

# Boston Employment Commission Hearing Minutes

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A monthly hearing of the Boston Employment Commission (**BEC**) was held on Wednesday, July 17, 2019 at One City Hall Plaza, Conference Room 801, Boston, MA 02201.

## Commissioners Present:

**Commissioner Travis Watson, Commissioner Jorge Martinez, Commissioner Charles Cofield and Commissioner Stephanie Everett**

**Hearing Begins: 1:06 PM**

## I. MINUTES

June 19, 2019 minutes were accepted and approved.

**Due to Commissioner Watson's absence last month, he did not participate in approving the minutes.**

## II. SPECIAL PRESENTATIONS

### A. Old Colony Phase 3

**Duration: 10 mins.**

**Present: Darcy Jameson (Beacon Communities), Bryan Miller (Cranshaw Construction) and Vargas DaSilveira (BRJP Monitor).**

### Project Overview

**Darcy Jameson (Beacon Communities):** Showed rendering of phase 3A of The Old Colony project which included Phases 1 and 2 that has been completed. Phase 3A is creating 135 new affordable apartments. 100% union. Closing on the financing in the next few weeks including Department of Housing and Community Development (DHCD) and MassHousing (State agencies). **Commissioner Watson:** Do you have a grasp on BRJP's New Ordinance and are you bought out? **Bryan Miller (Cranshaw Construction):** All the subs awarded are familiar with the New Ordinance and have been involved with BRJP in the past. Sandy Paben who works for Renaissance Groups is in the final stages of planning a Jobs Fair at the Tierney Learning Center and some local union halls have offered to open their facilities to hold OSHA Training sessions. **Commissioner Watson** asked for the buyout list. **Bryan Miller** stated he will provide list to Vargas that includes East Coast Interiors, J Derenzo, Cruz Electric and EM Duggan Plumbing. **Commissioner Watson:** Vargas, was there early conversation and are there concerns? **Vargas DaSilveira (BRJP Monitor):** We've done Kick-off. No concerns so far. We spoke about placing a mailbox onsite. So far solid, positive start. **Commissioner Watson:** There are 7 compliance efforts to be particularly mindful of. One concern that appears to be a challenge is payroll submission. Please don't wait to reach out to the BRJP office if/when issues occur. **Commissioner Cofield:** What is your process for the mailbox? I'm concerned that it hasn't proven to be a successful model. **Bryan Miller:** We typically flag trades and forward to subcontractors with a strong encouragement of consideration. **Commissioner Cofield:** A more successful model is reaching out to the halls. Usually people who are not signed with the union don't benefit from this set-up. Make sure it's a successful model and not just in place to satisfy the neighborhood. **Bryan Miller:** Agreed.

### Public:

**Janet Jones (Boston Jobs Coalition):** Cranshaw did a fine job on the Residence Inn (Marriott) project located off Melnea Cass Blvd. in Roxbury. That model, if followed should make this a successful project.

**Commissioner Watson:** Look forward to your review.

**B. Improvements to Langone Park and Puopolo Playground**

**Duration 10 mins..**

**Present: Ken Vogel (WES Construction), Mike Christian (WES Construction), Elise Bluell (Weston & Sampson), Rob Rottenbacher (Parks and Recreation) and Claudette Austin (BRJP Monitor).**

**Project Overview**

**Commissioner Watson:** We are particularly interested in your grasp of the BRJP New Ordinance and would like to hear a brief overview of the project. **Elise Bluell (Weston & Sampson):** The design process consisted of 3 public meetings and has been narrowed down to 1 design which will be implemented this summer. It is a combination of Athletic Field and Playground. There are areas that will be raised to prevent flooding. **Commissioner Cofield:** No buildings? **Elise:** No buildings. **Commissioner Watson:** Claudette are there any concerns? **Claudette Austin (BRJP Monitor):** The Pre-Con was held at end of June. WES Construction projected to perform 50% of the work and we expect them to lead by example on this project. The start date is July 1, 2019 duration is 11/2020. Mass Bay Electric is assisting with temporary power on site. There have been no meetings with subcontractors to date. **Commissioner Watson:** Do you understand the 7 Compliance Efforts? **Ken Vogel (WES Construction):** We understand. We are signatory to operators, laborers, ironworkers and carpenters. Just got started. Hired 3 laborers. 1 Female and 1 Boston resident/person of color. 1 Operator doesn't fall into any category. Will continue to reach out to the halls. **Commissioner Watson:** We will look for correspondence to and the reply from the union halls. When will this project complete 1st Quarter? **Ken Vogel:** The project will be 30% complete towards the end of this year. **Commissioner Watson:** We look forward to your review.

