

Boston Employment Commission Hearing Minutes

A monthly hearing of the Boston Employment Commission (**BEC**) was held virtually on Zoom, November 16, 2022.

Commissioners Present: Commissioner JocCole “JC” Burton, Commissioner Charles Cofield, Commissioner Kenell Broomstein, Commissioner Watson and Commissioner Priscilla Flint.

Hearing Begins: 1:02 PM

I. MINUTES

October 19, 2022, motioned by Commissioner Flint, 2nd by Commissioner Cofield, 1's approved, 1 abstain. September 21, 2022, minutes motioned by Commissioner Watson, 2nd by Commissioner Flint, 1's approved.

II. SPECIAL PRESENTATIONS

A. Old Colony Phases 4 & 5

Duration: 27 mins.

Commissioner Watson disclosed his employer's connection with this project and because it was a special presentation and didn't involve voting, he remained present.

Present: Darcey Jameson (Beacon Communities LLC), Quianna Wasler (Beacon Communities LLC), Michael Cooperman (Cranshaw Construction), Chris Ianelli (Cranshaw Construction) and Patricia Maragioglio (BRJP Construction Monitor)

Overview:

Darcey Jameson (Beacon Communities LLC) and Quianna Wasler: Introduced team and expressed developer's commitment to the BRJP workforce goals. This project is 100% union. Construction Schedule is 2yrs (2023/2024-Oct). 22%MBE and 9%WBE goals. There are partnerships with various organizations around the city. Riana Ragno (unable to attend) is Cranshaw's diversity assistant. Career fair was held at Wentworth. The job is not fully bought out. There is a community outreach plan to meet workforce goals. \$220,000,000 worth of work. \$80,000 We meet with diverse companies in and out of Boston monthly.

Public:

Azell Martin (BHA): How will you follow-up with the unions? Do you have an agreement signatory to carpenters and laborers? **Chris Ianella:** We plan to work with the building trades and pre-apprentice programs (Building Pathways). We have meeting set up with Mr. Martin and Virginia Albert to address union entrance (reference was made to Old Colony 3A). **Commissioner Watson:** Is the engagement with MWBE owner imposed or internal from Cranshaw? **Chris:** Owner goals (13 ½% MBE, 14% WBE on previous project). Internal mindset is to create 30 – 40%. **Commissioner Burton:** Appreciate your thoroughness of presentation. It's not a requirement to track for MWBE, however data shows when done, it's beneficial. Are there any Section 3 requirements? **Chris:** Yes, at least 2 subcontractors we worked with within the past. We intend to work with others and will work with Mr. Martin on community participation. **Darcey:** Built Training Learning Center – setting up job fairs and help sessions - meeting needs where they are. **Commissioner Flint:** Was the last project under compliance? **Chris:** No, we do intend to make that a goal. **Commissioner Cofield:** The biggest part of the process is how you start. Playing catch-up isn't beneficial. In regard to building relationships in the city, how are the job fairs promoted? **Chris:** Demolishing existing buildings - awarded to certified MBE – excellent performance – \$6 ½ mil – vast diverse workforce. I will take your comments and follow-up on them. **Commissioner Cofield:** It's an invitation not an attack. **Chris:** I'm not threatened. We want to work together.

Janet Jones: Project in South Boston – Never been respective to POC (workforce safety). Martin (MOH).

B. Four Corners Plaza

Duration: 22 mins.

Present: Brenda Laurenza (Bald Hill Builders), Max Blackerby (Bald Hill Builders), Chrissy Clark (Bald Hill Builders), Carol Fuller (Bald Hill Builders), Matt Grasshandler (Bald Hill Builders), John Feuerbach (MOH), Mark Dinaburg (CSNDC) and Robert Woodson (BRJP Construction Monitor).

Overview:

Brenda Laurenza and Max Blackerby (Bald Hill Builders -WBE): Mid-rise mixed-use development. 35 affordable units – Construction schedule 17 months (May 2024). Awarded contractors and Pending subcontractors to be awarded.

