

Boston Employment Commission

Regular Meeting Minutes

A regular meeting of the Boston Employment Commission (**BEC**) was held on Wednesday, August 15, 2018 at 1 City Hall Plaza, Conference Room 801, Boston, MA 02201.

Commissioners Present:

Chair, Commissioner Travis Watson, Commissioner Charles Cofield and Commissioner Jorge Martinez.

Meeting Begins: 3:03 PM

I. MEETING MINUTES

Commissioner Watson called the meeting to order. Due to insufficient quorum, **the July 18, 2018 minutes will be approved during the September BEC meeting.**

II. SPECIAL PRESENTATIONS

A. 23 Ruskindale Road

Duration: 07mins.

Present: Michael Chavez, Ken Smith, Greg Mumford and Robert Woodson (BRJP Monitor)

Project Overview

Dudley Economic Empowerment Partners (DEEP) will construct a single-family home at 23 Ruskindale Road in Hyde Park, MA 02136. This property will be a two-story 1,634 SF, 4-bedroom, 2-bathroom single-family home that will be available for purchase under the city's affordable homeownership program at 100% AMI. The home will be slab-on-grade and will aim to keep as many existing trees on the site as possible, will have two on-site tandem parking spaces, a large rear porch, and a drought-tolerant landscape design. The first floor has an ADA compliant bedroom, bathroom, and kitchen. The second floor will have three bedrooms and a full bathroom along with storage space under the south-facing roof.

Michael Chavez (Youth Build), Youth Build is a non-profit organization founded in 1990. We have 4 programs and do skills training for building trades and are certified for carpenters union. . The 23 Ruskindale Road project has a universal design and is intergenerational (*set up for grandma/granddad to live with their children without hindrance to their access on the property*). They worked with the community on design and colors. **Commissioner Watson** stated he is inspired by Youth Build's approach in training based on his familiarity with the program. He further states, the projects are life changing and he has a lot of respect for program and has been looking forward to having Youth Build come before the BEC. Commissioner Watson expressed that this project being under the New Ordinance he wanted to stress the concerns he's seen with smaller GCs in regards to paperwork and encouraged that as they encounter any challenges to please reach out to BRJP office, communication is important as we realize things happen. **Mike** stated that he went through the New Ordinance compliance goals with Chris Brown and Robert Woodson and understands the importance of the compliance process.

B. Two Drydock

Duration: 08 mins.

Present: Mark McGowan (Skanska), Mike Caliva (Skanska), Adrian Gary (Skanska) and Manuel Barbosa (BRJP Monitor)

Project Overview:

Project is located at 2 Drydock Ave., Boston, MA 02210, steps from MBTA Silver Line bus service. Construction consist of a 13-story, 298,700 sf office building that includes: ground-floor retail, public plaza, rooftop terrace on the 11th floor, a rooftop terrace at the penthouse level, 150-space parking garage, bicycle storage and locker rooms with showers.

Mark McGowan (Skanska) - Flett and Skanska is doing majority of under pinning. 80% of major trades have been bought out. Remaining buyout will happen towards end of October 2018. Next couple of weeks concrete and BOSS Steel (WBE) coming on-site. We have worked with a lot of the subs on previous projects. **Commissioner Watson** asked Manny about any conversation with GC. **Manny** states he met with GC who understand the process. **Commissioner Watson** asked if there is language in contract to withhold payment. The answer was yes. **Commissioner Watson** requested Workforce Projections to get a sense of what it looks like. **Commissioner Martinez** - Any concerns with buyouts? **Manny** cited WL French and S & L Concrete - had a recent kickoff meeting and asked for Best Faith Efforts and any response from solicitation to halls. **Commissioner Watson** states he's looking forward to seeing project back in 3-4 months.

C. Marine Wharf

Duration: 10 mins.

Present: Alex Taranto (Intercontinental Real Estate), Brooke Woodson (Suffolk), Corey Allen (Suffolk), Ben Salamone (Suffolk) and Vargas DaSilveira (BRJP Monitor)

The project is located at 15 Terminal Street and includes construction of a 320,000 sf hotel with 411 rooms, managed by Hampton Inn and Homewood Suites by Hilton. The hotel will include a mix of approximately 245 select-service hotel rooms, 166 extended-stay hotel rooms, 3,500 sf retail space and parking for 75 vehicles. We will break ground September 1, 2018 - expected completion in 24 months - 35% buy out to date - balance of trades should be bought out mid-September 2018. **Commissioner Watson** - Of the 35% bought out, are there any concerns? **Corey Allen (Suffolk)**, No concerns - we meet with these trades before the job starts. I will get work history from Vargas. **Commissioner Watson** - The fact that there are no concerns, concerns me, they all claim they will go after the goals. Vargas has there been any conversation with team? **Vargas** - This is one of my first assigned projects as a new monitor. My suggestion is that contractors consider sponsorship through resources such as Youth Build to help build core crew. **Corey Allen (Suffolk)** - Suffolk continues to do outreach, an example is Bluebird Graphic Solutions (MBE), who also employs people of color and recently graduated from our Trade Partnership Series and will be doing more work on Suffolk projects. **Commissioner Watson** - Looking forward to next BEC review.

