

# Boston Employment Commission Hearing Minutes

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A monthly hearing of the Boston Employment Commission (**BEC**) was held virtually on Zoom, February 17, 2021.

**Commissioners Present: Commissioner Travis Watson, Commissioner Kenell Broomstein, Commissioner Carlos Espinoza-Toro, Commissioner Charles Cofield and Commissioner JocCole “JC” Burton**

**Hearing Begins: 1:05 PM**

**Commissioner Watson shared his thoughts on the recent release of the City of Boston’s Disparities Study “Facts and data matter and bold changes are needed if the City of Boston is serious about addressing the racial wealth gap”.**

## I. MINUTES

January 27, 2021 minutes approved and accepted - motioned to accept by Commissioner Burton, 2<sup>nd</sup> by Commissioner Broomstein and all approved (Commissioners Watson, Burton, Broomstein and Espinoza).

## II. SPECIAL PRESENTATION

### A. 191 – 195 Bowdoin Street

**Duration 16 mins.**

**Present: Eric Fellingner (VietAID), Matt Munkenbeck (VietAID), Michael Kizelewicz, (Dellbrook JKS), Evan Stark (Dellbrook JKS), Debbie Skinner (Dellbrook JKS), Sheryce Hearn (Dellbrook JKS), Christopher M. Rooney (Department of Neighborhood Development), Robert Woodson (BRJP Monitor)**

### Project Overview:

**Commissioner Watson:** Please focus on BRJP requirements and any foreseen difficulties meeting the goals. **Evan Stark (Dellbrook JKS):** Refers to PowerPoint. Estimated Construction Schedule - 1/2021 – 3/2022 on track with time-line. **Commissioner Watson:** What’s the rough value of MBE contracts? **Evan Stark:** Need to calculate and will put in the chat. **Commissioner Burton:** Is the Boston Resident percentage a combination of Neighborhood Residents and Section 3 Residents (30/30)? **Evan:** Yes, we are aiming for both but they don’t have to overlap and can be independent. We met with neighborhood to raise awareness of project and job opportunities and have a 2<sup>nd</sup> meeting with the Neighborhood Council (refers to other agencies outreach). M/WBE Subcontractor Participation is 45 % MBE, 5% WBE, 3% Section 3 Businesses with 85-90% buyout and estimated buyout completion end of the month. **M/WBEs Subcontractors on-site:** Reform Masonry – Masonry, Empire Builders – Rough Carpentry, Franca Services – Siding, H & R – Roofing, Custom Floors – Flooring (union installers), In Enterprises/HMB – Painting, Fire Code Design – Fire Protection, Environmental Systems Engineering – HVAC, Performance Drywall – Drywall & ACT, Hurst – Landscaping. **Upcoming Subcontractors:** Genesis – Site work started 1/28/2021, Riverside – Fencing, Optiline – Cement, Form Up – Concrete, Lawton – Steel, Hydra – Waterproofing, Advanced Green – Insulation, Karpp – Overhead doors, Schindler – Elevator, Superior – Plumbing, Commonwealth Electric – Electrical.

### Public:

**Paul Goodrich:** Form Up Concrete is a New Hampshire Contractor. There were no bids or interest from MA concrete contractors? **Evan:** Unfortunately, there were no MA bids available and were booked up at the time of our awarding. **Barry Keady (Local 12 Plumbing):** Superior Plumbing has a poor history on employing in all categories – I have a copy of their statistical report – historically they don’t register people. How did you pick Superior who has such poor numbers, historically? Will you commit to checking that people they employ are licensed plumbers or apprentices in MA? **Evan:** As far as licensing and certification, we take seriously and require