Chrissy Clark (Bald Hill Builders): Workforce diversity – track record of meeting and exceeding goals. Future jobs fairs. 12 MBEs and 4 WBEs – contractors list. 2% done leaves a lot of buy-out opportunity. Application process – Banner on site reads “Now Hiring”, application mailbox to come. **Brenda Laurenza (Bald Hill Builders):** Openings within BHB will take in candidates. Internal diversity hire. **Commissioner Burton:** Section 3? **Carol Fuller (BHB):** Yes, will focus on recruiting low-income restricted individuals. **John Feuerbach (MOH):** Mayor’s office of Housing – 5 years involved (disposition project), city land and substantial city funds. **Commissioner Broomstein:** It’s good to hear about internal diversity hiring. **Brenda:** partnerships – start strong to finish strong (reference Commissioner Cofield). Lip service is not our goal. **Commissioner Watson:** Solid start. Nice to see efforts for those who might not work out on this project and the commitment to MWBEs (referenced Marvin Martins with Action for Equity).

Public:

Janet Jones: Worked with Marvin Martin and will take a walk to the site and check out what’s going on.

Commissioner Burton: Referenced Gail Latimore (CSNDC). **Mark Dinaburg (CSNDC):** Happy to be partnering with Bald Hill Builders on this site that has been a long awaited development from 1996 – 2005 - 2022. **Commissioner Cofield:** I’m familiar with Matt and look forward to seeing how the project progresses. Is this lot by Downhome Delivery? **Answer:** Yes. **Vincent Coyle (Local 7 - Iron workers):** Worked previously. JWC Steel potential – reached out last job. Boston Resident -3 and Female -1. Will they reach out again? JWC Steel is a CT company? **Matt Grasshandler (Bald Hill Builders):** Will reach out to JWC working with carpenters to work with Business Agents. **Robert Woodson (BRJP Monitor):** JWC – pre-con yesterday on unrelated project. We’ll follow-up – didn’t have the BR/F on the other project. **Commissioner Burton:** That’s good insight to know the status of their Boston residents and females on their other project and a reminder that the goal of BRJP is local hires from Boston including women. **Jorge Rivera (Painters Union):** During the pandemic there’s been concerns of wage theft and misclassification (drywall/painters). Can Bald Hill mitigate and put guidelines in place? **Matt:** We will investigate and will follow-up with Jorge. **Commissioner Burton:** When organized labor joins us, it gets real.

III. CALL BACK and PROJECT REVIEW

A. Citizen M Hotel (Call Back)

Duration: 23 mins.

Present: Vera Addi (Suffolk Construction), Ted Anastopoulos (Suffolk Construction), Ed Schelleng (Commercial Construction Consulting, Inc.) and Christopher Brown (BRJP Manager) for Manuel Barbosa (BRJP Construction Monitor)

Project Overview:

Ted Anastopoulos and Vera Addi (Suffolk Construction): Rendering shows Parcel 12 which is a separate contract team and is the section over the highway. Citizen M Hotel is a 399-room hotel and project development is currently on the 14th floor with 2 floors to follow. Concrete structure will be complete at the end of November. Exterior Curtain Wall (Jan – March), Interior scope (March). Next trades on site, NH Steel, The Waterproofing Co., FNG Curtain Wall (Jan - 4 workers), Wilco (MWBE), Chutes (Jan – 3 workers), Schindler Elevator (February – 4 workers). Vera meets with Manny monthly. Recently had a corrective action meeting. 20,000w/hr, 28%BR,