**Public:**

**Janet Jones (Boston Jobs Coalition):** I would be happy to see young people of color from YouthBuild and Building Pathways on this project. **Commissioner Watson:** Ken, do you have a relationship with Building Pathways? **Ken:** No. **Commissioner Watson:** You can connect with Andrew DeAngelo of BP, he's here today. Just heard Andrew is leaving BP, however, he says you can connect with him. **Janet Jones:** Andrew has been a tremendous help in getting people of color and females in the pipeline. Greg Mumford is the connect for YouthBuild. **Claudette Austin:** They were provided list of resources during Kick-off meeting. **Commissioner Cofield:** Call union halls first.

**PROJECT REVIEWS**

**A. Harvard Science & Engineering Complex**

**Duration: 17 mins.**

**Present: Alyssa Hubbard (Harvard University), Ronaldo Creek (Diversity Development), Amanda DiLando (Turner Construction), Brian Chase (Turner Construction), Pamela Ruffo (BRJP Monitor).**

**Project Overview:**

1,470,227 wkhrs, 29%BR, 31%POC, 8%F

**Pam** went over numerical compliance numbers, highlights and concerns and noted that this is this projects 4th review. It is expected to be completed in April of 2020. **Commissioner Watson** stated he was operating without a baseline number and that 29%BR is helpful but not that telling. On the other hand, he also states that this is absolutely outstanding and the efforts are the best he has seen as he comes from a community organizing background and Universities are looked upon as not giving back. He commended Harvard's representative, Amanda DiLando for the work that has been done with Ronaldo Cheeks (Diversity Development) and Turner Construction. The Commissioner would like to figure out a way to create a case study to share with other projects as an example of how it can be done and to show Best Faith Efforts in a real way. In addition, the Commissioner asked what could BRJP/BEC do to help Harvard or projects like this do better. **Brian Chase (Turner Construction):** Support from Pam in her monitoring role made a huge difference. Another key element is making sure union trades are at the table. In regards to the Commission helping, nothing particular. **Commissioner Watson:** Celina, we don't always do a good job of highlighting 1 or 2 projects doing good outside of this space. We could put something together on case study. **Ronaldo Cheeks (Diversity Development):** Pam has been with us all the way.

Being on the site full-time is helpful to make Pam aware of issues that come up. It's worthwhile to know from BRJP how these subcontractors are doing on BRJP projects. **Commissioner Martinez:** A case study usually helps 100s if not 1000s. **Pam:** Turner and Harvard went above. They took time to appreciate subcontractors that were performing well with breakfast. They had a luncheon for all female workers to appreciate them, make them feel welcomed on site and encourage them to promote union to other females. They created a real working team and good partnership. GC, Subs and Business Agents came together on this project.

**Public:**

**Janet Jones (Boston Jobs Coalition):**

Magnificent example! I request as a Dorchester resident, please take this to the next project and continue to spread far and wide in the city.

