

Boston Employment Commission Hearing Minutes

A monthly hearing of the Boston Employment Commission (**BEC**) was held virtually on Zoom, May 17, 2023.

Commissioners Present: Commissioner Travis Watson, Commissioner Priscilla Flint, Commissioner Kenell Broomstein and Commissioner Darrin Howell.

Hearing Begins: 1:04 PM

Commissioner/Chair Burton was not able to attend today and Commissioner Watson will chair this hearing.

Commissioner Watson began hearing with a statement regarding the racial wealth gap in relation to the construction industry and the dominance of unions with a predominantly white workforce and white leadership and the economic impact it's had on the marginalization of people of color and women (referenced data requested at the last BEC hearing).

I. MINUTES

The meeting minutes for April 19, 2023 was approved with a correction to comment Commissioner Watson made on the Olmsted Green 80 project (*\$12M M/WBEs should say \$12M MBEs*). Commissioner Howell motioned, 2nd by Commissioner Broomstein. It's all approved.

The meeting minutes for the May 2, 2023 Sanction appeals hearing was approved, motioned by Commissioner Howell, 2nd by Commissioner Flint. It's approved. Commissioner Watson abstained due to his employer conflict.

Public: Janet Jones (Community resident/advocate): expressed that she would like to get the report Commissioner Watson referenced and expressed her concern about DOT Block and another project site near her home not being in compliance with having workers of color.

II. SPECIAL PRESENTATIONS

A. 305 Western Ave.

Duration: 15 mins.

Present: Shaurya Batra (King Street Properties), Nicholas Casciano, Michael Trinh, Jay Rodriguez and David Cullinane (Consigli) and Pamela Ruffo (BRJP Construction Monitor)

Nicholas Casciano (Consigli): Overview of project – 10 story - 275,000 sq. ft. total, mixed-use development containing Class A laboratory space, ground floor retail and community spaces open to the public. Start Date – 03/2023 - Planned Completion – 06/2025. **David Cullinane (Consigli):** Consigli has a dedicated Diversity/Community Outreach Manager on the project team. BRJP requirements/goals is included in all subcontracts. Subcontractor's BRJP historical reports are reviewed prior to awarding contracts, to help set expectation and mitigate any foreseen participation shortfalls. As a standard practice, Consigli specifically discusses the BRJP employment standards with all subs prior to their contract award. All subcontractors are provided with the BRJP pre-construction package. Prior to attending the preconstruction meeting the subcontractor provides Consigli with their contact responsible for their workforce onsite and their contact responsible for submitting weekly reports. BRJP is an agenda item at our weekly subcontractor and owner meetings where the projects actual goals and concerns regarding workforce are discussed. **Commissioner Watson:** I commend the ownership team. It's good to see your leadership here today. It's a cool looking building. Who's the architect? **Answer:** DiMella Shaffer. It's good to hear that the GC is proactively reminding the subcontractors of the BRJP goals (*referenced the recent sanctions issued by the Commission last month*). **Pamela Ruffo (BRJP Monitor):** I'm pleased that Consigli has started well off the bat. Carlos from J. Derenzo committed to bringing a Boston resident worker who was laid

off from another project. Commitments are being made at the pre-con. **Commissioner Watson:** This is good to hear. Thank you for highlighting. **Commissioner Broomstein:** I'm happy to see Consigli is ahead of the ball game and I concur with what Commissioner Watson said. **Commissioner Watson:** Thank you for your presentation. Look forward to your quarterly review.

B. IQHQ

Duration: 12 mins.

Present: Kim Thai (IQHQ), Gregory Sowyrda (CBRE), David Cullinane (Consigli), Aaron Champagne (Consigli), Sara Moron (Consigli), Tom Champa (Consigli) and Pamela Ruffo (BRJP Construction Monitor)

