

# Boston Employment Commission Hearing Minutes

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A monthly hearing of the Boston Employment Commission (BEC) was held virtually on Zoom, June 21, 2023.

**Commissioners Present: Commissioner JoCole “JC” Burton, Commissioner Travis Watson, Commissioner Priscilla Flint, Commissioner Kenell Broomstein and Commissioner Darrin Howell.**

**Hearing Begins: 1:05 PM**

**Commissioner Burton began hearing with acknowledgement of the recent passing of two influential community “giants”, David Lopes (Janey Construction) and Mukiya Baker-Gomez (Community Activist/Advocate). Mukiya Baker-Gomez was a strong voice during many BEC Hearings. They both had a 40 year impact in the advocacy for economic and inclusion for the black and brown residents of Boston and their legacies will live on.**

**Further reflections/tributes: Commissioner Priscilla Flint (Mukiya was a dear friend and sister in the struggle over 30 years. My heart is sad and heavy), Former Commissioner Charles Cofield (Mukiya was a giant in the industry), Commissioner Darrin Howell (I saw her 2 days before her passing at a NAACP meeting. She never waived), Commissioner Travis Watson (I agree with the sentiments reflecting Mukiya. Regarding David Lopes, I’m certain I wouldn’t be able to have the impact if it wasn’t for David. He encouraged me to read to be informed and never be afraid to speak your mind and check misinformation. He mentored young men of color into the trades). Janet Jones (I had the unbelievable privilege of working with Mukiya. Commissioner Flint, thank you for that prayer and tribute. I will honor her).**

**Commissioner Burton: I will recuse myself during the review of The Foundry, due to my company’s (Maven Builders) affiliation with this project.**

## I. MINUTES

The meeting minutes for May 17, 2023 approved. Commissioner Watson motioned, 2<sup>nd</sup> by Commissioner Broomstein. All I’s.

## II. SPECIAL PRESENTATIONS

### A. Roxbury Prep

**Duration: 20 mins.**

**Present: Lindsay Richard (QPD Construction), Dave Guerino (Suffolk), Dakota Jones (InOrder Business), Joseph Berry (Suffolk), Dara Frederick (Suffolk), John Verrilli (Roxbury Prep), Lillian Bayiates (BPDA Intern) and Takara Hamilton (BPDA Construction Monitor)**

**Lindsay Richard (QPD Construction):** Good central location for Roxbury Prep students. A majority live in Roxbury, Mattapan, and Dorchester. The Proctor Street site is large enough to accommodate 800 students in a facility with a full-sized gym, spacious cafeteria, science & engineering labs, performing arts stage, and more. Multiple public transportation options nearby (Located on Clifford Park). Neighbors have a similar mission of serving Boston’s youth: The Mason School, The Base and City Fresh Foods. **Dave Guerino (Suffolk): Construction Schedule:** Demolition (2/23 – 4/23), Foundation (5/23 – 8/23), Steel/Structure (9/23 – 12/23), Exterior Framing/Envelope (11/23 – 3/24), Interior (3/24 – 7/24) and Landscape (4/24 – 7/24). **Joseph Berry (Suffolk): Procurement Status (Chapter 149A), Buyout pending. Procurement for Roxbury Prep is subject to Filed Sub Bid process. Filed sub bid trades include:** Masonry, Waterproofing, Roofing, Interior Glass & Glazing, Tile, ACT, Resilient Flooring, Painting & Wallcovering, Elevators & Escalators, Fire Protection, HVAC, Electrical. Suffolk is tracking and reporting M/WBE participation on this project. Suffolk is working closely with the Owner and Trade Partners to create additional opportunities for MBE/WBE participation in non-Filed Sub Bid trades. Early on Suffolk and InOrder Business engaged trade partners. **Dakota Jones (InOrder Business): Set Diversity Expectation Requirements - Building**