44%POC, 11%F. **Manny:** Vera has been working hard on being pro-active with phase 2 (interior). This project will be successful compared to Parcel 12. POC and Female numbers are doing excellent. **Commissioner Burton:** Previously (last month's BEC) it didn't look like there was a plan to meet the goals. Today has given more context and given understanding to the challenge. **Dara Frederick's (Suffolk Construction):** Very targeted with engaging MBEs. They help create the diverse workforce. Suffolk and team work closely with Manny on a pro-active strategy. **Commissioner Burton:** Congratulates Dara on her new position with Suffolk. **Commissioner Flint:** What's happening after the Corrective Action Meeting. Boston Resident numbers aren't great and means the high POC numbers – are workers from out of the city. **Vera:** this project started the beginning of August. Previous relationship with trade partners and if they are challenged, we reach out to union halls and business agent reps. **Dara:** Regarding workflow, we identify interested applicants and we are working with Building Pathways and their graduates available to work. **Commissioner Flint:** You're not close to being at 51% Boston Residents. **Commissioner Burton:** There are not a lot of subcontractors on the site yet. **Commissioner Flint:** Thank you for that clarification. **Commissioner Burton:** This was a better snapshot of where you are. **Commissioner Cofield:** Where the job starts gives closer indication of getting it right. **Commissioner Burton:** Agree 100% with Commissioners Cofield and Flint. It's been 28 years I've been involved in construction. There's nothing prouder to be part of legacy projects. Take more thought on how you're hiring in the city. We'll start looking in 2023 at the economic impact when job is not in the city. **Commissioner Burton:** Bald Hill Builders, because the subcontractors aren't local, you're not looking at the directory (SDO). **Carol Fuller (Bald Hill Builders):** We work with a lot of different subcontractors and self-certify them. If they are not on the SDO, we work with them. **Commissioner Watson:** I've questioned the unequal certification process for MWBEs (Business ready response). **Commissioner Burton:** It is not asked of white counterparts when they certify. Some billion-dollar GCs – the regulating authorities' issue MWBEs requires a lot more data – risk mitigating tools (insurance and bonding).

B. Michael E. Haynes Arms

Duration: 12 mins.

Present: Kimani Lebeau (Cruz Companies), John Feuerbach (Mayor's Office of Housing) and Robert Woodson (BRJP Construction Monitor)

Commissioner Watson recused himself due to his employer's (MHIC) affiliation with this project.

Project Overview:

77,650 wkhrs, 303 workers, 20 Contractors, 43%BR, 78%POC, 7%F

Robert Woodson (BRJP Construction Monitor): Reviewed BEC reports highlights and concerns (Jan 2020 – Nov. 2022). GC is leading with 74% Boston residents. Pre-con meeting critical juncture – workforce percentages can be accurately monitored as well as Boston Resident Verification. Don't want to dismiss the strong diverse workforce Cruz has and would like to address the payroll (overall 16 days late submittal) and how I as the monitor can help alleviate some of the challenges. **Commissioner Burton:** Commend Cruz for leading by example. Appreciate Robert identifying challenges/blind spots – Masonry, Payroll and Boston resident verifications (47%). **Commissioner Cofield:** Always want to commend Cruz on what they do for the communities regardless of signatory status and I'm always looking to see if we can assist his people who want to join the union or how we can partner on his projects. **John Feuerbach (MOH):** The city has worked very long time with Cruz Construction and a substantial amount of city funding on their projects. We participate in weekly meetings - working closely with Robert. **Kimani Lebeau (Cruz Construction):** Thank you Robert, Commissioner Cofield, and John for the kind words. We will address the payrolls. As it was said, had it not been for the Masons, we would have reached the resident's goal. This is always important to Mr. Cruz.

C. 250 Centre Center

Duration 34 mins

Present: Brook Woodson (Shawmut Construction), John Feuerbach (MOH), Micah O'Niel (Shawmut Construction) and Celso Ribeiro (BRJP Construction Monitor)

Project Overview:

Current: 74,778 wkhrs, 467 workers, 19 Contractors, 13%BR, 41%POC, 4%F

September 22 BEC: 58,469 wkhrs, 412 workers, 16 contractors, 12%BR, 39%POC, 4%F

Celso Ribeiro (BRJP Construction Monitor): Reviewed BEC reports highlights and concerns. **Commissioner Burton:** Slight increase (1% BR). People of Color (POC) are from outside of the city and Female number remains at 1/3%.

Commissioner Flint: Unacceptable and horrible. I believe Shawmut can do a lot better. **Brooke Woodson (Shawmut Construction):** There's been 7-8 payroll periods and it will take a while to see an extensive change.