Aaron Champagne (Consigli): Three Building Development (located at 155 N. Beacon St., Brighton, MA):: Two, six story buildings + 328-car garage. The public plaza campus design features green space with pedestrian and cyclist safety and sustainable landscape - Start Date – 03/2023. Planned Completion – 05/2026. Ellenzweig Associates, Inc. – Architect BR+A – Mechanical and Electrical Engineer - RW Sullivan – Plumbing and Fire Protection Engineer - Bohler Engineering – Civil Engineer Haley & Aldrich – Geotechnical Engineer - McNamara Salvia – Structural Engineer - Façade – Sunrise - Sitework – AA Will Corporation - Demolition – JDC Demolition Company. **David Cullinane:** The previous presentation and the upcoming presentation all have the same commitments to the BRJP goals. As of today, the project has started off well. **Pam:** I agree with Dave. In regard to the Boston Resident that was hired on the 305 Western Ave project, he was excited because it came with parking in Brighton. It's those little details that mean a lot for some workers (*Parking is expensive downtown Boston*). **Commissioner Watson:** Thank you for ownership's presence. That's how we're successful on these projects.

C. Mildred Hailey Apartments 1A & 1B

Duration: 16 mins.

Present: Robert Smith, Allison Collins and Laura Martin (The Community Builders), Melissa Guertin, Claudia Mocia, Oscar Baez and David Cullinane (Consigli) and Pamela Ruffo (BRJP Construction Monitor)

David Cullinane: As with the previous projects, this has the same commitments to the BRJP goals. While I love all the projects we are doing, this project is special. The team has been highly involved from Pre-Con. **Melissa Sue Guertin (Consigli): Overview: Apartment units (223):** 91 BHA replacement units / 132 new affordable and moderate-income units - 6,800 sf community center - 1,500 sf commercial space - Start Date – 03/2023 - Planned Completion – 05/2025. Design and Development Partners: The Community Builders Inc. - Prellwitz/Chillinski Associates, Inc. - Peterson Engineering - Nitsch Engineering, Inc. - RSE Associates Inc. - McPhail Associates LLC - Waypoint KLA. **Executed Contracts:** Riggs, J. Derenzo, Select Demo, Your Electrical Solutions. **M/WBE Participation:** Dominion Concrete **MBE**, Boss Steel **WBE**, Tara Construction **MBE**, Titan Roofing **MBE**, JAJ Tile **WBE**, Contexture **WBE**, WillCo **MBE**, Great in Counters **WBE**, Inner City Fire Protection **DBE** and General Air **MBE**. **Dave:** We've had an intentional focus on Under-represented Business Enterprises (UBEs). Our target is 35% MBE subcontractors, 10% MBE Local Businesses, 12 ½% WBE and 10% Section 3. Currently, we have targeted 30% MBE, 7.4% Local MBE, 6.8% WBE and 2% Section 3. We are still working on buyouts and looking to identify 1st, 2nd and 3rd tier trade partners/vendors. **Commissioner Watson:** The development of affordable housing provides tremendous opportunities and chips away at the racial wealth gap for the groups you listed. I know Bart (TCB) through my employer (MHIC) and it's good to see the continuation of the good work I know they do. **Claudia Moccia (Consigli):** The on-site job application is located on the main road that gets the most foot traffic. We also worked with the Tenant association for their input. **Oscar Baez (Consigli):** The job application is also provided in Spanish to reach the Spanish-speaking residents in the area. It provides information for resident resources like Building Pathways, Youth Build Boston and the Mayor's Office of Workforce Development. **Dave:** In addition, we worked with the City of Boston to have the QR code track which project the applicant is applying from. **Melissa:** As we shared, the UBE workforce compliance component is important and at the outset (bids/buyout) we address the subcontractors to look at their overall workforce before coming to the job site. **Community Outreach: Organizations & Resources -** The Policy Group on Tradeswomen's Issues (PGTI), AGC Diversity & Inclusion Committee, NAWIC, Massachusetts Minority Contractors Association (MMCA), ACE Mentor Program of Greater Boston, Building Pathways (Boston, Worcester, Springfield), Subcontractor Diversity Information Series, Recruiting, Benjamin Franklin Institute of Technology (BFIT), Pacesetters and Specialized Career Guidance (SCG). We understand to build the diversity of the construction pipeline we must expose our young people at an early age as they are thinking about career paths. Our mission statement is "Building with passion and integrity to transform our community's future". **Commissioner Broomstein:** I'm excited about the pro-active approach in reaching out to the children and your

mission statement. The children may also play a part in getting their parents involved. I hope the efforts turn out as positive as it looks. **Melissa:** Yes, hopefully we will see some of these children on future job sites!

