Exchange; Past President of the Northeast Professional Construction Estimators; Former Chairman and current board member of the NYS Concrete Masonry Association; member of the Concrete Products Group; and Founding member of the Regional Advisory Committee for the Concrete Masonry Checkoff.

Dagostino Building Blocks, Inc., a 104-year-old, 4th generation family-owned business, joined NESCA in 1983. The business was founded in 1922 by Frank and Mary Dagostino. Mary, along with sons Andy, Larry and Ken, would make blocks one at a time by hand in the back yard during the day while Frank was working at GE. During the winter months, block production would continue in the basement of their Watt Street, Schenectady home. The family built their first “block plant” in the late 1930’s on Amsterdam Avenue, Schenectady where the blocks were mechanically made instead of by hand.

In 1966 the business moved to its current Altamont Avenue, Schenectady location with state-of-the-art

manufacturing equipment and an expanded product line far from the standard “cinder” block of the past. High strength, insulated, and specialty architectural units along with hardscaping pavers and retaining walls are made in a wide variety of shapes, sizes and colors. Keeping up with technology, in 2017 a new Servo-Drive concrete products machine took over all production.

Dagostino Building Blocks continues to be an industry leader by being active members of many industry trade groups including the Concrete Masonry & Hardscapes Association (CMHA), NYS Concrete Masonry Association (NYSCMA), Concrete Products Group, Eastern Contractors Association, Mason Contractors Association of America, NESCA and more. The family business continues to move forward under the direction of Great Grandsons, Kenneth Dagostino II and James Dagostino.

Also elected as 2026-27 NESCA officers were Rick Otis of Amsure as Vice President, Mike Lock of PCC Contracting, Inc. as Treasurer, and Jesse Gorman of Postler & Jaeckle Corp. as Secretary.

Members who were recently elected to serve on NESCA’s Board of Directors beginning on July 1, 2026 are:

- For 3-year terms representing NESCA’s Electrical Contractors – Joe Miciotta of Gemini Electrical Design & Construction, Inc. as director, and George Schupp of Schupp’s Line Construction, Inc. as alternate director.
- For 3-year terms representing NESCA’s Utility & Excavating Contractors – Brian Bellamy of Bellamy Construction Company, Inc. as director, and Joe Vandenburg of Warren W. Fane, Inc. as alternate director.
- For 3-year terms representing NESCA’s Service Providers – Nate Pannucci of Teal, Becker & Chiamonte, CPAs, PC as director, and Casey LaChapelle of NFP Corp., an AON Company as alternate director.
- For a 1-year term representing NESCA’s Plumbing, Heating, AC, and Sheet Metal Contractors – Phil Cuddy of Appolo Heating, Inc. as director, and Steve Cammett of Campito Plumbing & Heating as alternate director.

Olivia Bradt with Martin Electric received an appointment by President-elect Orvis to a 1-year term on the Board of Directors as a Director-at-Large.



PRESIDENT'S MESSAGE

As my tenure as NESCA president ends I would like to say it has been an honor and a privilege to serve in this post. As an association, we've enjoyed another solid year of accomplishments on behalf of our members.

NESCA and our state affiliate, the Empire State Subcontractors Association (ESSA), continue to fight for the rights of subcontractors and suppliers in the NYS Legislature. NESCA has succeeded in improving the construction business climate for all specialty subcontractors and suppliers doing business in New York State through legislative initiatives, advocacy with state and local contracting agencies, and action in the courts when necessary. During the past year, NESCA experienced its latest legislative success when the Governor signed our bill into law which clarified the withholding of retainage by owners of private commercial construction projects is limited to no more than 5% of the contract sum. Just think about the difference between 5% and 10% retainage and how this new law will immediately improve

your cash flow and working capital. And by the way, this law represented NESCA's 41st legislative success since 1975, all which have improved the business climate for specialty subcontractors and suppliers.

