

**Newark Housing Authority
Board of Commissioners
September 13, 2017**

Summary of Meeting Minutes

Opening:

Before the regular meeting of the Board of Commissioners was called to order, the board members in attendance voted to elect a present member to Chair the meeting in the absence of the Chairperson, Lloyd Harris Sr. and Vice-Chairperson, Kevin Heitzenroder. Mr. Ram Ray made a motion to have Ms. Shand Chair the meeting. The motion was 2nd by Mrs. Smith.

Aye 4 (Mrs. Smith, Mr. Hartranft, Mr. Ram Ray and Mrs. Lane)
Nay 0
Motion passed, Vote: 4 to 0

As acting Chairperson, Ms. Shand called the meeting to order at approximately 5:02 p.m. The first order of business was roll call.

I. Roll Call:

Board of Commissioners present: Donna Shand, Sharon Smith, Peter Hartranft, Janaki Ram Ray and Nikki Lane. Marene Jordan, Executive Director; Donald Gouge Jr., NHA's attorney were also present.

II Approval of Minutes:

(a). Minutes from June 14, 2017

The acting Chairperson asked for approval from the August 9, 2017 meeting minutes. Mr. Gouge referenced a few typos but the minutes were approved. Mr. Hartranft made a motion to approve the minutes. The motion was 2nd by Mrs. Lane.

Aye 4 (Mrs. Smith, Mr. Hartranft, Mr. Ram Ray and Mrs. Lane)
Nay 0
Motion passed, Vote: 4 to 0

III. Report of the Executive Director:

(a). Staff Report:

The acting Chairperson asked for the Staff Report from the Executive Director. Mrs. Jordan reported the following:

Website:

The website went live on Friday, September 1st. She asked all members to log onto the website and provide feedback.

Audit:

The audit appears to have gone well. We should have a draft report by the end of September. Representatives are scheduled to attend the October meeting to present the final audit.

Operating Reserve Litigation:

I am pleased to report that HUD did not appeal the court's decision of damages awarded as a result of the operating reserve offset that took place in 2012. The funds will be disbursed shortly and will be wired into our general fund account.

Alder Creek:

As a follow-up report to NHA receiving a resident complaint regarding the upkeep of the grounds at Alder Creek, NHA received a notice from DNREC regarding an Operations and Maintenance Inspection that took place on August 9th. The notice indicated the representative from DNREC observed several areas that will require reseeding. This inspection was associated with the Final Plan of Remedial Action, the Environmental Covenant and the Long-term Stewardship Plan for the site. Accompanying the letter was a remedial cap inspection log that was forwarded to Ingerman Management to fill out and return to NHA to submit to DNREC.

SEMAP:

As a follow-up to last month's report of NHA overall score in percentages dropping from 100% to 96% due to the loss in points for indicator #11 (pre-contract HQS Inspections), HUD requested that NHA submit a certification that the deficiency has been addressed and identify the action taken to address the deficiency or submit a corrective action plan describing the corrective actions we will take to ensure compliance with program requirements for this indicator.

In collaboration with Ingerman's Management team, NHA was able to submit a timely corrective action plan. The plan outlined the following:

- Measured Performance Goal - improve the accuracy in reporting
- Final Performance Goal - receive all allowable point for indicator #11
- Resources Needed - Training (proof of scheduled training was received)
- Progress Evaluation - Completed Training with proof of certificate of completion and/or certification
- Complete date - Target date for completion is November 2017

Traffic Committee Recommendations:

I am pleased to report that at the Council Meeting held on August 14th, the City Council Members unanimously approved the "road diet" (2-way of traffic traveling North and South) on East Cleveland Avenue, a pedestrian crosswalk with a central pedestrian refuge island amber rectangular rapid flashing beacon system. The roadway improvements are not expected to begin until sometime in 2019. The Florida "T" roadway improvement was not recommended for approval by Mayor and Council as it may have caused a delay in approving a majority of the other recommendations. The Florida "T" option may be revisited as a later date.

ACC Waiver or Section 8 Exception for a Conflict of Interest Prohibition:

HUD has not provided an opinion yet. The request is still being reviewed by their General Council.

Board Term Expiring:

Back in May NHA contacted the Governor's Office notifying them of Ms. Shand's Board Term Expiring. A representative from the Governor's Office is aware of Ms. Shand's term expiring on October 15th and her expressed interest in another 3-year board term appointment. Unfortunately they will not be able to have a letter to NHA prior to her current board term expiring. However, the representative informed that she can resume her duties as a board member. A meeting in October is expected with the Governor and a letter will follow shortly thereafter.

CDBG Application:

NHA submission for funding for the 44th year appears to have caused some concerns that prompt a request for a special meeting that resulted in a rolling board via email. Reference is being made to the email chain that involved (4) four board members (which is a quorum). The content of the email chain was an inquiry into calling a special meeting to discuss the CDBG application.