## **B. The Clarion**

**Duration: 45 mins.**

**Present: Lindsey Gael (The Community Builders), Jill Taylor (Scolaro & Son's Masonry) John Scolaro (Scolaro & Son's Masonry), Chris Finch (NEI), Andre Barbour (NEI General Contracting), John Feuerbach (Department of Neighborhood Development), and Robert Woodson (BRJP Monitor).**

### **Project Overview:**

36,697 wkhrs, 34%BR, 67%POC, 5%F

**Robert Woodson (BRJP Monitor):** Correction on construction cost should be \$12.3 Million. **Commissioner Watson:** Anything from NEI team to make Commission aware of? **Andre Barbour (NEI):** We've notified Robert of the 13 unverified residents and in regards to Scolaro's hours? We've had a lot of local hires with various contractors (11), scheduled to be done end of August 2019. **Commissioner Watson:** Had this been under the New Ordinance, sanctions would be pretty steep. If you were a new contractor to BRJP, we would consider that as the reason for your problems, but NEI is very established. What's going on? *Lack of care, dropped the ball, not crucial part of contract?* Late on payroll submission aside, it seems verifications were a dump on the limited staff of BRJP which isn't helpful and unfair. **Andre:** Regarding verification, we usually send them monthly. 6 of 10 were submitted well before hand and some are still ongoing. **Commissioner Watson:** What percentage? **Robert:** Regarding unverified, they're not verifying residents throughout the project and wait until the end. If the residents can't be verified, they should be removed from that status. **Commission Cofield:** People of Color numbers are good because they are from outside the city and are not Boston residents. **Andre:** The total number of hours of the 13 residents are 580 hours total not verified. 2 worked 2 days and left never to see again. **Commissioner Watson:** Makes me think there's dishonesty if it's being said, "can't verify" and creates a red flag (**32 days late payroll submission**). **Robert:** The late payroll submission is a serious concern. NEI projects monitored by BRJP for the past 5 years has historically been a problem and shows 10 projects where payroll submissions range anywhere from 16-53 days late (**17 days, 28 days, 23 days, 28 days, 20 days, 53 days, 31 days, 16 days, 20 days and 18 days**). This is not an isolated situation. There's 1 project under the New Ordinance that will be recommended for sanctions. **Commissioner Everett:** 13 People worked an average of 1 week, which means they were brought on only for the convenience of a count. Major concern is the information comes just before the BEC Hearing. Our job is not to tell you how horrible you're doing, but to assist you to do better. Either you do not have access or you are not utilizing the resources provided. It's not helping the people we're here to help get engagement in the BRJP program. You can't have the history shared in regards to late submissions to continue and expect to have work with the city. **Andre:** Our compliance manager couldn't make it today. We do take this seriously and we will continue going forward. **Robert:** I do not have confidence this issue has been resolved even with additional staff for NEI. **Commissioner Watson:** This is a trend. Under the Old Ordinance, our hands were tied under the New Ordinance, not so. Sanctions will be recommended going forward for any New Ordinance project you have that continues this trend. Scolaro has the people of color but to Commissioner Cofield's point, it appears they're from outside the city of Boston. **Jill Taylor (Scolaro & Son's Masonry):** The difficulty we have with Boston residents is that this type of labor is not sweeping floors, it's carrying heavy duty equipment. I can give you a number of people that have been fired or quit because they did not want to do the work. **Commissioner Cofield:** Were they given the opportunity? **Jill Taylor:** Yes, absolutely. **Commissioner Cofield:** To say, "we need people with meat on the bones so to speak" is insinuating we don't have people in Boston that are qualified to lift heavy duty equipment. **Jill Taylor:** I apologize. We have Hispanic people who work for us, we have people of color who work

