



# Construction Law Group Newsletter

Volume 3

Fall 2026 Edition

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## A MESSAGE FROM OUR TEAM

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As we move through a busy construction season, we want to thank our clients, colleagues, and industry partners for their continued trust in our Construction Law Group.

The construction industry faces ongoing challenges, including labor shortages, regulatory changes, safety compliance, and payment disputes. At the same time, infrastructure investment, development, and innovation continue to create new opportunities. Our team remains committed to helping owners, contractors, subcontractors, and developers navigate these evolving complexities.

Looking ahead, we are preparing industry events, speaking engagements, and resources addressing contract risk management, workplace safety, claims avoidance, and dispute resolution. Our focus remains on delivering practical, business-focused legal guidance informed by construction industry experience.

We encourage you to stay connected through our newsletters and upcoming programs. We value our relationships throughout the construction community and look forward to supporting your projects and continued success in the months ahead.

Sincerely,

Jacqueline Greenberg Vogt  
Chair, MB Construction Law Group

Boris Peyzner  
Partner, MB Construction Law Group



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## FEATURED ARTICLES AND LEGAL UPDATES

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### Natoli Construction Corp. Selected for the New York Giants' Headquarters Expansion: Building the Future of New Jersey



The New York Giants recently announced plans to significantly expand and modernize their Football Operations Facility and Headquarters in East Rutherford, New Jersey. The project will include approximately 93,500 square feet of new construction and 46,000 square feet of renovations, creating a state-of-the-art environment focused on player performance, training, and recovery.

Beyond its impact on the organization, the announcement represents another milestone for New Jersey's commercial construction industry.

Projects of this scale require extensive collaboration among owners, architects, engineers, contractors, subcontractors, suppliers, and legal professionals. They also reflect continued investment in the state's infrastructure and demonstrate the confidence organizations have in building and expanding within New Jersey.

We are especially proud to congratulate our client, Natoli Construction Corp., on being selected to construct this landmark project. Being entrusted with a development of this magnitude is a testament to the company's expertise, reputation, and commitment to delivering complex construction projects.

As construction activity continues to grow throughout New Jersey, projects like this serve as a reminder of the opportunities and challenges that accompany large-scale development.

## FEATURED ARTICLES AND LEGAL UPDATES

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From contract negotiation and risk management to project execution and dispute avoidance, successful projects depend on strong collaboration among every member of the construction team. Congratulations again to Natoli Construction Corp. on bringing this exciting vision to life. We look forward to following the project's progress as it moves toward completion ahead of the 2028 NFL season.

Find out more information about the expansion [here](#).

## FEATURED ARTICLES AND LEGAL UPDATES

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### Diesel Tax Relief: What New Jersey Contractors Should Know



For contractors managing tight project budgets, lower fuel costs can make a difference. President Trump's October 5 executive order on dyed diesel offers the prospect of temporary relief. Before changing fuel purchases, however, New Jersey businesses should understand what the order provides and what still needs to be confirmed.

Dyed diesel is commonly used in off-road construction equipment. On October 14, the IRS announced nationwide penalty relief for dyed diesel sold for highway use or used on highways from October 1 through December 31, 2026. This relief applies only for federal tax purposes and does not change state fuel taxes or penalties. Further IRS guidance will address postponement of tax payments and related filing requirements.

That last point matters. The order does not itself forgive the deferred taxes. It directs Treasury to explore ways to eliminate them, including legislation. Contractors should therefore avoid treating a temporary reduction in cash outlay as a permanent reduction in project costs.

New Jersey presents a separate question. N.J.S.A. 54:39-144 generally prohibits dyed fuel in vehicles traveling on public highways, with an exception for uses lawful under federal tax law, subject to additional state restrictions. The practical issue is how the federal relief fits that exception. Businesses should confirm the applicable federal guidance and New Jersey's treatment before putting dyed fuel into highway vehicles.

## FEATURED ARTICLES AND LEGAL UPDATES

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There is also a contract issue. Contractors and project owners should review how their agreements handle fuel expenses, surcharges, and price adjustments. For example, an owner reviewing a fuel surcharge should ask how it was calculated and whether it reflects actual costs. A contractor preparing a new bid should account for the possibility that deferred taxes will become payable. Any agreed pricing adjustment should be documented.

Before making a change, contractors should:

- Confirm that the relief covers their intended use and the states where their vehicles operate.
- Review fuel provisions in supplier agreements, subcontracts, and customer contracts.
- Keep invoices and records identifying purchase dates, quantities, and vehicle use.
- Coordinate with their accountant on potential tax obligations and plan for the relief period to end.