Stages, Contract Language, Project Terms and Owner Investment. Workforce Compliance: Conduct pre-construction meeting prior to start onsite, Invite local BA or specific trade to attend, Obtain quarterly projections, Schedule corrective action if/when needed, Conduct bi-weekly site visits. Walk-on Application Signage: Multiple locations onsite. Ongoing engagement and follow-up with underperforming trade partners. Provide resources and tools to support their strategy toward best faith effort(s). It's early and we are currently exceeding female, people of color and Boston resident goals (40%). **Partake in Construction Opportunity Fairs and Career Panels** - The project team is committed to supporting developing the pipeline of apprentice workers in the Charlestown/BHH area and providing access to free hands-on training. Applications/Registrations to be posted on the project website **Internship Opportunities** - Provide internship and job shadow opportunities to Roxbury Prep students **Walk-on Job Applications** - Daily tracking of online applications platform – refer applicants to local resources **Project Site Visits** - Provide firsthand experience of building trades on active project site to local students and/or program participants. There are upcoming career fairs planned and Takara and BPDA intern will be attending. **Takara Hamilton (BPDA Construction Monitor)**: of the 3,000 work hours logged, 40% Boston Residents, 44% People of Color and 15% Females. **Commissioner Watson**: 3,000 workhours logged; 40%BR, 44%POC and 15%F. It's a good start. Was it anticipated and what's the remaining plan? **Dara Frederick (Suffolk)**: Early engagement with Estimating and Pre-Qual. teams. Identify right firms/trade partners to bring on diverse workforce (WBE/UBE). Starting strong positions the project's success. **Commissioner Watson**: This starting strongly is unique. **Joe Berry (Suffolk)**: It's been a deliberate partnership with InOrder Business (Derenzo, Select Demo, Hub Foundation). **Dakota**: Instead of rehearsing the difficulties, we ask the subcontractors to focus on what's being done to address it? They responded to Takara's challenge to the excuses and in 2 weeks hired 2 female pile drivers. Another young lady who was interested had to wait for applications to open and they hired her to work in their shop in the meantime. **Commissioner Burton**: Thank you for the context. It's good to hear about the involvement of the developer, it adds to the success of the project. Thank you for your presentation.

#### **B. Aquanor (9 Codfish Way)**

**Duration: 12 mins.**

**Present: Kal Wellman (Gilbane Construction), Eden Milroy (Pilot Development), Danielle Skilling (Gilbane Construction), Takara Hamilton (BPDA Construction Monitor)**

**Kal Wellman (Gilbane Construction)**: Aquanor Marketing Inc. is constructing a two-story marine industrial building with storage and office spaces in South Boston's Massport Marine Terminal. Construction will take approximately 1 year (**Estimated completion 7/2024**). **Construction Schedule**: Site preparation and Excavation (7/23 – 8/23), Concrete Foundation (8/23 – 10/23), Structural Erection (10/23 – 12/23), Exterior Façade and Interior Fit-Out (12/23 – 6/24), Utility Installation (3/24 – 5/24), Hardscaping & Landscaping (4/24 -6/24). Construction buyout is still underway (*list was shared on powerpoint*). **Danielle Skilling (Gilbane Construction)**: I would like to take this time to share my reflections on Mukiya and Dave. Mukiya helped teach me how to do this work 10-11 years ago when I started on a UMass project and Dave Lopes on the Dearborn Stem project. Both were key inspirations and a huge influence in my journey of economic and inclusion work. **Workforce Diversity Efforts** - Gilbane uses a full team effort to maintain a strong, diverse workforce that represents the Boston Community. It is especially important to build and maintain long-lasting relationships within the community. We focus on PGTI Best Practices, BRJP Policy Requirements, On Site Economic Inclusion presence, recurring monthly meetings with Trade Contractors (*15 minutes with each contractor*), Full Team Effort (everyone is aware of economic and inclusion focus). Potential subcontractors for buyout have been identified (*list was shared on powerpoint*). Gilbane will utilize clear job-site signage that allows for easy, user-friendly job applications and notes Aquanor is a BRJP Job, QR codes with direct application links and provides clear contact information. **Kal**: Gilbane has an internal goal of 20% M/WBE Contractors - Waterproofing: DeMelo Construction Services, Concrete: S&F Concrete (\$2M package on this project). We are working with all trades to accomplish that goal. **Commissioner Watson**: I'd like to recommend for tracking purposes to separate (gender and racial wage gaps). I noticed S&F under W/MBE and wasn't aware they were either. Can you clarify? **Kal/Danielle**: That should read they are a contributor through their lower tier rebar subcontractor. We are using a new economic inclusion reporting software that will show a breakdown of gender/racial categories). **Commissioner Watson**: That's great to hear. The BEC reports we receive lump the people of color together. However, through certified payrolls, I was able to see a breakdown and found separating creates valuable data. **Commissioner Burton**: Thank you for your presentation.