for us and people who started with Scolaro and did not stay. **Commissioner Watson:** Why do you continue to contract with the city if you know you can't get the people? **Jill Taylor:** Because we hope for the best. This was my baby and I've worked with NEI. I'm not giving up and hope you won't either. **Commissioner Watson:** Not giving up? You said you have a hard time retaining them. You've had a lot of opportunities, but the trend shows a deficit on your end. **Jill:** My suggestion is to take a look at the list, it shows we don't get calls back. **Commissioner Watson:** If goal is 50 and you have 30, we can work with that, but you have 0. It's clear that your methodology is not working. Do some soul searching as a firm. **Commissioner Everett:** Your comment about Hispanics on your team, are you aware Hispanics are people of color? You may not be counting them. **Jill:** Actually in my mind our Hispanic staff does not live in Boston and therefore does not meet the Boston Residents goal. We've outreached to General Contractors. I was at a Jobs Fair in February. I take exception that we're not doing anything right. **Commissioner Watson:** We have a huge disconnect. **Jill:** The Laborer position is not a standard laborer position that people think. We definitely need to do a better job. **Commissioner Cofield:** We have people in the City ready to do hard/heavy work. If Mayor Walsh didn't think we had the people in the city, we wouldn't have this program. **Jill:** I'm using the pool provided me. **Commissioner Cofield:** Have you used Operation Exit? **Jill:** Wasn't aware of that program. **Commissioner Cofield:** NEI, you need to do a better job on subcontractors you're hiring. You give them the work because of low bid. **Commissioner Everett:** Because you're a specialty trade, you may want to work with a Building Pathways or Youthbuild. If there is a disconnect, the onus is on your company. You are the best people to offer that training. NEI, what are you doing when the subcontractors aren't living up to the contract? It seems to be an insanity approach (*doing the same thing expecting different results*). **Commissioner Cofield:** I can help connect you with Operation Exit, Returning citizens, Strive and Cori-friendly programs that help people get on their feet. Pre-apprentice programs. **Jill:** Was not aware of these programs. **Commissioner Martinez:** We had more than 10 minutes of conversation and wasted a good amount of time on your presentation. **Commissioner Cofield:** We have a passion to do this work. If you don't have people that have a passion to meet the ordinance, you won't be successful. **Jill:** Scolaro Masonry will make that happen and I will contact you tomorrow. **Commissioner Watson:** John, I would love to figure out a way that BRJP/DND can create tools as you enter in conversations to do better going forward. **John Feurebach (DND):** Take away - to strategize to meet with NEI and all DND projects. This is a wake up call for DND - Given what we've heard, I want to work with Robert to figure out next steps. I appreciate Commissioner Cofield and Commissioner Everett's suggestions to Scolaro. **Commissioner Watson:** Does J Dias still have work left? **0 Boston residents and females.** Barry Keating of the Plumbers union (Local 12) has expressed he can help with qualified placement, please make connection. **Andre:** J Dias is non-union. We've worked a lot with Youthbuild. **Commissioner Cofield:** I'm talking about other programs.

#### Public:

**Katrina Conrad (Madison Park):** I want to offer my services to Scolaro. We have OSHA trained and ready workers. 8 -10 can be available as soon as next Tuesday. I personally feel that next time you will have better results.

**Commissioner Watson:** It's really nice when other resources step up.

#### C. Whittier Street Apartments Phase 1A

**Duration: 14 mins.**

**Present:** Charlie Dirac (Preservation of Affordable Housing), Andre Barbour (NEI General Contracting), Will Melideo (NEI General Contracting), Beverly Estes-Smargiassi (Department of Neighborhood Development) and Robert Woodson (BRJP Monitor).

#### Project Overview:

36,794 wkhrs, 36%BR, 64%POC, 8%F

**Robert Woodson (BRJP Monitor)** submitted updated stats to Commissioners. **Commissioner Watson:** Concerns on back office. **Commissioner Everett:** Same as with The Clarion. As contracts go forward under New Ordinance, there will be sanctions for non-compliance. Suggest we check in earlier to eliminate coming in at the end. **Robert:** This is a prevailing wage project. Councilor Janey's office and BRJP review monthly. **Commissioner Watson:** Celina, pull together the developer for meeting with BRJP/BEC. **Commissioner Everett:** 10 more subs not recorded - can we get an update on who? **Commissioner Cofield:** When you make selections, are you really looking at history as it relates to your hiring goals and safety? **Charlie Dirac (Preservation of Affordable Housing):** There's room for improvement on Phase 1A and I'm open to further conversation. We have a 2 step plan from the RFP to a plan to make the numbers. **Commissioner Martinez:** This is a Federally funded contract, recruit residents and train them. **Andre:** In partnership with Madison Park, had some success. **Commissioner Martinez:** I see the

Choice Neighborhoods Initiative grant is mentioned in the project description of this report and it would be good to see Boston residents given opportunity for career paths. **Beverly Estes-Smargiassi (DND):** We're doing it with BHA. It is challenging in collaboration between CDCs. **Commissioner Cofield:** Section 3? Successful stories? **Beverly:** Yes, it's Section 3. **Andre:** Yes, we have successful stories. **Commissioner Cofield:** The Commission would like to see that information. **Commissioner Watson:** Charlie Dirac, you said 1st step is to get a sense of plan, can you share with the Commission? **Charlie:** Yes.