Commissioner Howell: I'd like to reiterate what Commissioner Broomstein highlighted. This has been an excellent presentation (*the least controversial since I've been on the board*) of a creative and proactive approach/tone to the compliance of the BRJP's policy in engaging the population of communities you are working in. **Melissa:** TCB and Consigli are aligned in those efforts and hopefully this project shows that. **Commissioner Watson:** I concur with Commissioners Broomstein and Howell. As I shared in previous comments, my work as a community organizer, it's refreshing to see this wholistic approach, especially with children, understanding the time and capacity it takes to execute these events. Even if the quantity of the impact isn't astronomical, the quantity is far greater.

Commissioner Flint: I agree with my fellow Commissioners. It's good to hear this proactive approach. I know I'm often fussing and complaining about the poor outcomes with the workforce compliance efforts that have come before the BEC. Thank you for your presentation (*I remember Bart*). **Commissioner Watson:** Thank you Consigli and TCB. We appreciate your commitment and look forward to your reviews in the near future.

III. PROJECT REVIEWS

A. Walk Hill Residences

Duration: 18 mins.

Present: Jay Bisagnano and Pete Doucet (Torrington Properties), Gregg Ferrelli, Sean Richey, Tina Gottron and Mike Galvin (Dellbrook JKS) and Takara Hamilton (BPDA Monitor)

Project's Overall Numerical Compliance: 42,402 workhours, 272 workers, 13 contractors, 11%BR, 60%POC, 1%F

Gregg Ferrelli (Dellbrook JKS): This is a 19 month project and we're a year into the development. The Walk Hill Residence project will consist of a 158,737 SF building based on a 4 over 1 podium with underground parking below, and wood framed apartments above. Construction type is 5 stories of wood-framed residential (3A) over a structural steel framed podium (1A). The completed building will consist of 106 units. (61) 1 BR, (41) 2 BR and (4) 3 BR. The exterior façade will have fiber cement lap siding and trim boards, masonry veneer, vinyl windows and metal panels. The interior of the building will include finish carpentry, tile and resilient flooring, appliances, elevators and MEP/FP services. **M/WBE Subcontractors:** LANDSCAPING: Hurst Landscaping – MBE LABOR CLEANING: Alves Cleaning – MBE, MASONRY: Lighthouse Masonry – MBE, SIDING: Franca Services – M/WBE.

Union Subcontractors: ELEVATORS: Kone, Inc., STEEL: AJAX, FIREPROOFING: Forge Industries Co., Inc. **Sean Richey and Mike Galvin (Dellbrook):** We broke ground around March/April of 2022 and the completion of this project is expected in December of this year (2023). We've done a good job in reaching out to a diversity of subcontractors and not going with the same ones. **Subcontractors who do not demonstrate best faith efforts to comply with BRJP will have the following actions taken against them:** The project team is notified and made aware of the subcontractors' delinquency/noncompliance, a corrective action meeting is held, payment is held, meet with owner of the company, removal from the project, subcontractor is penalized for future projects.

Job Application Process: A job sign is posted at 289 Walk Hill Street in Roslindale with a QR scan code, once the code is scanned, they are prompted to fill out a job application, all applications are received by Dellbrook's Diversity email address and responded to within 48 hours, their application is saved, reviewed and sent to subcontractors that are not in compliance and in need of workers. **Tracking Process:** Our DEI department focus is tracking and monitoring our compliance efforts on projects with reporting requirements such as Boston Residents Jobs Policy (BRJP), Section 3 and other state, federal and local hiring policies. We have invested in **B2G Now and LCP tracker**, which are both cloud-based software platforms to ensure we have accurate, efficient, and timely information on all payroll reporting projects. **Community Engagement:** Not only do we focus on the employment of local residents, people of color and women trade workers, but we also focus on training and development opportunities for them. Throughout the year, we provide several trainings, events, and engagement opportunities for trade workers to improve their soft skills and stay current on required certifications that may otherwise be a barrier for them to be successful with gaining employment. Trainings include: OSHA-10 Training (hosted Feb 22nd & 23rd @Bruce Bolling), CPR and Safety Training, Resume Writing, Job Fair Prep. **Subcontractor Engagement:** Our outreach and engagement with diverse trade partners remains a top priority for Dellbrook|JKS. We have created initiatives, programs, and events to engage the local, minority and women owned trade firms. At Dellbrook|JKS, we want to get to know our trade partners and develop lasting working relationships that allow us to provide obtainable contract opportunities. We offer the following opportunities: As part of our Community Partner Accelerator (Spring and Fall - *we had 19 trade graduates all of which are minority and women*).