**Pause to approve May 17, 2023 BEC Hearing Minutes (approval of minutes is noted on page 1).**

### **III. PROJECT REVIEWS**

**Present: John Hynes IV (BGI ownership), Dara Fredericks (Suffolk Construction), Anastasie Duffaut (Suffolk Construction), Kerry Davenport (Suffolk Construction), Meghan Toft (Suffolk Construction), Paul McManus (Welch Corporation), Nicole Fields (Boss Steel) and Nelson Cunha (BRJP Monitor) – Representation of attendance from Regis Steel was mentioned, but a name was not given.**

**Nelson Cunha (BRJP Monitor) - Project Overview:**

**Project's Overall Numerical Compliance: 121,906 workhours, 438 workers, 11 contractors, 19%BR, 29%POC, 6%F**

New Construction of approximately 581,000-square-foot office and lab building on Massachusetts Port Authority property in the South Boston Waterfront. Project includes 17 stories above grade, and a small basement space for storage below. Primary uses are office and life-science (core & shell only). Project also includes construction of a new pedestrian bridge connection to a new public open space. The project had a Special Presentation on 04/20/22 and it is currently 51% complete. ·The overall Boston Residents number (19%) reflects the impact of the top four subcontractors' numbers: G&C Concrete 19%, Boss Steel 21%, Welch 13%, and Treviicos 14%. · The Welch Corporation is the third largest subcontractor on this project with 19,888 work hours and workforce distributed as follow: 13% Resident, 9% POC, and 2% Female. · On June 14, a corrective action meeting was held with Boss Steel, G&C Concrete, Liberty (Fuse), and The Welch Corp. Each contractor presented their plan of action for the remaining time on site. · The Welch Corporation has provided documentation proving they have contacted union halls multiple times requesting workers to fulfil BRJP's goals, and are willing to hire equipment operators from Boston, minority and/or female should they become available. · To date, there have been 35 apprentices working on this project: 7 Residents, 11 POC, and 6 Female. Boss Steel employed the most of the apprentices (18), followed by Regis Steel (7), and then E G Sawyer and Treviicos with 3 each. ·Laborers is the largest trade onsite with over 42,000 work hours and the workforce participation in all three categories are below BRJP's expectations, particularly for Female (3%) and Resident (15%). POC participation is at 34%. Pre-construction meeting – under review: contractors mobilized without meeting with BRJP monitor. It's been addressed and we'll be monitoring it closely going forward. Weekly payroll submission – under review: there has been late payroll submission in the past, but in the last few months they have been on time. **Commissioner Watson:** Were the subcontractors made aware they needed to attend a pre-con before starting onsite and is it in their contract? **Ana Duffaut (Suffolk Construction):** Because they were doing enabling work and not fully mobilized, they didn't realize they should have had a pre-con. **Dara Fredericks (Suffolk Construction):** All compliance agreements with subcontractors are in Suffolk's contracts. **Commissioner Watson:** Once city/BRJP staff was made aware, they made the pre-con meeting? **Nelson:** Yes. **Commissioner Watson:** Commissioner Burton, I will defer to you, in regard to late payroll, perhaps there's more that needs to be explained that may not be able to happen today, but we have set a precedent with the recent sanctions on late payrolls and we must be consistent, per the ordinance. **Commissioner Burton:** I too had a question concerning the details of the late payrolls and would like to follow-up with Nelson and Jodi to see if it should be reviewed for sanctions. The numbers are in the teens, how will they be increased? **Ana:** We invited all subcontractors to this hearing, they are on the call. They have provided best faith efforts, work request forms and we continue to work with community partners. **Commissioner Burton:** Usually laborer numbers are higher. Is there this someone to speak to the numbers being low across the board? **Paul McManus (Welch Corp):** We've made request to Local 223 for a female, Boston resident, person of color and have not had much luck with them (*standing order with them*). We've reached out to Local 4 (BA, Mike Bowes). We attended a job fair last year. We offered a try out opportunity at our training center for any non-union candidate to help get them into the union and we've received candidates from the city who we've reached out to via telephone or email and didn't get any feedback. With the deficiency in Equipment Operators, we can't replace with laborers just to make a number. We had a female laborer last fall and she didn't like the work and moved on. We're working on it. **Commissioner Watson:** Equipment Operator work hours in the past 5 years in the City of Boston have the worst ration providing to black operators, why would a black non-union worker work for Local 4 when they don't give the hours? **Paul:** They provide a good salary. I have a Boston resident person of color heavy equipment operator who's the highest paid person, as far as operators go and he's been with us for 20 years. **Commissioner Watson:** My point is if the work hours aren't provided, then your point about a good salary means nothing. **Commissioner Burton:** With 39 workers, you would only need 9 People of Color, 3 Females and 9 Boston residents, which if you used a recruit and retain strategy is achievable. So rather than just having a 20 year black heavy equipment operator, you would have several. **Paul:** My reputation is in good standing in the city, we have projects all over.