**D. Jamaica Pond Pathways Phase 2**

**Duration: 5 mins.**

**Present: Wes Stearns (Lorusso Corporation), Lauren Bryant (Parks and Recreation), Rob Rottenbacher (Parks and Recreation) and Claudette Austin (BRJP Monitor).**

**Project Overview:**

897 wkhrs, 12%BR, 57%POC, 0%F

A handout was provided to the Commissioners detailing scope of work, buyout and Best Faith Efforts.

**Claudette Austin (BRJP Monitor) stated that** the workforce projection was received after the BEC report was submitted and gave an overview of numerical compliance numbers and the highlights and concerns of the project.

**E. Improvements to Reservation Road**

**Duration: 13 mins.**

**Present: Wes Stearns (Lorusso Corporation), Lauren Bryant (Parks and Recreation), Rob Rottenbacher (Parks and Recreation), Ron Salvucci (Mass Bay Electric) and Claudette Austin (BRJP Monitor).**

**Project Overview:**

2,068 wkhrs, 6%BR, 17%POC, 2%F

Boston residents verified 5 of 6 (83%) verified as of today. Since this report, workforce projection was provided for 2 companies. **Commissioner Watson:** Complex project to digest. I'm not familiar with Lorusso. 34,000 hrs. 52%BR POC exceed - Walk us through. **Wes Stearns (Lorusso Corporation):** As you said, it's a very unique project. There are only 2 companies qualified to do this type of skate park, one in Florida and the other, California. Same 8 people, 4-6 week period. **Commissioner Watson:** We understand there are reasons in some cases where there's a valid issue for not meeting the goals. **Wes:** We are an asphalt paving company and we have the capacity to do this type of work with the city. **Commissioner Watson:** Would love to speak with you further. **Ron Salvucci (Mass Bay Electric):** Local 103 and 104. **Commissioner Watson:** What has been the challenge on this project? **Ron:** This is somewhat specialized with limited employees to spread out with limited scope. **Commissioner Watson:** It looks like the woman-power is where it needs to be at 10% and the manpower is where there's a challenge, which is different. **Rob Rottenbacher (Parks and Recreation):** This is Boston's only skate park. Very unique project. We wanted to make sure we had the best skilled people. We are hoping to get local talent going forward and from the Parks standpoint, maybe we weren't watching as closely as we should have. **Commissioner Cofield:** Skate park in Cambridge? **Rob:** Yes, owned by the state. **Lauren Bryant (Parks and Recreation):** We have two in Boston that are not full skate parks. **Commissioner Everett:** Regarding the note from 6/18 Black Journal Magazine, what is that? **Wes:** It's a national magazine we've been involved with. **Commissioner Everett:** I'm suggesting you engage with outreach through the Banner, the DOT Reporter and El Mundo would be local suggestions to help with Boston residents and people of color who are Boston residents.

**III. DIRECTOR'S REPORT:**

**Duration: 4 mins.**

**Celina Barrios-Millner (Equity and Inclusion Director):** There will be 4 upcoming sessions for Salesforce training to be held at BPDA on Drydock Avenue. **Commissioner Watson:** I want to revisit following up on the interdepartmental conversations for City Departments. **Commissioner Cofield:** When does the next CSL class start? **Celina:** October will be an OSHA 10 training and November will be CSL class with a class size cap of 40 (last time was 25). The anticipated location is Roxbury Community College. Names can be submitted to Celina.

**Hearing adjourned at 3:04 pm.**