from our subcontractors in order for them to obtain payment. **Mike Kizelewics (Dellbrook JKS):** When we sign and meet for scope review, we go over the BRJP requirements. Other contractors would not commit and we went with those who would. **Barry:** You don't look at past history of their compliance in Boston which they are poor at? **Evan:** One of our goals is to assist to help better them and hold them accountable. **Barry:** It doesn't appear you've held them accountable in the past, so what's to say you will hold them now? **Evan:** I can't speak to other projects. This contract has sharp teeth and we are able to do that. **Barry:** In regards to the licenses? **Evan:** It's part of our process to check licenses. **Eric Fellingner (VietAid):** Apologies for the late comment, I see that I accidentally sent it to only one person; I am Real Estate Director for VietAID. We take the MBE and workforce participation targets very seriously. If a sub does not show progress toward targets, particularly if there's no apparent goodfaith effort toward meeting them, we will engage directly with Dellbrook around alleviating the situation, including exploring a swap out of the contract. **Janet Jones (Dorchester Roxbury Labor Committee):** This is close to our home and we will be looking closely at this project. The 1<sup>st</sup> crew of earth moving folks - 2 White males who should not be the only ones out there. There is a job application drop box, but I don't know if it's been used. **There was a question in the chat asked after this presentation was completed by Jorge Rivera regarding Performance Drywall. How active is Dellbrook JKS in checking out their subs? Performance Drywall has an active wage theft complaint against them. Commissioner Watson asked that we follow-up with Dellbrook to get an answer for this question/concern.**

**B. 23 – 25 Rosebery Road**

**Duration: 12 mins**

**Present: Adler Bernadin (Norfolk Design and Construction), Duane Boyce (Norfolk Design and Construction), Julio Pilier (Department of Neighborhood Development) and Robert Woodson (BRJP Monitor)**

**Project Overview:**

**Duane Boyce (Norfolk Design and Construction):** Presents PowerPoint. 2 Townhouse Style Units - Each Unit: Approximately 1662 Sq. Ft., 3 Bedrooms, 1.5 Bathrooms, 1 Garage, Open Concept, Forced Hot Air & Central Air HVAC Systems, High Efficiency Tankless Water Heater, Granite Countertops & Stainless-Steel Appliance. **Commissioner Watson:** Please address understanding of BRJP Requirements and any challenges foreseen. **Duane:** In process of buyout. Some on site and some to come. **Awarded Contractors:** Sitework - L.V.M.J. Corp – 25% Boston Residents, Concrete - Corrib Concrete – 20% Boston Residents, Carpentry - National Home Improvement (MBE) – 100% minority workforce, Plumbing & HVAC - Montrond Company (MBE) - 100% Boston Residents & Minority, Electrical - Luciano Electrical Services LLC (MBE) – 100% Boston Residents & Minority. **Prospective Contractors:** Paint – WRD Pro Paint (MBE) – 100% minority workforce. **Adler Bernadine (Norfolk Design and Construction):** Important to note that Norfolk Design and Construction is a Minority/Veteran Owned Business. We are on track to meet goals. **Workforce Diversity Efforts:** Participate in Community Meetings, Advertise Employment Opportunities in Hyde Park Bulletin, Communicate Goals with Subcontractors and Suppliers. **Duane:** We have been Collaborating with the Rosebery - Ruskindale Neighborhood Association for quite some time as this project has been underway to raise awareness to Boston Residents of job opportunities on this project. **Commissioner Watson:** I think outside of Cruz Construction, this is one of the first Minority (Veteran Owned is an added plus) Construction Businesses that has come before the BEC in quite some time (as far as I'm aware). Given some of my earlier comments about the City not doing what they need to do to address the racial wealth gap (in reference to Disparities Study). This is an example of the City doing what they need to do. It's important that other folks in the administration can follow DND's lead. How did DND get to know Norfolk Design and Construction? **Julio Pilier (DND):** I've known Adler and Duane for a year now and they've approached DND in the past prior to that. Duane and Adler are very diligent. This project came about through the Neighborhood Home Initiative with goal to work with small construction M/W/Veteran Owned Businesses to help build their portfolios towards larger projects and is part of a larger effort. **Commissioner Watson:** I want to submit to the BRJP to strongly consider amending the ordinance to include Veteran owned business as well as M/WBEs. **Commissioner Broomstein:** What stage of completion is the project at? **Duane:** Site prep phase – tail end of ledge removal and foundation footing work. Because of weather we are trying to get as much ledge removal done. **Commissioner Broomstein:** Core Crew – Carpentry, Electrical, Plumbing numbers on the paper is exciting but do you anticipate meeting the Women goals? **Adler:** the struggle is meeting the women goals. We just recently finished a job with some of these subs and their performance is high. They do a good job and we have a good track record working with them. **Commissioner Broomstein:** Particularly for women, will you make effort to meet those goals regardless of race? Yes, that is part of our outreach. **Commissioner Watson:** Thank you for your presentation.