I've worked with Pam Ruffo, Building Pathways, the Laborers and Operators Unions and currently working with a Boston resident I met in the street working on getting him in the union. I've exhausted my efforts. **Commissioner Burton:** Our comments are not a personal attack and I'm glad to hear you are advocating. **John Hynes (Ownership/BGI):** Ownership takes the mission of the BRJP/BEC seriously. We have upwards of 15% minority workers ownership in this project. Paul McManus, I can personally vouch for your/Welch's integrity. The Commissions comments are received well. I recognize I'm not a female or a person of color and I heard Commissioner Watson's recommendation about tracking and Gilbane's presentation on the software tracking system they use. It's something we should look into. We provide over \$50M subcontracts to W/MBEs. We have monthly conversations between ownership, Suffolk and Massport whose land we're building on and we will come back with better numbers. Nelson mentioned that the project is 51% complete, which is true from a schedule standpoint, however, as it relates to work-hours and budget wise it is 35-40% and that's why I am confident when we come back before the BEC there will be improvement. If the union halls are truly empty, we'll do something creative to help feed the pipeline and fill them. I apologize for Gosder Cherilus (Bastion Companies) not being able to attend. He is a black business owner and co-developer and equity investor. We have upwards of 50/60 minority individuals with ownership stakes in this project. This project is different in a lot of respects in that sense. I'm not just representing leadership of BGI, but a larger group of ownership, today. Thank you for the touching tribute earlier to Mukiya and David. Thank you for all that you do. **Commissioner Burton:** John, thank you for your comments. I commend the participation of People of Color at the development and investment level. The BEC has talked about expanding its focus on the inclusivity in the Construction Industry at other levels not just in the subcontractor workforce, but in the office space as well as it relates to women and people of color. **Commissioner Watson:** John, thank you, while you are not a female or person of color, I feel that you are an ally and it was refreshing to hear from an owner. It's rear that ownership has such profound statements. **Commissioner Burton:** We are here to partner and share what we see and hear from others that could be helpful to those challenged in being compliant with the ordinance. **Dara:** John, you guys have been great partners from an ownership side. Thank you to our trade partners who were here today. Suffolk will do everything we need to do to correct some things and make things better. **Public chat (Holly):** How can we check compliance on a specific trade at the 10 World Trade Center? **Commissioner Burton:** You can reach out to the BRJP Monitor, Nelson Cunha at the BRJP office.