Over this past year NESCA also provided members with many educational opportunities, offering a full range of seminars, courses and webinars designed to assist our members' businesses, including: DOT Roadside Safety Inspections; Basic Blueprint Reading; Notary Public Review Course; Ransom and Data Theft; Erosion & Sediment Control Training; Handling OSHA Inspections; OSHA 30-Hour Course; three Supervisory Training Units; OSHA 10-Hour Course; Performing NYS Public Work; NYS Sales Tax Requirements; and our six-seminar series of Professional Development Seminars. Now THAT'S a lot of education!

NESCA also provided members with many (and varied) networking and social events, including our monthly membership meetings, our annual Trade Show, Day at the Races, Golf Outing, Meet the Estimators event, Young Professionals Mixers, and our Holiday Reception & Dinner featuring our Toys for Tots campaign.

NESCA continued to keep members up-to-date on important construction industry matters through our monthly Newsletter and regular emails to members, and throughout the year NESCA staff directly assisted individual members regarding a myriad of construction industry and business issues. All in all, NESCA had a great year full of accomplishments.

I sincerely offer my congratulations to the following newly elected officers:

President Jeff Orvis with Dagostino Building Blocks, Inc.; Vice President Rick Otis with Amsure; Treasurer Mike Lock with PCC Contracting, Inc.; and Secretary Jesse Gorman with Postler and Jaeckle Corp. NESCA's membership can be assured that these individuals will continue to aggressively advocate for subcontractors and suppliers in New York State and will act on NESCA's behalf for the betterment and growth of the association.

Again, I'd like to thank our membership for allowing me the privilege of being the President of NESCA this year. Throughout the years that I have been an active member under Armistead Mechanical's membership I have had the benefit of meeting many great people. I would encourage anyone interested in becoming a Board member in the future to seriously consider it. The benefits and friendships are very rewarding and educational. The resources that the NESCA team delivers along with networking that the Association brings has helped me throughout my career.

Joe Jerkowski, President

NESCA NEWSLETTER

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TOP WORK PLACES 2024



COUNSEL'S MESSAGE

Regular readers of the legal column are aware that terms and conditions of contract between general contractors/construction managers and subcontractors are a frequent topic. These contracts govern the furnishment of services (labor) and material under the agreement scope of work.

Many members may not be aware that agreements, the primary scope of which is the supply of goods, are subject to an entirely separate set of legal standards located under a set of statutory laws within The Uniform Commercial Code (UCC) enacted in most of the individual states of the country. The principal purpose of the Uniform Commercial Code is to uphold the party's intent to form an agreement for the purchase and sale of goods or materials.

Except for the description of the product to be supplied and purchased, the UCC provides almost every other fundamental contract term which should be in the agreement but had been omitted by the parties including

the obligation of good faith and fair dealing.

To identify whether the agreement is subject to the UCC, a determination must be made whether the agreement is primarily for the sale of goods or is it a hybrid involving the furnishment of goods and services. If a hybrid, the UCC does not apply unless the primary focus is the supply of goods and the services are incidental to the sale. In that event the UCC principles apply to the transaction.

In the event the parties have not agreed upon, or omitted, a price for the materials to be supplied when delivered, the UCC provides that the price shall be a reasonable price at time of delivery. Unfortunately, that omission may result in prolonged conflict or litigation in establishing what the definition of a reasonable price is at the time of delivery.

If the method and time for delivery of the goods is not provided in the agreement, the UCC allocates responsibility to the buyer to arrange and pay for delivery which shall occur within a reasonable time. Customarily, written purchase orders for materials or goods contain a term "FOB (free on board) job site" which provides that seller delivers the goods to the project site.

In construction the term "reasonable time" is difficult to measure since many things are governed by a schedule. Therefore, establishing the delivery date to a specific time in a written agreement is important. If the agreement does not provide conditions which address the failure to deliver on time the UCC sets forth circumstances which constitute a justified excuse for the materialmen's failure to perform.