Accounting, Procure, Estimating and Bidding, Prequal, Safety, Trade Partner Meet and Greet, Job Fairs, MHIC Prompt Pay Program (20-day payments for MBE), **Best Faith Efforts: Job Fairs: 4.6.23** - Mass Hire - Metro South/West Construction + Trade Expo, **4.19.23** - City of Boston - BRJP Career Exploration Event, **5.2.23** – Somerville. **Upcoming Dellbrook Job Fairs: 6.17.23** – Ludlow, TBD – Newton. **Commissioner Watson:** For the record, my employer MHIC has a MBE Prompt Pay Program that we administer with a few GCs and Dellbrook is one. I just wanted to disclose that. There's no inherent problem as it relates to my position as a Commissioner and if there's ever an issue, I would address it. In essence this program addresses concerns that MBE (subs/GCs) expressed were an impediment to their growth (*cash flow and timely payments*). In regard to the Safe and Respectful work site, is it anonymous? **Tina Gottron (Dellbrook JKS):** Yes. The complaints go through appropriate channels and are handled promptly. In regard to the Job application process, I'd like to note that we do have a QR code and that it is also in Spanish. **Commissioner Watson:** It is nice to see you as a GC addressing this critical issue with safety as it relates to on the job harassment. There has been an uptick in the past 3 years with Neuses being found on construction sites and offensive language (racist and misogynistic) in portable bathrooms. In confidentiality these things have been shared with me by workers (union and non-union) who are afraid to say anything for fear of being black balled. Glad to hear this anonymous means is being provided. **Takara Hamilton (BPDA Construction Monitor):** All 11 active subcontractors are in compliance and the resident verifications are at 90%. My recommendations to the subs is for more community outreach/engagement. **Gregg:** Optiline started 2 months ago and has had the most success. We anticipate that their hours will increase through early fall. **Commissioner Watson:** Thank you for this thorough report. What's the Referral Program? **Takara:** Optiline has a worker incentive program to get other workers to give referrals and they will receive \$500 and they have seen success with this program. **Commissioner Watson:** Part of my frustration with the ordinance is that it limits compliance to administrative issues and not workforce participation. So I will not lecture on resident and female numbers. I will ask, as a monitor and GC, what are the challenges regarding resident and female participation from a 15,000 feet level. **Takara:** Between Dellbrook's DEI team, myself and Tina, we try to introduce subs to as many applicants as we receive. The feedback we receive from some of the subs is that they hired a Boston resident and the person didn't show up or the person isn't interested in commuting long distance or in some cases like a recent one with Optiline (Edmund Plumbing). They hired a Boston resident that didn't remain a Boston resident. I often get notified to change the resident status). **Commissioner Watson:** This is extremely insightful. I'm hesitant on the not showing up and the commuting issue. However, I'm particularly interested in the point about the Boston resident status change. This same scenario was presented some time ago before the BEC. There's such a complexity to this resident requirement and I'd like to see us as an industry track the data. Perhaps BRJP/BPDA can have Salesforce track this. As a monitor, I change the status of POC from Roxbury and Dorchester, frequently. Many people are moving to Randolph, Stoughton and Brockton, not from a desire to leave Boston but because they can't afford to live in Boston. I can talk to Jeff (IT) and see how we can track that as well. **Commissioner Watson:** You raising it and bringing it to light is important. **Aaron Hallquist (BPDA):** I highly recommend reaching out to BPDA's research division. **Commissioner Flint:** It has been a problem. Workers can't afford to live in Boston. I live near this Dellbrook project. I'm happy to say I haven't seen out of state plates. There has to be a way to keep people here (*I don't have the answer*). It's a catch 22 situation. **Takara:** Commissioner Flint, it frustrates me as well. I was raised in Roxbury and still live in Roxbury. I'm not sure if it helps that the plates aren't Boston, but they are Massachusetts. **Commissioner Flint:** Everywhere you look there's building going up, even on corners! People that look like me are being pushed out of the city. You're damned if you do and damned if you don't. **Commissioner Watson:** I rest soundly at night knowing that Commissioner Flint and Takara are advocating on this issue.