### III. PROJECT REVIEWS

#### A. New Castle Saranac Apartments

Duration: 27 mins.

**Present:** Angela Gile (Fenway CDC and Schochet Companies), Nicole Deren (Keith Construction), Ruben Amaral (Keith Construction), Nicole Deren (Keith Construction), Beverly Estes-Smargiassi (Department of Neighborhood Development) and Robert Woodson (BRJP Monitor)

Commissioner Watson disclosed that his employer, MHC was part of lenders that provided an acquisition for this project which was paid off over a year ago. There is no ongoing involvement and he will remain Chair on this project.

#### Project Overview:

40,197 Wkhrs, 32% BR, 72% POC, 7% F (This report covers July 2020 – January 2021)

**Robert Woodson (BRJP Monitor):** Corrective Action Meetings have taken place recently, and continuous best faith effort correspondence has been submitted, which has unfortunately not resulted in increased resident workforce participation. The projects overall Boston resident workforce percentages are currently not meeting the employment standards at 32% (ongoing process to process as they come into the BRJP office). **Commissioner Watson:** This is now two projects in a row (presented today) awarding significant contracts to black and brown owned companies and I wanted to acknowledge Keith Construction for that commitment. It is a small piece in helping the racial wealth gap as I said earlier and it's commendable. 3 of the top 5 performing contractors are MBEs (G&O Inc., Atlantic Bay Contracting and V. Francis Mechanical). Lighthouse needs to improve on resident participation. What has background conversation been to address that and Can you speak briefly on their challenges with resident verification. **Ruben (Keith Construction):** Fast and furious start to get them on site and mobilized. They did increase resident hours and slowly their work tapered off and not much work left to do. We sent a lot of applications along to them. All verifications have been submitted and some are in process. **Nicole Deren (Keith Construction):** Since last meeting in October 2020 Boston residents increased from 19.2% to 31.9%, People of Color increased from 71% to 73%, Female increased from 4.4% to 7.2%. The workforce increased from 43 employees to 72 Boston Resident employees, People of Color employees increased from 111 to 160 and Female employees increased 15 to 28 employees. We've surpassed the people of color number @ 72.8%. With a few more months, Boston resident workforce numbers will increase further. **Commissioner Watson:** thank you for those details. It does help to see that trend. **Commissioner Burton:** Has there been any individual outreach for women (applaud the significant People of color numbers and the incremental increase with Boston residents)? **Ruben:** We had a minimal amount of female workers in the beginning. We reached out to a few agencies to increase our female workforce and had a few walk-on applicants through the drop-box. Some hired. Could have done more, but it has been difficult getting to that 10%. **Commissioner Burton:** What's the completion percentage? **Ruben:** 53% complete as of last Thursday. It's a rolling construction – finishes as we go. Site work and landscaping remain. Looking to solicit bids from WBEs which should be a significant contract. **Commissioner Broomstein:** In regards to Electrical/G&O are they part of your core crew and in previous projects what were there numbers previously for women? **Ruben:** This is my first project with G&O, briefly looked at their numbers, they always had good numbers with People of Color and Boston residents. Female numbers lacked. We requested they look into bringing a female on board. I guess they had a difficult time finding the right candidate.