## B. The Foundry

Duration: 10 mins.

**Commissioners Burton and Broomstein have conflicts of interest with project and are recusing themselves. Commissioner Watson will chair this project.**

**Present: Jim Cowdrick (Marcus Partners), Kate Blessington (JMA), Charles Cofield (Maven Construction) and Pamela Ruffo (BRJP Monitor)**

**Pamela Ruffo (BRJP Monitor) - Project Overview:**

**Project's Overall Numerical Compliance: 88,201 workhours, 397 workers, 17 contractors, 29%BR, 35%POC, 11%F**

All enforcement compliance efforts are in order.

### **Highlights and Concerns:**

The project had a Special Presentation on 05/18/22. The project is at 45% complete. The expected completion date is 3/2024.

There has been 51 apprentices working on this project: 17 Resident (40%), 16 POC (41%) & 11 Females (33%). 11 out of 17 subcontractors on the project employs apprentices. The top 3 subcontractors are Gaston Electrical (14), Boss Steel (9) & Charles P. Blouin (6). I've included this information to show the effort to build the pipeline because the core crews are not diversified enough. I emphasize to subcontractors, if you want to make a difference, give an apprentice an opportunity and in the end you train how you like and you build the pipeline (*as done with you*). The following subcontractors have contributed to the overall low resident participation: Charles P Blouin 26% (5<sup>th</sup> largest subcontractor onsite), Gaston Electrical 21%, JC Cannistraro 29%, The Welch Corp 12%, TG Gallagher 16% & William Collins 29%. 3 out of the 6 of these subcontractors exceeded the female participation: Gaston Electrical 21%, JC Cannistraro 19% & TG Gallagher 20%. JMA takes workforce compliance seriously with all

their subcontractors. Their contract requires the subcontractors to provide any correspondence from their interaction with the Union Halls as well as best faith efforts the subcontractors have conducted to promote building the construction pipeline with more Residents, POC & Females. JMA contract further states failure to submit the required paperwork will result in the subcontractor's requisition being withheld. JMA created a Corrective Action form that is utilized to immediately address any concerns in low workforce participation and requires the subcontractor to take action. Attached is a 61 page document consisting of JMA correspondence of payments being withheld & the subcontractor's corrective action responses. 5 Work Request forms were submitted: The Welch Corp (4) & TG Gallagher (1). TG Gallagher also provided a letter from Pipefitters Local 537 with regard to the hiring of employees & Boston Resident Job Policy. (These documents are included in the 61 page corrective action documentation attached). JC Cannistraro workforce participation: 29% Resident, 39% POC & 19% Female. JCC has done great work in building the workforce pipeline: Heavy Metal Summer Experience: 2<sup>nd</sup> Annual Event that host 14 area high school students for one week of mentorship at the fabrication shop. High School Internship this summer will introduce their first paid working opportunity in the fabrication shop. The four interns are all females. Fabrication Shop Associates: each of the four trades in their fabrication shop have a pre-apprenticeship role. The most recent Fab Shop Associate hires were recruited from Building Pathways and Youthbuild. Madison Park Vocation Technical School partnership-JCC serves on Advisory Boards of the Metal Fabrication & Plumbing programs as well as acting as mentors in the Big Brother Big Sister program at the school. Sheet metal Trade leads in workforce participation with 40% Resident, 53% POC & 14% Female: this was achieved by subcontractor Charles P Blouin. Labor Trade which is the largest trade onsite needs to increase their workforce diversity for Resident 24% & Female 6% participation. **Commissioner Watson:** Pam, thank you for that thorough report. Kate is there anything you would like to add? **Kate Blessington (JMA):** I have a list of about 15 M/WBES that didn't get sent to Pam, but I can send it to Kim after this meeting. **Commissioner Watson:** JMA as a firm sets the bar on how GCs should model for the BRJP to maximize economic benefit. I would also like to commend Cannistraro for their efforts highlighted in this report. **Charles Cofield (Maven Construction):** Maven Construction is Joint Venture with this project and I will be representing Maven and working with Kate and Pam to make sure we maintain or exceed goals. **Commissioner Watson:** Great compliance team in place (Pam, Kate, Charlie). **Kate:** I'm excited to have Charlie and believe he will be extremely helpful. **Charlie:** We have to protect the brand of both companies (JMA and Maven). JocCole Burton is the first African American female GC (W/MBE) with the Carpenter Union. **Mary Vogel (Building Pathways):** I have a concern with Century Dry Wall's percentages and not just for this job but other projects. It would seem getting more women with Century Dry Wall should not be an issue (*referenced Charles Cofield for an answer*). **Kate:** I have been working with Century Dry Wall the last 2 months. They have 2 females on another project which is coming to an end. They were concerned if they got 2 additional women from the union hall, they would have to lay the other 2 women off and to avoid that they will bring them over to this project. **Mary:** Thank you Kate. **Charlie:** Kate isn't the drywall ramping up (*which will increase the numbers*)? **Kate:** Yes, and glass as well. Karas & Karas Glass hires carpenters and will help our numbers. They also gave 10% of work to Jackson Glass (W/MBE). **Commissioner Watson:** Thank you. *Commissioner Burton returns to chair remainder of hearing.*