Public:

Janet Jones (Community advocate): I agree the price of living in the city is driving folks out. Most of the new buildings are expansive (*references DOT Block and questioned the demographic and salary of people moving in to these building*). There's a project on Hamilton St in Dorchester near where I live and there were 2 white male construction workers in the basement doing labor work and I took a picture of them and told them they shouldn't be there. The work they were doing could go to workers of color who live in our neighborhood. They took a picture of me, but I'm not threatened by that and I'm going to address their company. **Commissioner Watson:** Janet I appreciate your advocacy, but please be safe. Don't put yourself in a position to get these guys to do something harmful. I've had my own experience. Some people are unhinged.

IV. BEC Commissioners' Follow-up Requests/Concerns

Jodi Sugerman-Brozan (Deputy Chief, Worker Empowerment): The Commission asked about the economic impact of jobs given to workers who live outside of Boston. I was able to gather data from the BPDA annual report on Boston's economy as it relates to payroll estimates of construction workers on all construction jobs in Boston (*not just Boston residents*). As Aaron mentioned, BPDA's research division is second to none. **(Jodi had a technical problem sharing the slides and she will provide to Kim to send out to the Commissioners).** **Boston Payroll Estimates for Construction:** 2019 – 15,418, 2020 – 14,092, 2021 – 15,258. As mentioned during the presentations with all construction happening, those numbers should increase. There's a 2023 snapshot of Boston that has Boston residents at 3.5% (13,007) identified as natural resources – construction and maintenance. In my short time with the BRJP/BEC, I've learned that a policy and research agenda is needed. There is a lot of data that already exist. Perhaps we can spend some time at next month's BEC to use some of the data and create a list of research questions. The City Council is also interested in this type of information more regularly. In regard to the conversation about affordable housing in the city of Boston, a lot of focus is being put on this because the issue of gentrification is real. Regarding Salesforce, all new projects have been migrated with the exception of Legacy projects (preparing excel spreadsheets). IT support is an ongoing struggle (BPDA/IT staff person is extremely busy). We are working on building out IT support for the Office of Worker Empowerment and BRJP.

V. SANCTIONS UPDATE AND DIRECTOR'S REPORT

Jodi Sugerman-Brozan (Deputy Chief, Worker Empowerment): We are meeting with treasury tomorrow on how to instruct the two subcontractors, Bridgeline GC and Dykeman Welding & Fabrication on how to pay their fines. They will have 10 days to appeal in the courts if they so choose. Letters are prepared to send out with all the necessary information. **Commissioner Broomstein:** Once the city receives the monies (fines), how will it be allocated and monitored. **Jodi:** We will be asking that question to the treasury. As of now, it would go to the City's General funds. We would like to direct it to another administrative source like the Neighborhood Jobs Trust fund and invest in pathways to the construction workforce. We welcome the Commissions' recommendations on where the monies should go. **Commissioner Flint:** My recommendation is that the monies go to non-profits that work on these issues. **Jodi:** Another question, the Commissioner asked was how the sanctions have impacted the monitors. According to the feedback I've received from the monitors is that subcontractors are being more attentive with timely payroll submissions and other requests. In regard to the 2 open seats on the Commission board, I have emailed the Mayor's office and expect to hear something soon. **Commissioner Flint:** What's taking so long? **Jodi:** The Mayor's office does the appointments and Boards and Commissions help process. I'm not sure what's taking so long. **Commissioner Watson:** Thank you for these important updates. These processes will make the BEC a stronger and more transparent body. Was this your Director's report? **Jodi:** Yes. Can I get a motion to accept the Director's report? Commissioner Broomstein motioned, Commissioner Flint second and all I's accepted. Commissioner Watson asked for a motion to adjourn. Commissioner Flint motioned and Commissioner Broomstein 2nd. I's approved.

Meeting adjourned 2:40pm

KO/BEC Coordinator