#### Public:

**Barry Keady (Local 12 Plumbers):** Who is the plumber on this project? **Ruben:** Superior Plumbing. We are holding their feet to the fire and they are better than they typically have been. **Paul Goodrich:** Were you aware that Lighthouse Masonry has recent discrimination suits in the MA Office of Discrimination? They paid thousands to settle suits against workers from Central America. **Ruben:** I was not aware and will look into it. **Barry Keady:** Did you look into Superior's past performance before hiring? **Ruben:** Yes. **Barry Keady:** You hired them anyway?

**Ruben:** I saw their reporting hasn't been spectacular. However, they are meeting the People of Color goals and working on the Boston residents. **Barry:** How are they on the Female performance? **Ruben:** Not good on this job. **Barry:** Will you commit to checking licenses on this job? It's a game they play (bottom feeders in the industry). We have females (Local 12 Plumbers) and I can send one tomorrow. **Ruben:** I'll hold their feet to the fire. We have licensed plumbers or we wouldn't have gotten inspection verification (Barry says that's not true and how do you know). **Ruben:** I've seen verifications (everyone, no). I will check Barry. **Priscilla Flint-Banks (BEJI):** Every month I come to this meeting, it's more frustrating. Everyone says they're trying and can't find the people. BEJI has been doing this work for decades and continue to hear lots of excuses. I don't see people who look like me on construction projects as I ride through the City of Boston. I don't understand if you have a bad construction compliance history, why are you still be hired? There has to be a way to hold people accountable to the Ordinance numbers. Something has to change. The people I serve in Roxbury, Dorchester, Mattapan, Hyde Park and Roslindale are dying! Dying from COVID, lack of good jobs, Gentrified out of our community, and the Education system is horrible! These organizations that take from our community should put back. How do you put back? You put back by hiring 51% Boston residents, 40% People of Color and 12% Females. It's not rocket science! If it wasn't for COVID there would be action in the streets. I hope the New Administration will enforce the BRJP Ordinance compliance and hit contractors in their pockets! **Commissioner Watson:** I share in your frustrations and hope to be empowered to utilize what all of us interpret the powers of the Boston Resident Jobs Policy (BRJP) to be. Priscilla's reference to people dying has to do with my earlier comment about the net worth of black/brown people being \$8 compared to \$247,000 of whites (specifically in Roxbury). The Dudley Street Neighborhood Initiative wrote a report 7 years ago focusing on Roxbury/Dorchester - 54% residents' earnings was less than \$25,000 annually, 46% worked Full-time, 27% were either unemployed, temporarily laid off, permanently disabled, sick or not able to get to work. The numbers don't tell the whole story but give a glimpse of the work still to be done to Priscilla's point.

#### **B. Michael Haynes ARMS Apartments**

**Duration: 21 mins.**

Commissioner Watson recused himself. His employer, MHIC is on the Board of Directors of Cruz Construction and Dan Cruz, Chairs MHIC's Racial Equity Committee. Commissioner Burton will Chair for this project. Commissioner Watson commends John Cruz/Cruz Construction for setting the framework for Equity and Opportunity for Boston Residents, People of Color, Women and M/WBEs and being a model. Commissioner Burton agreed with Commissioner Watson and commented that without a Cruz Construction there could not have been a Norfolk Design and Construction who is now in the pipeline to do more work.

**Present: John Cruz (Cruz Construction), Kimani LeBeau (Cruz Construction), Christopher Rooney (Department of Neighborhood Development) and Robert Woodson (BRJP Monitor)**