Public: Susan Moia (PGTI) - We are confident this project will meet numbers because they are all-union and they can draw on that. We're looking for progress on Diverse Core Crew and Constructive Corrective Action. Pleased to work with this project.

Commissioner's Request: Workforce Projections for those subcontractors coming on-site.

III. PROJECT REVIEWS

A. Residential Tower at Bulfinch Crossing

Duration: 35 mins.

Present: Julie Livingstone (HYM Investment Group), Mark Mazza (Aecom/Tishman), Eric Chiasson (Aecom Tishman), Ken Felton (Aecom /Tishman) and Pamela Ruffo (BRJP Monitor)

Project Overview:

Current overall #s – 40,655 work-hours, 28%BR, 37%POC, 4%F

Pam gives overview and states project is estimated to be 25% complete December 2018 (*not October 2018 as stated on report*). S & F Concrete will be increasing their crew. We reiterated they need to come through on efforts to increase. **Commissioner Watson** - What's the tone been in conversations? **Pam** - Tony came before BEC on another project a month ago, so he understands. I explained although they do a lot of other projects and do well on them, they must do same on this project – encouraged them to be mindful and strategic. **Commissioner Watson** - Overall, your level of comfort? **Pam**, I'm confident they went above and beyond, shows their tremendous desire to increase. **Commissioner Watson** - Is Mentor Group Developer's idea? **AECOM Rep** - It's a collaboration. We were introduced by HYM. **Commissioner Watson** - I've done research on my own – commend you on thinking outside the box. Bringing this new tool and utilizing it is great! I'd love if we can invite Mentor Group representative to a BEC Meeting or to the BRJP Office. Help us make the connection. **GC Rep** - We share your intrigue and will have Nicole come to the next meeting. **Commissioner Watson** - Went over Compliance efforts - Aztec Steel 11% women. Any Best practices shared with you? It's worth having that internal conversation with them. **Commissioner Cofield** - Joe Burns Business Manager Local 327 would be the contact for attending BRJP kickoff meetings. There's no reason S&F Concrete shouldn't be able to perform at a higher level and stop assuming halls are empty. We're training and reinstating former members. The halls are not completely empty. Contractors need to be willing to train. Application box – are you referring people to right dates to sign up? Not in favor of application box. People aren't guided in right direction. No representation for trade they are going for. **Commissioner Watson**, tight presentation, Pamela, I concur with recommendations.

Public: Susan Moia (Policy Group) - Aztec Steel is signatory with local 7, 10% women/ people of color on almost all iron worker jobs. **Chuck Turner (Boston Jobs Coalition)** - In neighborhood meetings, we're being told there's nobody available. Some Boston residents are walking around with union letters. It seems carpenters need to give some assistance. Is there a way to make contact with them or to send a letter to the BRJP office each month identifying who is on the bench? It's critically important. **Commissioner Cofield** - Regarding applicants with letters, we need phone calls from contractors stating they need people. Apprentice to journeymen ratio is 5 – 1, have to be careful not to load up the system. There are just under 550 apprentices (to 2,900 journeymen). The pressure has to come from union Halls, BRJP, and Community Organizations. **Chuck Turner** - BRJP could be helpful in raising the question in Pre-Con Meetings, "how many apprentices do you have?" S&F moving workers from so many sites, BRJP needs to say you need to hire workers as part of your company. There's been very little pressure. **Commissioner Cofield** - The People of Color numbers are up on a lot of jobs because they are coming from outside City of Boston. That's why residency numbers are low. People of Color from city are overlooked, mainly African American workers. **Chuck Turner (Boston Jobs Coalition)** - BEC should advocate an amendment that creates a more specific goal in People of Color category that 20-25% be People of Color/Boston Residents.

B. Residences at Fairmont Station

Duration: 20 mins.