The opportunity is worth evaluating. Confirming eligibility and documenting the financial treatment now can help prevent a fuel-saving decision from becoming a tax or payment dispute later.

## FEATURED ARTICLES AND LEGAL UPDATES

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### New Jersey Establishes New Requirements for Data Center Construction and Development



New Jersey is taking steps to establish a more comprehensive framework for data center development, with new requirements addressing energy and water consumption, utility costs, community investment and labor standards.

Governor Mikie Sherrill recently signed legislation advancing the Administration's statewide data center plan, which is centered around four areas: fair-share energy rules, energy and water transparency, community investments and good-paying jobs.

#### **New Energy and Reporting Requirements**

One of the newly enacted measures, S-731/A-796, establishes a separate ratepayer structure for large-load data centers. The Associated Construction Contractors of New Jersey (ACCNJ) opposed the legislation during the legislative process, expressing concern that the resulting tariff could discourage future data center construction in the state.

A second measure, S-3379/A-4096, introduces new reporting requirements for data center operators. Under the law, operators will be required to report energy and water usage to the New Jersey Board of Public Utilities twice annually for three years. Facilities receiving state financial incentives will be subject to additional reporting requirements intended to measure progress toward sustainability goals.

# FEATURED ARTICLES AND LEGAL UPDATES

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## Community and Labor Considerations

New Jersey's approach extends beyond utility and environmental considerations. The Department of Community Affairs has issued guidance concerning Community Benefit Agreements, providing municipalities with additional tools when negotiating with developers proposing data center projects.

Labor requirements are another significant component of the state's approach. Under prior legislation, prevailing-wage requirements apply to data-center construction projects that meet the law's five-megawatt threshold. Recent state guidance also addresses labor standards and the potential use of project labor agreements.

## What This Could Mean for New Jersey's Construction Industry

As demand for data center infrastructure continues to create potential development opportunities, New Jersey contractors and developers will need to account for an evolving regulatory environment surrounding these projects.

Energy costs and reporting obligations, municipal negotiations, prevailing-wage requirements and potential Project Labor Agreements could all become important considerations when planning and executing future data center developments.

For contractors, developers and other project participants, staying informed about additional legislation, regulations and state guidance will be important as New Jersey continues to shape its approach to data center construction.

## FEATURED ARTICLES AND LEGAL UPDATES

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### Building the Future: Women in Construction, Leadership, and the Importance of Embracing New Challenges



The construction industry has undergone significant changes over the past several decades, particularly regarding the opportunities available to women. While the industry has historically been male-dominated, more women are establishing themselves as leaders, bringing valuable perspectives to construction projects, business operations, and the legal matters that shape the industry.

A recent **[Construction Dive article](#)** featuring Jill Hudkins, Chief Executive of AECOM Advisory, explores this evolution through the lens of her more than 30 years of experience in construction and engineering.

Hudkins recalls frequently being the only woman attending jobsites or meetings early in her career. Today, she sees more women participating in major infrastructure projects and assuming leadership positions throughout the industry.

Her experience highlights an important conversation: How can the construction industry continue creating opportunities for women while supporting the next generation of leaders?

#### Embracing Challenges and Building Opportunities

One of the most compelling takeaways from Hudkins' interview is her encouragement for women to embrace opportunities that may initially seem challenging or outside their comfort zones.

## FEATURED ARTICLES AND LEGAL UPDATES

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Success in construction requires more than technical knowledge. It demands confidence, adaptability, collaboration, and a willingness to navigate complex situations. These qualities are equally important for professionals working in construction law, where attorneys regularly collaborate with contractors, developers, engineers, architects, and other industry stakeholders.

As women continue to establish themselves in leadership positions throughout construction and its related professions, creating environments that encourage professional development and meaningful participation remains essential.

Mentorship is particularly important. Experienced professionals have an opportunity to share their knowledge, provide guidance, and help emerging leaders navigate challenges they may encounter throughout their careers.

### **The Importance of Representation in Construction Leadership**

Increasing women's participation in construction is not simply about expanding workforce numbers. It is also about ensuring that talented professionals have meaningful opportunities to contribute to decision-making, manage complex projects, and advance into leadership roles.

The construction industry relies heavily on collaboration among individuals with different professional backgrounds and areas of expertise. Encouraging a broader range of perspectives can strengthen communication, support creative problem-solving, and contribute to more effective project outcomes.

For women pursuing careers in construction and construction law, visibility matters. Seeing established professionals succeed in leadership positions can help demonstrate the opportunities available to future generations.

However, meaningful progress requires continued investment in mentorship, professional relationships, and opportunities for advancement.