#### **Project Overview:**

**4,566 wkhrs, 28% BR, 73% POC, 7% F (Report covers January 2020 – February 2021)**

**Robert Woodson (BRJP Monitor):** Reviews Enforcement of 7 Compliances (a few under review - late payroll, Jobs Bank referrals, BFE Communication/Confirmations and Boston resident verifications). Corrective Action meetings to be scheduled. **Kimani LeBeau (Cruz Construction):** We sent Best Faith Effort information in this morning and are in the process of a New Hire from BFIT. **Commissioner Burton:** I appreciate you wanting to give the solutions. Can you start from where you are on the project (scheduling) and then give the update you wanted to provide while Robert was giving the review? **Kimani:** We are in the process of Site work/ Foundation work/Removal of Ledge and Contamination of soil. We have a new hire who is a student, Boston Resident and from Benjamin Franklin Institute of Technology (BFIT). He will be on site and will be a Superintendent's Assistant. This is a New Construction – Wood Frame, Commercial Space, 55 Units – Affordable/Market Rate/ Mixed Upper floors (located at 8 Clifford Street). **John Cruz:** This will also be the new home of Cruz Construction (combining their 2 offices) on the first floor. **Commissioner Burton:** You are early in the process and there are areas for improvement. Can you speak to who will be mobilizing next (Plumbers, Electricians)? I know you are self-performing carpentry and some parts of labor, but not sure of your self-performance on this project. **Kimani:** We will exceed quota. Always Electric (MBE), HVAC – Victor Francis (MBE), Excel Masonry and Pegasus (MBEs), Devon Plumbing and Heating (MBE) and Excel Fire Protection (WBE). **Commissioner Burton:** That's a helpful snapshot. Because women have

been impacted by this pandemic in having to be home with the children or other COVID concerns with loved ones, what has Cruz done to address reaching out to bring women on this project? **Kimani:** We have reached out to Janine McLaren of the Boston Jobs Bank, Youth Build and BFIT. **John Cruz:** We intend to reach out to YouthBuild for female apprentices. **Commissioner Burton:** That specific ask would be helpful. **Christopher Rooney (DND):** I've worked with Cruz for a number of years. They are a great developer. This project has been a long time coming. It's utilizing City land/private owned abutting land. The City has a big stake in this project and we're excited and looking forward to a ribbon cutting in the near future.

**Public:**

**Barry Keady (Local 12 Plumbers):** Will Cruz commit to making sure all plumbers and apprentices are licensed and registered by the state? **John Cruz:** We always do. We check to make sure our subs have indentured trainees. They must be laborer skilled or indentured trainees.

**Commissioner Burton:** Kimani would you like to address the paperwork/payroll issue from earlier? **Kimani:** We will work on getting the documents in faster. **John Cruz:** Kimani has filled in a gap and taken on administrative work in addition to his other work. The new hire will help with those duties. **Robert:** I appreciate Kimani for picking up the slack and wearing multiple hats on this project.

**C. Raffles Boston Hotel**

**Duration: 13 mins.**

**Present: David Lewis (Noannet Group), Vera Addi (Suffolk), Jake Chase (Suffolk), Victoria Gates (Suffolk), Brooke Woodson (Suffolk) and Manuel Barbosa (BRJP Monitor)**