Present: David Traggorth (Traggorth Co), Jacob Grills (Delphi Construction), Robert Woodson (BRJP Monitor)

Project Overview:

Current overall #: 8,832 work-hours, 27%BR, 46%POC, 2%F

Robert gives overview. **Commissioner Watson** asked about current payroll submission. **Robert** states that they should be received by next week. **Jacob (Delphi)** - Due to clerical error on GC's part – payroll submission was being sent to wrong place. **Commissioner Watson**, states if this was under the New Ordinance, the recommended fine would have been \$24,000. Please bring this to higher ups attention. Jacob – Workforce? Any Jobs Bank outreach? **Jacob** - Not aware. I just took over the past 2 months. Realistically we're not going to hit 50% but I want to get to the 30% where we were. Mid-September – workforce should be done. **Commissioner Watson** - Dave what's conversation? **Dave (Traggorth)** - We were disappointed to learn reports weren't getting in. Regarding Workforce – wanted to be able to come back with better outlook. We will let appropriate people know. **Commissioner Martinez** - 25 days no submission, why? You're almost finished. Lack of leadership, folks should be embarrassed. **Commissioner Watson** - Robert is this going to have a close out meeting? **Robert**, no. **Commissioner Watson** - Sloppy internal process. I'd like to speak to someone on Executive level. Can we schedule a meeting with higher up? **Commissioner Cofield** - Joe Maskamate is individual to speak with. Delphi was spoken to before this job started. There's another job coming up in Jamaica Plain. Nothing we can do with this one because job's over. **Commissioner Watson** - Although under Old Ordinance, going forward, future job interest be forewarned. **Commissioner Martinez** - Interim Director Brown, why isn't this project going through final phase?

Chris - DND has no formal close out protocol for these types of projects. There's no excuse, Robert provided resources. Delphi's performance on this project has been unacceptable. It's not our job to staff projects, it's the contractors who takes on these project with these requirements. We are setting up meetings with City line departments and Delphi will be brought to DND's attention.

Public: Priscilla Flint (Black Economic Justice Institute) - It's unacceptable what's going on with contractors and subcontractors. A lot of these jobs are mostly under the Old Ordinance. Boston People need Boston Jobs. We will be watching.

C. Boston Arts Academy Enabling Swing Space

Duration: 29 mins.

Present: Jim McQueen (Public Facilities Dept), Albert Batrakoff (Sr. PM, Lee Kennedy), Adriane Pina (Compliance Officer, Lee Kennedy) and Claudette Austin (BRJP Monitor)

Project Overview:

Current overall #: 3,045 work-hours, 21%BR, 47%POC, 8%F

Claudette gave overview - emphasized Electrician (Top Trade) numbers at 46%BR and 37%POC, but 0% female. Lee Kennedy's self-performed resident hours are at 4% and female at 0%. **Commissioner Watson** asked if this was the final quarter of Project? **Claudette**, Yes. Typically Lee Kennedy exceeds compliance on work they self-perform. **Adriane (Lee Kennedy)**, it was stated in Kickoff Lee Kennedy was not going to self-perform. I had to back track with team when I learned from BRJP that Lee Kennedy had workforce on-site that was not being tracked. **Commissioner Watson**, this project is doing poorly, what happened? **Albert Batrakoff (Lee Kennedy)** - It was an emergency move to self-perform. Our labor force is spread thin. BostonResidents/Females not available. **Commissioner Watson** - Lynnwell Associates? Adriane, Lynnwell just hired 1st year apprentice female and will bring her back when they return. It's a 3 month job. Every subcontractor was identified and had a Pre-Con. **Commissioner Watson** - Newroads, 14 workers on site without residents? **Adriane** requested evidence of outreach from Newroads. **Albert Batrakoff** - Bello Painting, PJ Kennedy, Lynnwell – file subs. **Commissioner Watson** - Angelini Plastering as example 2,500 work hours - 2%BR, 2%POC, 0%F (not a file sub). Why give contract to a very poor performing contractor?

Christopher Brown - POC numbers are always high. Adriane is a good compliance person. **Commissioner Watson** asked a question about awarding subs? **Adriane** explained she has nothing to do with buyout and tries to be proactive in tracking subs and educating subs at every Pre-Con Meeting. **Albert Batrakoff** – Going forward, we will make sure, internally, that compliance officer is more closely involved. **Commissioner Watson**, Percentage of verification – 66% (6BR – 4) verified. As a company you had an ability to make a better informed decision. **Albert Batrakoff** - We'll make sure this won't happen again.

Public: Chuck Turner (Boston Jobs Coalition) - I raised this issue 3 meetings ago. Now that projects are coming under New Ordinance it would be helpful to have paperwork on the status of the projects with the 7 compliance efforts report card style. There's tremendous amount of helpful information in the packets, but that's missing. **Chris**, we are working on that. **Priscilla Flint (Black Economic Development Institute)** - We know for last 30 plus years contractors have gotten a slap on the wrist. No more hand slapping. We need to fine contractors. We took time to write up the sanctions with teeth. **Bro Lo (Black Economic Development Institute)** - I appreciate the work being done with New Ordinance. Seriously concerned with behavior of companies like this, yet they continue to get work. Need to send serious message. It's up to you guys to make that decision. We have major contractors not paying MBE's, WBEs. How can they survive? As you know, MBEs, WBEs hire people from our community. **Barry Keaty (Plumbers Union)** - Lee Kennedy was very pro-active in calling us - one of our better GCs. **Commissioner Watson** - I hope this project is an anomaly. Also, I want to be clear on the process. The Commission doesn't initiate sanctions. The process is initiated by BRJP monitors, recommended to BEC and placed before Chief of OED, John Barros.

