

Boston Employment Commission Hearing Minutes

A monthly hearing of the Boston Employment Commission (**BEC**) was held virtually on Zoom, October 20, 2021.

Commissioners Present: Commissioner Travis Watson, Commissioner JocCole “JC” Burton, Commissioner Charles Cofield, Commissioner Espinoza-Toro, Commissioner Priscilla Flint-Banks and Commissioner Aisha Francis.

Hearing Begins: 1:02 PM

I. MINUTES

September 15, 2021 minutes accepted and approved (motioned by Commissioner Burton, second by Commissioner Flint-Banks and approved by all).

II. SPECIAL PRESENTATIONS

A. 450 Mass Ave / 566 Columbus Ave

Duration: 17 mins.

Present: Richard Taylor (Taylor Smith Group), David Goldman (New Boston Ventures/CKG Columbus LLC/Owner), Michael Galvin (Metric Construction), Jonathan Garland, Architect (J. Garland Enterprises), Dakota Jones (In Order Business Development) and Takara Hamilton (BPDA Construction Monitor)

Richard Taylor (Taylor Smith Group /MBE):

- **Scope of Work:** Construction of a mixed-use building, consisting of an underground garage, first floor commercial/residential units mix, and residential units on floors 2 – 6. Total number of Units is sixty-six (66). Amenities include a lobby with a fireplace and concierge, courtyard seating area, common roof decks/private roof decks/balconies. **Scope of Impact:** 450 Mass Ave has been home to the United South End Settlements (USES) – a neighborhood organization providing health, education, and security to low-income families in Boston for 128 years. This redevelopment project ensures USES can continue that mission. **Michael Galvin (Metric Construction): Construction Schedule – 11/5/2020 – 10/2022.** The project is 50% bought out. Steel erection is 90% complete – s/b shelled in end of year, interior work (January 2022). **Dakota Jones, Diversity Consultant (In Order Business Development/M/WBE):** In regard to workforce compliance, all subcontractors are aware of the BRJP requirements and reminded as necessary. There’s a standing weekly 7:30am call with a carpentry subcontractor. There’s on-site mailbox for job applications and a QR coded placards. Takara has been fantastic in her leadership which has yielded successful results we are building on. **Jonathan Garland, Architect (J. Garland Enterprises /MBE): Project Benefits -** In honoring and preserving the legacy of the mural at 566 Columbus Avenue, the family of the late muralist, Kevin Jameel Parker have been working with representatives from the **United South End Settlements (U.S.E.S), renowned black architect David Lee** who designed the U.S.E.S building at 566, **Andy Ryan of Andy Ryan Photography Inc.** and members of the design and development team, together forming the **Mural Advisory Committee.** The Honor Roll Mural was commissioned by United South End Settlements to celebrate the rich history of African Americans in the South End and we believe that rich history can and must continue. We have worked together to carefully preserve the images of the mural to be restored and digitally reinstalled as a publicly visible interactive exhibit on both Mass Avenue and Columbus Avenue in the newly transformed non-profit community space at 566 Columbus Ave.

Additional Project Benefits:

- Equity participation in the development by communities of color
- Full relocation expenses to all six of the existing non-profit tenants, including rental subsidy, re-design and build-out where required
- Generous financial contribution to the nonprofit affordable housing org Tenant Development Corp to build a community center on Lenox St.

- 4,800 SF ground level non-profit community program space in perpetuity, (*Donated Free & Clear By Developer*)
- Preserve & protect USES's 128-year legacy of serving children & families by establishing an endowment for long-term financial sustainability