It is important to distinguish whether the transaction involved is primarily for the sale of goods or one for goods of services.

The UCC has a shorter statute of limitations, more extensive express and implied warranty scopes, and stricter standards for judging performance of the agreement.

The optimum goal is for the parties to negotiate and sign a Purchase Agreement which signals the parties' intent on the transaction is for the sale of goods.

However, should the parties fail to agree, exclude, or inadvertently omit, a fundamental term of the contract the UCC will impose the statute's standard and allow the agreement to generally fulfill its purpose.

Walter G. Breakell, NESCA Legal Counsel

Member Payment Tip

Subcontracts frequently fail to provide clear entitlement to prompt payment for extra work ordered by the general contractor. Most subcontract agreements call for written authorization of any extra work. This allows subcontractors to resist verbal directives except in truly emergency situations. However, many general contractors modify the basic concept of written change orders by using a method for authorizing changes short of issuing formal change orders, such as by field orders or change directives. Some general contractors who use this approach do not make payment on changes until field orders or change directives are converted into formal change orders, which often results in extensive payment delays. Therefore, it is important to add clarifying language to the subcontract requiring the general contractor to pay the subcontractor promptly each month for any additional work performed by the subcontractor pursuant to general contractor directive even though a formal change order may not yet have been issued. NESCA has sample language to accomplish this.

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Calendar of Events

June 4, 2026

Board of Directors Meeting
Italian American Comm. Ctr. 6 pm

June 23, 2026

NESCA Night at the Ballpark
The Joe at HVCC., 5:30 pm

July 23, 2026

NESCA Day at the Races
Saratoga Race Course, 11 am

NESCA Joins AGC in Challenge of Prevailing Wage for Off-Site Custom Fabrication Law

NESCA will be joining the Associated General Contractors of NYS (AGC) as a plaintiff in a legal challenge of New York's recently enacted law that will require the payment of the prevailing wage for off-site custom fabrication work. NESCA's Board of Directors approved the association's participation in the lawsuit at its May 14th Board of Directors meeting.

The law, which is due to take effect on June 18, 2026, will require payment of the prevailing wage rate for the fabrication of exterior or interior wall panel systems, woodwork, electrical, plumbing, heating, cooling, ventilation or exhaust duct systems, rebar cages, and mechanical insulation solely and specifically designed and engineered for installation in the construction, repair or renovation of a public project or covered private project. Many believe, however, that because the statute adds the words "shall include" to the specific list of fabricated items covered by the law, the NYS Department of Labor could expand the application and enforcement of the law to fabricated items not specifically listed in the law, such as structural steel fabrication. Off-site fabricators will be required to pay the onsite prevailing wage at the rate where the project is located. Further, since off-site fabricators will be considered to be subcontractors rather than material suppliers under the law, they will be required to register as subcontractors with the Department of Labor and submit certified payroll records electronically to DOL.

NESCA opposes this law because it is flawed on so many accounts. It will result in significant increased costs to fabricators and to public work projects. Subcontractors who maintain fabrication shops have indicated that their cost of fabrication could increase by as much as 25% or more, and it would be impractical, and perhaps impossible, to maintain multiple pay rates for multiple employees based on the location where each piece of fabricated material will be incorporated into a public project.

The Hinckley Allen Law Firm will represent AGC, NESCA and several other construction associations that have signed on as plaintiffs and will challenge the law in federal court on several constitutional grounds to prevent the implementation of this law. A temporary restraining order will be sought to prevent the law from being enforced until the case can be heard.

NESCA Member Milestone Anniversaries

PDC Incorporated – 5 Years

W.J. Riegel Rail Solutions, LLC – 5 Years

A.J. Sign Co. – 10 Years

A.E. Rosen Electrical Co., Inc. – 15 Years

F.W. Webb Co. – 15 Years

Kingsley Arms, Inc. – 20 Years

Jackson Demolition Service, Inc. – 30 Years



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