### **Continuing the Conversation at the 2027 NJSBA Annual Meeting and Convention**

These conversations will remain important as the construction industry continues to evolve.

Jacqueline Greenberg Vogt, Chair of Mandelbaum Barrett PC's Construction Law Group, is scheduled to present on the Importance of Women in Construction at the New Jersey State Bar Association's 2027 Annual Meeting and Convention in May 2027.

## FEATURED ARTICLES AND LEGAL UPDATES

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The upcoming presentation will provide an opportunity to continue examining the experiences of women working in construction and the importance of supporting professional growth and leadership within the industry.

As an attorney whose practice focuses on construction law, Jacqueline understands the importance of collaboration, professional relationships, and navigating challenges within the construction industry.

Stay tuned for additional details about Jacqueline's presentation at the 2027 NJSBA Annual Meeting and Convention.

As Hudkins' experience demonstrates, progress is shaped not only by the opportunities available today but also by the willingness of established professionals to encourage and support those who will lead the industry tomorrow.

## Firm Highlights and Events

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### Jacqueline Greenberg Vogt Appointed to NJWLA Board of Directors Endorsements Committee



Congratulations to our Construction Law Group Chair Jacqueline Greenberg Vogt on her appointment to the New Jersey Women Lawyers Association's (NJWLA) 2026–2027 Board of Directors as a member of the Endorsements Committee.

The NJWLA (New Jersey Women Lawyers Association) Endorsements Committee is a vital standing committee responsible for evaluating, vetting, and formally endorsing female candidates for the judiciary and other prominent legal leadership positions across the state.

Through this leadership role, Jacky will help support the NJWLA's mission of advancing women in the legal profession while contributing to the organization's endorsement process and ongoing initiatives throughout the coming term.

Congratulations, Jacky, on this well-deserved appointment!

## Firm Highlights and Events

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### Boris Peyzner's Article "New Jersey Bill Targets Payment Delays" Published in ForConstructionPros



Payment delays can create significant challenges on construction projects, particularly when minor paperwork errors hold up otherwise-due payments.

Boris Peyzner, Partner in Mandelbaum Barrett PC's Construction Law Group, examines proposed New Jersey Assembly Bill A5335 and its potential impact on contractors working on public projects in his article, "New Jersey Bill Targets Payment Delays," recently published in ForConstructionPros.

The article explains how the proposed legislation would prevent public entities from withholding otherwise-due progress payments solely because of qualifying minor paperwork errors, while requiring contractors to correct those errors.

Thank you to ForConstructionPros for highlighting this important development affecting New Jersey's construction industry.

Read the full article [here](#).

## Firm Highlights and Events

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### Jacqueline Greenberg Vogt Quoted by Law360 on Legal Issues Surrounding Former Pfizer Headquarters Redevelopment



When major construction developments make headlines, trusted legal insight matters.

Chair of our Construction Law Group, Jacqueline Greenberg Vogt, was recently quoted by Law360 discussing the legal implications surrounding the structural issues at the former Pfizer headquarters conversion project in New York City.

In the article, Jacky provides valuable perspective on New York's lack of a statute of repose for construction claims and what that means for contractors, design professionals, and future litigation.

View the full article [here](#) (subscription may be required).

## Firm Highlights and Events

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### Jacqueline Greenberg Vogt's Article, "The Use of AI in Construction Contracts: Do the Pros Outweigh the Cons?" Published and Highlighted in Construction Executive



Artificial intelligence is transforming the construction industry, and understanding how to leverage it effectively is becoming increasingly important.

Jacqueline Greenberg Vogt, Chair of Mandelbaum Barrett PC's Construction Law Group, explores how AI is reshaping construction contract drafting, negotiation, and administration in her article, "The Use of AI in Construction Contracts: Do the Pros Outweigh the Cons?", recently published in Construction Executive.

The article was also featured across Construction Executive's official social media channels, helping to continue the conversation around AI's growing role in the construction industry.

Thank you to Construction Executive for continuing the conversation on the opportunities, challenges, and future of AI in construction.

Read the full article [here](#).

## Firm Highlights and Events

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### Building The Conversation Around AI: How Construction Industry Leaders Are Engaging With AI Contract Insights



We appreciate Sto Corp. sharing Jacqueline Greenberg Vogt's recent article on the use of artificial intelligence in construction contracts.

As AI continues to shape the construction industry, understanding both the opportunities and the legal risks is becoming increasingly important. Jacky's article explores how AI can assist with contract drafting and review while highlighting the importance of maintaining careful legal oversight.