Commissioner Watson: This is the best Special Presentation in my 6 years on the BEC. It's exactly how we move our city to a more racially equitable ecosystem, and I would encourage you to write a best practice/case study on this (*impressed by the project team's diversity*). **Richard Taylor:** This was the goal of ownership from the beginning. Thank you for noticing. **David Goldman (New Boston Ventures/CKG Columbus LLC):** The Marketing Consultants are also MBE, Ricardo Enriquez & Associates. **Commissioner Burton:** Post-pandemic, how are you tracking the progress/challenges of this project? If the Commission can be helpful in anyway, reach out to Dakota and Takara. **Michael:** It's been a struggle meeting the requirements. We meet weekly and discuss improvement strategies and encourage the subcontractors to look at their 2nd tier subs to hire small/local businesses. Shelley and Dakota have been great in educating those who need understanding on the BRJP requirements. **Takara Hamilton (BPDA Monitor):** Prior to subcontractors coming on site Dakota and I had a conversation. J. Derenzo and Marguerite were the first two subs on and when we noticed Marguerite slipping, a Corrective Action meeting was called immediately, and they were able to bring on additional people of color. We are making every effort to hold these subcontractors accountable to produce the highest level of diversity to this project. **Commissioner Watson:** It would be great if the city can find a way to showcase this project.

A. 119 Berkeley St.

Duration: 19 mins.

Present: Eric Shinrock (Mt. Vernon Company Inc.), Christopher Hemenway (Hemenway Construction), Robert Woodson (BRJP Construction Monitor)

Eric Shinrock (Mt. Vernon Company Inc.):

Scope of Work:

This is small project – 1 month duration. Installation of handicap lift in an existing lodging house with a direct entry from the exterior sidewalk. Renovate one unit to accommodate the lift and to make the unit fully accessible.

Christopher Hemenway (Hemenway Construction Management): This is our first project with BRJP/BEC. Construction has not started. All subcontractors are bought out and all attended Pre-Con meeting – Maya Drywall /MBE (Demo/Framing/Sheetrock), Mark Barillas /MBE (Electrical), MH Mechanical /MBE (Plumbing), Sampaio Tile /MBE (Tile), CE Paint (Painting), HM Soares /MBE (Masonry). Workforce Diversity outreach efforts:

- Contact Jobs Bank Cohorts for Nonunion Contractors such as YouthBuild, Building Pathways, Operation Exit, Boston Career Link and Benjamin Franklin Institute of Technology.
- Actively accept applications on site (reviewed by Eli Lopez, Construction Project Mgr.).
- Run advertisements on online job boards such as Craigslist and ZipRecruiter.
- Run advertisements in local media outlets such as Bay State Banner, El Mundo Newspaper, and Metro Newspaper as needed.

Commissioner Burton: As your first impression to the BEC, thank you for a thorough presentation. This being a fast-tracked project with diverse contractors and labor, we look forward to good numbers. **Commissioner Watson:** Beverly, it's appreciated that DND is setting the tone within the administration for racial equity and gender equity and I'm sure you are instrumental in that. Robert, are there any concerns? **Robert Woodson (BRJP Monitor):** At this juncture there are no initial concerns. As you can see, they have done their due diligence. We've had thorough conversations and my expectation is that they will do well.

III. Project Overview:

A. 41 N. Margin St.

Duration: 24 mins.

Present: Emil Frei (Berkeley Building Company), David Ennis (Berkeley Building Company), Tanya Hahnel, (East Boston Development Corporation), and Robert Woodson (BRJP Construction Monitor)

Project Overview:

15,820 wkhrs, 194 workers, 11 Contractors, 34%BR, 78%POC, 10%F

Robert Woodson (BRJP Construction Monitor): A 23-unit, 100% affordable elderly housing development. The project is an adaptive re-use of the building into a mix of studios and one-bedroom apartments. All units will be LIHTC units. Robert reviews reports overall numbers and highlights and concerns. **Commissioner Francis:** Robert, can you explain the parenthetical language for the 7 Compliance Enforcements? How long is given for the unverified resident status to comply? Also, the payroll is reading 10 days past due. **Robert:** They have 30 days to verify Boston residents. The language in parenthesis is giving an example of what puts it in non-compliance. The payroll issue was addressed and was not warranted to note as non-compliant. Commissioner Flint-Banks asked for further explanation. Robert apologized for the confusion and assured that the reports will not have that parenthetical language going forward. Commissioner Flint-Banks questioned the higher percentage of people of color in comparison to Boston residents and stated that it would appear the people of color percentages were a reflection that they are from outside of the city of Boston and questioned why the Boston resident percentage goal cannot be met. **Emil Frei (Berkeley Building Company):** New Builders had 61% Boston residents, 100% People of Color and 10% female. They are off the job; Boston Concrete is also off the job. AT Masonry has a small crew but should be able to improve their numbers this upcoming week they are bringing on 10 – 12 masons and have been told they need to be Boston residents. **Commissioner Burton:** What is the completion schedule, are the subs bought out, what is the expectation to improve and address the 85% of unverified Boston residents? **Emil:** I'm the owner and will take all necessary steps to rectify residency and female numbers. By 10/29 there will be an answer on the outstanding 25 Boston resident verifications. Except for flooring, all subs are bought out. The project is expected to be completed Feb/Mar 2022. **Commissioner Flint-Banks:** Is this your first time working in the City of Boston? **Emil:** Yes, my first project in Boston. **Commissioner Burton:** Welcome, it does take a strategic/intentional effort. Perhaps, you could see that from Special Presentations presented earlier. We will have follow-up on this project since it is your first. Based on your response, I'm glad you will be involved. Robert is one of the best monitors and we recommend you take his feedback. We don't normally have numbers like this on an open shop project. **Emil:** I will call Robert after the meeting. **Robert:** There are slight concerns. I will email you and we can connect.

Public:

Linda Shaughnessy (Shaughnessy Brothers): As a GC, I know verification can be time consuming. My question is for the BRJP staff. When you receive an individual that's not verified why aren't they considered non-resident? It would appear the numbers are skewed otherwise. Do you give the GC a timeline? **Robert:** Per the ordinance guidelines, there's a 30-day window to correct. **Andre Lima (Equity and Inclusion):** This process gives the monitor insight on who would need to be verified. **Commissioner Flint-Banks:** Proof of residence should be mandatory the first day the person comes on the job, just like any other job requires proof upfront.

B. One Congress St. at Bulfinch Crossing

Duration: 23 mins

Present:

Project Overview:

356,439 wkhrs, 1,149 workers, 21 Contractors, 30%BR, 43%POC, 7%F.

Pamela Ruffo (BRJP Construction Monitor): This is the project's 3rd appearance at the BEC: Special Presentation on 11/20/19 & a Project Review on 12/16/20. The project is at 60% complete. The overall number of work hours increased by 258,740 hours (from 97,699 to 356,439). The number of workers increased by 668 workers (from 481 to 1,149). Boston Residents performance remained at 30%. People of Color performance decreased slightly by -2% (from 45% to 43%). Female performance remained at 7%. BRJP recommends that JMA conduct a meeting with the Laborers Local 22 Business Agent in the next few weeks, review S&F workforce participation to ensure a female worker, preferably a laborer is placed on the project and continue to be pro-active in communicating with the current subcontractors that workforce goals have to be maintained throughout their scope of work on the project. Because it's at 60% complete and subcontractors start to decrease their crews, we emphasize to them the importance to retain the Boston residents, people of color and females so their numbers aren't impacted further. JMA established a contract requirement from each subcontractor regarding workforce compliance. This contract