**Project Overview:**

**56,669 Wkhrs, 26% BR, 34% POC, 9% F**

**Manuel Barbosa (BRJP Monitor): Review report** – Project is 15% complete. Suffolk does a great job verifying residents prior to mobilizing on site. With the 4th most hours worked, Liberty Construction has been driving the bus for the project on Boston Residency (49%), People of Color (27%), and Female (19%). Corrective Action Meeting was held on Feb 4<sup>th</sup> for the following subs: G&C Concrete, Marr Scaffolding, J. Derenzo, and Heritage Restoration (Corrective action letters attached). **Commissioner Watson:** This is 2<sup>nd</sup>/3<sup>rd</sup> project Liberty performed and has done really, really well since a year ago (off a stretch of under-performing projects). We've seen the change and commend you on that. J.Derenzo's letter doesn't address deficiencies. They continue to show their blatant inability to comply with BRJP requirements. Mary Vogel of Building Pathways reminds us that you have to start with your core crew. On this project they have under 8,000 wkhrs, 15%BR, 18%POC, 0%F and dating back to July 2019 they had 150,000 wkhrs, 19%BR, 17%POC, 7%F. While this project is under the Old Ordinance, I'm making a plea to the City that the next project Derenzo has under the New Ordinance implement Section 3 of the Sanctioning Rubric which says that projects can be fined for non-compliance if team identifies prior to project breaking ground that numbers cannot be met and also states that an apprentice should be brought on. This is a no brainer for the City, Derenzo and Local 4. Hub Foundation – 13,000 wkhrs, 17%POC and their response was to bring on 1 Person of Color. This is not sufficient to address the overall picture (repeats Mary Vogel's "start with core crew"). **Commissioner Broomstein:** Is Derenzo doing the job on River Street in Mattapan? **Vera Addi (Suffolk):** I'm not aware. **Brooke Woodson (Suffolk):** That's not one of ours. **Commissioner Burton:** The theme today is Women. There is a gap with women on this project. What are the strategies Suffolk is taking to bring women on the project? **Vera:** This project is in the beginning stage and we are a 15%. There are women currently in those trades, but the majority of women will come in after foundation has been laid and when building starts to come together. **Commissioner Burton:** There will be a lull for women until then? **Vera:** I hope not, I encourage our contractors (all of them) to get a female and I reach out to community agencies like Building Pathways and the Boston Jobs bank. I review subcontractors payroll reports and follow up with them to see that they get a female on there. **Commissioner Burton:** Thank you for those details. This is a Best Practice others can learn from. **Manny:** Vera and I have met with J. Derenzo on multiple occasions and we couldn't come to a common ground. They attend every meeting and we've explained they need to have a plan of action for every City job they are on. **Vera:** I like Commissioner Watson's idea about instituting an apprentice. It's a great start. They are on a lot of our projects and the numbers are about the same as on this project. **Brooke:** Shout out to Vera for her tenacity that

gets results. Thanks Commissioner Watson on comments regarding Liberty and Paula Guity who was hired (women of color) Diversity and Compliance Specialist . **Commissioner Watson:** Paula is a woman of color Liberty hired and that seemed to shift their direction in a positive manner (it's not rocket science).

**Public:**

**Adio Acloque:** For future projects there should be an info session for women. **Commissioner Watson:** Build-A-Life who meets monthly would be a resource for what you are suggesting. **Jordana Monteiro (Building Pathways):** provides their website information - BuildALifeMA.org. **Mary Vogel (Building Pathway):** We have women interested in OE 4 and Laborers and reached out to Carlos Pinhancos of J. Derenzo. He is taking this on. **Vera:** I will contact Mary to follow-up on that information. **Commissioner Watson:** See you for next review.

**IV. DIRECTOR'S REPORT:**

**Duration: 5 mins.**

**Christopher Brown (BRJP Manager):** Update on Salesforce Platform. Interviewed Consultant to finish out Salesforce platform. We need 5 Basic reports: Project Stats, Trade Stats, Boston Resident Verification, Weekly Log, Contractor History. We will be meeting Friday to select a contractor to migrate old system to the new.

**Janet Jones:** How is Commissioner Cofield doing? **Commissioner Watson:** Commissioner Cofield is here today. We will approve Director's Report first and allow him speak after. Commissioner Broomstein motioned to approve, 2<sup>nd</sup> by Commissioner Burton and all 4 Commissioners approved (Commissioners Watson, Broomstein, Burton and Espinoza-Toro). Director's Report was accepted and approved. **Commissioner Watson:** Acknowledges Commissioner Cofield who has been present and welcomes him back. **Commissioner Cofield:** It's good to be back. I kept quiet but had a lot to say. There's a lot to be done in our quest to clean up the industry. Everyone's doing an awesome job. I'm looking forward to getting back to work and resuming activities we started. I appreciate all the prayers and concerns as I battled COVID and other things. **Commissioner Burton:** Jordana Monteiro and Manny commented in the chat that it was good to see Commissioner Cofield and he looks great. **Priscilla Banks-Flint:** Good to see you Charlie! **Commissioner Cofield:** It's good to be seen! Thank you so much!

**Commissioner Watson moved to adjourn meeting, Commission Burton motioned, 2<sup>nd</sup> by Commissioner Broomstein and approved by all (Commissioners Watson, Broomstein, Burton, Espinoza-Toro and Cofield).**

**Meeting adjourned: 2:38**