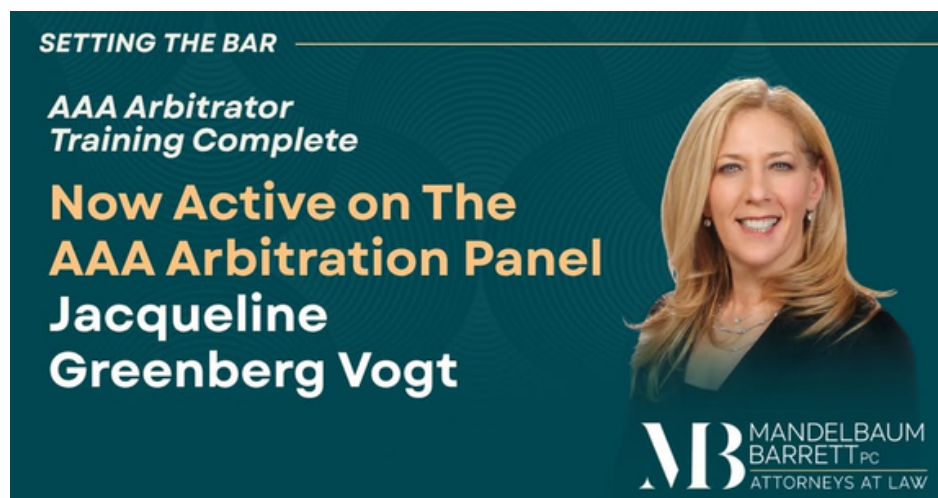
Thank you to Sto Corp. for helping continue the conversation.

Read Jacky's full article [here](#).

## Firm Highlights and Events

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### Jacqueline Greenberg Vogt Has Been Qualified As a Construction Industry Arbitrator With The American Arbitration Association



Jacqueline Greenberg Vogt, Chair of Mandelbaum Barrett PC's Construction Law Practice Group, has been qualified as a Construction Industry Arbitrator with the American Arbitration Association (AAA).

Jacky has recently qualified as an arbitrator with the AAA on its Construction Industry Panel. With decades of experience handling complex construction matters, Jacky will bring her extensive industry knowledge and perspective to the efficient, cost-effective, and impartial alternative dispute resolution (ADR) services offered by the AAA for the resolution of construction disputes.

Congratulations to Jacky on this latest professional milestone!

## Firm Highlights and Events

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### Jacqueline Greenberg Vogt Attends ACCNJ 2026 Fall Convention in Long Branch, New Jersey



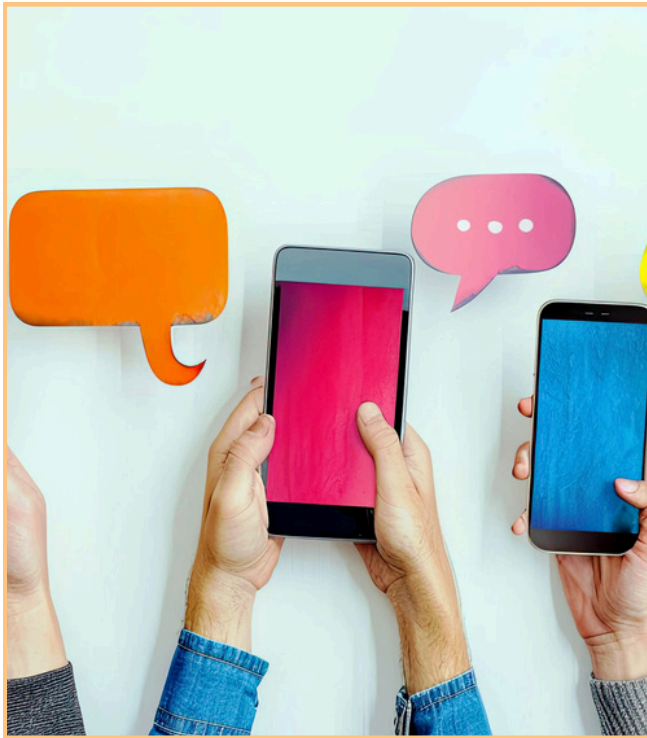
Jacqueline Greenberg Vogt, Chair of Mandelbaum Barrett PC's Construction Law Group, recently attended the Associated Construction Contractors of New Jersey (ACCNJ) Fall Convention in Long Branch, New Jersey.

The annual convention brings together professionals from across New Jersey's building, highway, and utility construction sectors for three days of industry discussions, education, and networking.

Jacky enjoyed the opportunity to connect with construction professionals from throughout the state and engage in conversations surrounding the issues and developments shaping the industry.

Thank you to ACCNJ for bringing together New Jersey's construction community for another great event. We look forward to the next convention.

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