request each subcontractor prior to starting onsite to provide on company letterhead their plan to achieve the workforce goals as well as submit any correspondence from their interaction with the Union Halls. The contract further states failure to submitted required paperwork will result in the subcontractor's requisition being withheld. **J & M Brown is the 5th largest subcontractor onsite who should be commended for exceeding all the workforce goals: Resident 52%, POC 28% & Female 11%.** Pam: This project is under the old ordinance (50%BR, 25%POC, 10%F), are there any comments on the numbers? **Commissioner Flint-Banks:** The numbers are horrible. JMA has done work in the City of Boston for a while and can't find Boston residents? **Commissioner Burton:** This is under the Old Ordinance (50%BR, 25%POC, 10%F). **Commissioner Burton:** Any comments from JMA? **Karen Blessington (JMA):** We work very hard to get residents. We have 44% BR carpenters. We continuously work, daily, weekly, monthly to get paperwork in that proves outreach to the union halls and we do not accept the generic letters anymore. I also want to introduce Ahmed Nur, he's the head of our Diversity and I asked him to speak today on our Boston Planned jobs. **Ahmed Nur (JMA):** Good afternoon, I've been with JMA 18 years. My background is in engineering and zoning and I've been head of diversity for 4 years. We understand the inequality in the city and our outreach to increase diversity has been through letters to the subcontractors asking for specifics in what they need. We then go out to find the diversity workforce at tech schools, barber shops, churches and various communities. We hold a company open house and invited subcontractors, union leaders, developers/gcs. Recently, we've been talking to neighbors and friends. One conversation resulted in finding a female student from Codman Academy in an apprenticeship program (Electrical). An electrical subcontractor took her own to give her an opportunity (she was willing to work for free for the opportunity). **Commissioner Burton:** All of what you have shared is helpful, however, JMA has been in the news as an award winning company where diversity is concerned and with a \$408,000 almost ½ billion dollar project, a more aggressive and robust response is expected. Therefore, we have pause and hesitation and will look for additional follow-up before the next presentation.

Public:

Janet Jones (Dorchester, Roxbury Labor Committee):

JMA has a project in my neighborhood, DOT Block which is in the foundation stage. I've been in touch with Mr. Nur in the past. This is a wake-up call. We expect and count on the good past history of JMA to produce for our neighborhood. **Ahmed:** We are having an open house for DOT Block. Rep Morales is helping us with that. Janet, I will be in touch with you soon. **Commissioner Watson:** Giving all the comments, I will expect BRJP to have this project back. There is still time for improvement.

C. 7218 – 26 Court Street Demolition

Duration: 25

Present: Susan Goldman (J&J Contractors), Gregory Rideout (Public Facilities Dept.) and Manuel Barbosa (BRJP Construction Monitor)

Project Overview:

1,703 wkhrs, 31 workers, 5 Contractors, 23%BR, 58%POC, 12%F

Manuel Barbosa (BRJP Construction Monitor): Commend the team for overall efforts in surpassing employment standard numbers for People of Color at 58% and Female participation at 12%. The Project is at its 50% completion mark. Continue to encourage subcontractors deficient in any category, to take steps to make improvements by providing information about pre-apprenticeship programs and continue to send work ready tradesmen and tradeswomen information out to these subcontractors that are ready to ramp up work. J&J Contracting have not surpassed any of the employment goals (Boston Residents 7%, People of Color 7% and females 0%). Improvements must be made especially for setting the example as the General Contractor for the project. For the next half the project, Boston residency numbers should be a priority. For the project, Boston residency numbers are poor at 23%. Continue engaging underperforming subcontractors by having them provide a corrective action for hiring to meet the employment standards numbers for hiring. Carpenters trade is not meeting any of the employment standard and stand at 0% in all 3 categories. Improvements must be made. A corrective action plan needs to be put in place in order for these numbers to improve. **Commissioner Flint-Banks:** J&J can't find Boston residents and females. The numbers are unacceptable. **Commissioner Burton:** The female numbers overall are ok. It's the

individual trades that present challenges. **Susan Goldman (J&J Contractors):** We are working on getting those percentages up and expect that with the new sub, American Environmental (MBE our largest coming on (7,000 work hours anticipated). J&J hired a female who fits all categories. We sent a letter to CDS Contracting and emphasized they need to get a female; they informed us that they have 15% female participation. We had not received confirmation for that to be included in this report. It's more challenging with file sub bidders who we have not control over on the project. We sent letters to minority groups to apply at the beginning and recently in hopes of filling all 3 categories. **Commissioner Flint-Banks:** How long has J&J done work with the city? **Susan:** We've done ½ dozen projects with the city of Boston. J&J is not self-performing much on this job. We've worked 110 hours to date and have 100 hours remaining. I request corrective action letters from subcontractors when warranted and quarterly projections to see where potential help is needed. **Commissioner Burton:** What is the response? This is primarily demo and on that provision, a low bar for participation skill set. Safety is important. However, we would expect to see numbers that look differently. **Susan:** The response is they have reached out to the unions with no success or they have their best crew out there. We then push back and emphasize the importance of them finding the workforce required by the BRJP. **Commissioner Burton:** I see the numbers met in the female category with plumbers/pipefitters and in the laborers/electricians with people of color which both categories show that the people aren't Boston Residents. This is called the Boston Residents Jobs Policy and Boston residents are lacking. With the completion date being December 2021, there's 6-8 weeks to figure it out. **Susan:** We should reflect improvements sometime in November. **Commissioner Burton:** Manny can we get a follow-up report status by November 10th? **Manny:** Yes. I also want to say that Susan is very pro-active in cc'ing me on all workforce diversity outreach correspondence.