D. Dudley Branch Library Renovations

Duration: 36 mins.

Present: John Andrea (CTA Construction), Mick Murphy (WJGEI), Raymond Healey (PJ Kennedy), Jim McGaffigan (PFD) and Claudette Austin (BRJP Monitor)

Project Overview:

Current overall #: 5,862 work-hours, 19%BR, 46%POC, 6%F

Claudette gives overview stating there are 2 unverified Boston Residents and project has a 24 day payroll submission time. **Commissioner Watson** - Not pleased with low Boston Resident participation and high payroll submission time. **John Andreas (CTA Construction)** - We had a lot of unforeseen conditions. **Commissioner Watson** asked Claudette why GC is not being sanctioned on this project. **Claudette** - GC's contact to BRJP was re-assigned early on – this is GC's first BRJP project and they are still learning the BRJP process and wanted to give contractor more time to correct. **Christopher Brown** - Turnover explanation is an excuse. If weekly payroll submissions do not improve going forward, you will be sanctioned. **Commissioner Watson** reads from sanction rubric and strongly urge BRJP staff to give General Contractor 30 days from today to correct. If not corrected within this time-frame, he believes fines should be as stated in the rubric. **James McGaffigan (PFD)** - I really think they got the message. Claudette and Chris have been outstanding and accommodating. **Commissioner Watson** - What process do we have for contractors being able to work with the City of Boston? **Chris** - There's a mechanism in New Ordinance regarding contractors working on City projects. **Commissioner Watson** - Not pleased with project performance or GC's efforts. I'd like to have a conversation with higher ups. **Commissioner Cofield** - I go by frequently to see if I can get workers on. I fought to get my steward on who was picked up by Federal Concrete. Also, USA Drywall (framing sub) needs to start this job in compliance. This job is right in the heart of Roxbury. We're trying to exceed goals in Roxbury not just meet them. **John Andreas** - I assume you're talking about Ralph (Carpenter Steward). When we're self-performing we've been making efforts to get him on. Occasionally we get people who bring resumes, don't know that it's gotten anywhere. We make a very concerted effort. **Commissioner Watson** - 121 workers, 23 from Boston. **John Andreas** - Our numbers are low. It's a bit of a learning curve. **Commissioner Watson** - I want to be really clear on Commission's role, I strongly urge you to correct outstanding issues within the 30 day time-frame. We request that CTA's President attend next BEC review for this project. **Commissioner Cofield** - file sub bidders need to make the same compliance efforts. Contractors need to call the unions. **John** - A plumber was supposed to start this week, he didn't show up, he took another job. How do we meet these numbers? **Commissioner Cofield** - You need to reach out to the Plumbers. **Commissioner Watson** - It sounds like you're not prepared to execute what needs to be done. **Commissioner Martinez** - I concur, it's been repeated several times that the outreach should be made to the BRJP staff. **Commissioner Watson** - Want BRJP to pay special attention to People of Color participation. CTA has already been proven to falsify People of Color numbers (as evident in 3 public contracts cited by the Massachusetts Attorney General's office).

Public: Priscilla Flint (Black Economic Justice Institute), Dudley Library project is reviewed regularly by the Community. With the lack of Boston Residents and Females, we need you to understand we will be watching. **Chuck Turner (Boston Jobs Coalition)** - In conversations with Dr. Crockett and Mr. Brown, we understood that fines would not be immediate, but I don't see justification for a 30 day time-frame. **Christopher Brown** - In 30 days we will review – all outstanding submissions need to be up to date by Friday, 8/17/18 and weekly thereafter. Additionally, if you fall out of compliance within 30 days from today, CTA will be recommended for sanctions. **Chuck Turner** - What I'm hearing, BRJP will be monitoring closely in next 30 days.

IV. DIRECTOR'S REPORT:**Duration: 07 mins.**

Christopher Brown - Starting 2019 the time of the BEC Meetings will be 1:00pm – 3:00pm. Parking for Commission has been approved and Commissioners that requested spaces can park starting September 19, 2018. Re-Appointment of Commissioners has been approved for another 2 yrs. Term (July 1, 2020). Commissioner Watson would like to know if they have to fill out Conflict of Interest form again for new term. BEC Coordinator will confirm.

Director's report acknowledged but not approved due to insufficient quorum.

Meeting adjourned at 5:36 pm.