Commissioner Watson: Shawmut's letter to Michael O'Neil regarding D&M Civil - employed 31 core crew, 6 Boston residents and 0 females at 5,000 work hours. Corrective Action Meetings with several subcontractors' (failure to attend). Need clarity on report stating project as in compliance. D&M Civil, North & South, Bridge Line Exteriors – Failure to attend and Monahan – Failure to attend and no response. There's at least \$1,800 minimum sanctionable fines. The workforce projections that don't come to fruition. Boston Resident Verifications – 26/41 (63%). **Brooke:** Spoke with team as to the failure to attend. We've withheld payment. Our internal records indicate 74% Boston resident verification. I will not defend numbers and will address going forward. It will take a while to see extensive change. **Commissioner Watson:** I respectfully ask the city to address the sanctioning process. **Brooke:** I assumed the GC held and attended the corrective action meetings with subcontractors.

Commissioner Burton: GC passes the fine to the subcontractor. We will have a sanction hearing before the end of the year. **Commissioner Flint:** Happy to hear that. This is totally disrespectful. These aren't big fines. \$300 is a joke and needs to be increased (*this must be done through state legislation*). I would like to know the status of sanctioning. To only sanction on paperwork and not on meeting the workforce goals set in the BRJP ordinance is not helpful.

Public:

Viny Coyle (Local 7 - Ironworkers): Rose Steel is a WBE contractor out of New Hampshire. We picketed a project that Novel Iron had 6 white men from NH and 0 BR, 0 POC and 0 F. **Micah O'Neil (Shawmut Construction):** Shawmut is embarrassed by this. Taking as fast action as we can. **Commissioner Burton:** Thank you for chiming in. How are you able to address? **Micah:** Withholding payment (we don't have sanctioning clause in the contracts). Some are small subcontractors and withholding payments on them would negatively impact their meeting payrolls. **Commissioner Burton:** Has there been any payments withheld on this project? **Micah:** State law – Prop Payment Act – Legally prohibits. **Commissioner Burton:** Yes, if not in the contract regarding performance. **Commissioner Watson:** I want to take this back to the city's tool at hand to address this. It's only \$1,800, but that might send a message. **Christopher Brown (BRJP Manager):** Commissioner Watson, it is a clear violation, and we will follow-up with this internally. **Commissioner Burton:** Disappointment/Challenge. Likely to have additional conversation and appreciate you showing up. We expect so much more from Shawmut.

IV. BEC Commissioners' Follow-up Requests/Concerns

- Citizen M Hotel come back in November
- Fountain Hill written report due in December and comeback January 2023

V. SANCTIONS:

The Boston Employment Commission is at the end of the rope as it relates to sanctions. There are multiple projects being reviewed and need to be notified first. We cannot provide names. The regular monthly BEC is going to be held on December 14th with a possible sanctions conversation to be held on December 21st.

VI. DIRECTOR'S REPORT:

Duration: 10mins.

Omar Koshafa (Deputy Director Supplier Diversity/BRJP): I've noted raised concerns - wage theft and MBE Certification (referenced Commissioner Watson). 1. Reminder, public meeting law is extended through March 2023. 2. Transition of BRJP into new cabinet still being formed (Trinh Nguyen/Jodi Sugarman-Brozan). 3. Commissioner Cofield's last meeting. Christopher Brown (BRJP Manager) commented on Commissioner Cofield's important impact to the work of BRJP as it related to his commitment to the people of Boston and especially to those of Dorchester, Roxbury, and Mattapan. **Commissioner Burton:** Commissioner Cofield's impact of breaking down walls/barriers is immeasurable. He is a respected member of the community. **Commissioner Watson:** I've

appreciated your ability to have some challenging conversations and will miss you. I've learned a tremendous amount from you. **Commissioner Cofield:** Commissioner Watson, Iron sharpens Iron, and you inspired me to be better. After 38 years with the Carpenters union, I became a better community person and Business Agent. We need to get back to the times when we would walk the sites. **Commissioner Flint:** I will never forget the work we've done together (referenced protest at 225 Center Street project development). **Commissioner Burton:** Make tribute for Commissioner Cofield and Commissioner Francis at beginning of December BEC Agenda.

Commissioner Cofield motioned to adjourn, Commissioner Flint 2nd and all approved.

Meeting adjourned: 3:25pm