IV. BEC Commissioners' Follow-up Requests/Concerns

Outreach regarding BFIT (Millenium Partners) – **Satisfied**

Outreach regarding Madison Park/Vocational Correspondence (Suffolk Construction) – **Satisfied**

- 41 N. Margin St. / Outstanding BRV (**Follow-up still in progress**)
- 26 Court St. Demolition / Improved Report BR/F Percentages (**Documentation received**)
- One Congress St. at Bulfinch Crossing/Additional Follow-up-Come back (**Documentation received**)

V. DIRECTOR'S REPORT:

Duration: 5 mins.

Celina (Chief of Equity and Inclusion):

This is Commissioner Travis Watson's last meeting as Commissioner and Chair of the Boston Employment Commission. Thank you Commissioner Watson (Travis) for your 6 years of service and keeping us grounded on why this matters. While we will miss you in this official role, we hope to count on your expertise. The chair appointment is a Mayoral appointment. As we await the transition of the Mayoral administration, we will assign one of the 6 commissioners to chair interim as we would with absences in the past. **Commissioner Cofield:** Thank you Travis for your support and education. Celina, can we make recommendations for who sits on the board? **Celina:** Absolutely, we welcome feedback from the Commissioners. **Commissioner Burton:** I echo all that is said about Travis's great leadership in the chat and what Commissioner Cofield shared and I as one who represents all three of the categories (Boston resident, people of color and female), commend that he has lead with diligence, commitment context to history, fairness, diplomacy and grace. **Commissioner Flint-Banks:** Thank you Travis for your leadership. I know you will remain engaged. **Commissioner Watson:** I hadn't planned to say much as I know I'm leaving the BEC in very strong capable hands. I shared thoughts at the City Council hearing at the beginning of the month. I've made friends and lost friends, gained allies and have had people tell me I'm an enemy to them now. I've grown to respect many people. To quote a hip hop artist (?), "I'm getting those snakes up out of my grass" and that's a good thing too. There are so many people to thank, there's one in particular, Christopher Brown (BRJP Manager). **Christopher Brown:** While I appreciate those kind words, this is about you. It is tough being honest and I appreciate you always staying true to the heart of the matter. **Commissioner Watson:** Lastly, I read a book by Charles Blow, *The Devil You Know* and recommend it. His quote sums up my segway from the Commission: *"Time, energy and passion are a limited commodity in life. Every minute I take to fix flaws is another minute taken from loving my family, being in community and doing my work. I refuse to give racism my minutes."*

Furthermore, it is outrageous to expect the oppressed to heal the oppressor that in fact is another form of oppression.”

Celina: BEC Sanctions Policy working group will have a 3rd meeting on October 26th, 1:00pm – 3:30pm. It will be publicly noticed. The expectation is to prepare to bring the policy to the November BEC Hearing for a vote.

Early voting starts this weekend. You can go to [Boston.gov/elections](https://www.boston.gov/elections) for further information.

Commissioner Watson: Can I get a motion to accept and approve the Director’s Report? Commissioner Burton motioned, Commissioner Francis 2nd, all Commissioners approved. **Commissioner Watson:** Can I get a motion to adjourn the meeting? Commissioner Cofield motioned to adjourn, Commissioner Watson 2nd and all Commissioners agreed.

Meeting adjourned: 2:53