#### IV. BEC Commissioners' Follow-up Requests/Concerns

**Commissioner Burton:** Where does the follow-up stand on the questions Commissioner Watson and Commissioner Howell asked regarding the Economic Development documenting money leaving the city?

#### V. SANCTIONS UPDATE AND DIRECTOR'S REPORT

**Jodi Sugerman-Brozan (Deputy Chief, Worker Empowerment):**

**Duration: 10 mins.**

**Jodi Sugerman-Brozan (Deputy Chief, Worker Empowerment):** Thanked everyone for their presence and participation today (Developers/GCs, Subcontractors, Monitors, BRJP staff and public).

#### Updates:

**Commissioner Burton, regarding your question,** there is an Economic Analysis being worked on by the BPDA research department and a report is expected by the end of June. We should be able to report back by the July BEC Hearing. The question posed to them is as follow:

Research question posed to BPDA research team:

Each year, the Boston Resident Jobs Policy Office collects hiring data on projects covered by the Boston Resident Jobs Policy and monitors compliance. The Boston Resident Jobs Policy requires all public and private development over 50,000 square feet to hire 51% Boston residents, 40% People of Color, and 12% women. For FY23, we predict that the number of residents employed on BRJP-covered projects was closer to 26% than the goal of 51%. What are the projected local economic impact and revenue implications of those jobs going to non-residents?

**In regard to the vacant Commission Board seats**, the Mayor's office has been quite busy and appointments and reappoints should happen by the end of July. **In regard to Salesforce, the Legacy projects** being transferred from the prior (ACCESS) system has been entered through March 2023 and all data should be entered soon. **In regard to Late Payroll**, Chris and I have had conversation and will be meeting with all the monitors to go over applying sanctions equally and consistently across all projects and how we move forward in light of what we have learned from the recent sanctions. We will report back in July. **In regard to the Sanction payments**, a letter was sent to Kaplan Construction on May 25, 2023 (cc'd Dykeman Fabrication & Welding and Bridgeline GC), we have not received payment to date and we have not received an appeals response on the 10-day time frame given to bring it before the court. **Commissioner Watson:** In a worse-case scenario, if the fine isn't paid, what leverage does the city have? **Jodi:** Not contracting with them going forward could be one, but I will have to ask legal counsel regarding recourse. **Commissioner Watson:** It's helpful to know that a first step could be not contracting with them again.

**Commissioner Burton:** Motion to Adjourn. Commissioner Watson, moved and Commissioner Broomstein 2<sup>nd</sup>. All approved.

**Meeting adjourned 3:07pm**

**KO/BEC Coordinator**