This year NHA submitted an application for funding for acquisition of a property located on Main Street (299 E. Main Street). Although the application specifically mentioned this property the application also noted:

“NHA is exploring opportunities to acquire additional parcels of land to expand its footprint in the George Reed Village neighborhood.”

The guidelines for preparation of proposals are specific and require details to ensure the application submission is eligible for consideration. The details are subject to change as we're still in the planning process and a master plan is not finalized. However, the purpose of the application is to secure funding in our plans to redevelop. In reviewing the eligible activities within the guidelines, The Acquisition of Property is 1st on the list which means NHA's CDBG submission is eligible for consideration.

For the past 10 years NHA has always applied for CDBG funding for various rehab projects/capital improvements and 9 out of 10 submissions were approved for funding. The only application that was not funded was in 2009 when the funding request was for pre-development cost to help fund Cleveland Heights redevelopment.

For the past 10 years NHA application request varied in project request and associated funding. The funding request ranged from \$40,000 to \$250,000. Additionally, all funding request were only “partially” funded.

On Thursday, September 7th Mrs. Jordan received a call from a representative from the planning department who inquired into the application asking three questions.

1. Will NHA be able to spend the funding within the specified time period? NHA responded, yes. The funding period runs from July 1, 2018 – June 30, 2019.

2. Is NHA trying to acquire 299 E. Main Street? NHA responded at the time the application was submitted this property was the only property NHA was made aware of that will be listed for sale. However, we are exploring the possibility to acquire other properties too.
3. Will a partial award help? NHA responded, yes.

At the conclusion of the call, it appeared as if there will be a **recommendation** of a partial award. Mrs. Jordan noted she is not aware of when the meetings are to take place and in speaking with the representative all committee members were provided with a 2-week notice of when the 1st meeting would take place allowing for an opportunity for Mr. Ram Ray to meet with her. She also mentioned, she had a brief conversation with him after the August board meeting asking to be notified when the meeting is scheduled.

Mrs. Jordan asked if any board had any questions or comments regarding the staff report?

Mr. Ram Ray mentioned that he attended the 1st meeting as an appointment to this committee. The 1st meeting allowed for all committee members to review and discuss the applications received. He informed there were questions asked that he could not answer. No action was taken. The 2nd meeting was scheduled but the members could not meet because they did not have a quorum.

Mr. Ram Ray circulated written concerns from the meeting. Mrs. Lane asked Mrs. Jordan if she received a copy of these concerns prior to today's meeting? Mrs. Jordan replied, no. Mr. Ram Ray expressed that the CDBG application to acquire this property was not discussed or approved by the board. He felt that the application itself was weak emphasizing the submission was a "witch hunt and speculative." He mentioned the grant amount of \$250,000 would be denied because if awarded there would be no other funds to award any other project. He felt we missed an opportunity for funding and that a submission for a planning grant would have been a better approach. He informed that he plans to seek a multi-year allocation at the next CDBG meeting.

Mrs. Jordan responded, she did not believe the submission was weak and that the representative from the city expressed to her that the application would be **recommended** for a partial award. Mrs. Jordan further mentioned that if the committee did not meet for the 2nd time, then there was no way for him to know that the application would be **recommended** for a partial award.

She mentioned the amount of annual CDBG funds is unknown and irrelevant when submitting an application.

Mrs. Lane wanted clarification as to if the application was denied? Mrs. Jordan replied, it's her understanding that it was not denied but would be **recommended** for a partial award.

Mrs. Lane confirmed that the application was submitted with the understanding that it would be partially funded. Mrs. Jordan replied, yes due to past awards of funding request.

Mrs. Shand (acting Chairperson) referenced Board Resolution #389 that was adopted back in 2015 authorizing the Executive Director and the Attorney to evaluate all development opportunities that would

include examining options, ideas and proposals for new construction, purchase and sales for redevelopment opportunities.

A brief discussion took place regarding the process and procedure of past appointments to the CDBG committee. Although this seat is reserved for NHA, the seat has been filled by appointments made by the City of which may have been former/current board members. Mrs. Jordan will follow-up with the City Secretary to confirm the process and report findings at the next board meeting. This discussion was tabled.

The Chairperson asked for approval of the Staff Report. Mrs. Smith made a motion to approve the Staff Report. The motion was 2nd by Mr. Hartranft and Mr. Ram Ray.

Aye 4 (Ms. Smith, Mr. Hartranft, Mr. Ram Ray and Mrs. Lane)
Nay 0
Motion passed, Vote: 4 to 0
Abstain 0

IV. Committee Reports:

A. Report of Policies & Procedures & Compliance & Personnel Committee – Chairperson (Mrs. Smith):

The Chairperson of this sub-committee, Mrs. Smith, reported that a meeting is scheduled with the Executive Director to perform the Annual Evaluation. She asked all board members to send her an email of any concerns or questions that need to be discussed by next week (September 20th). She will have a report of the evaluation at the next board meeting.

B. Report form Development Committee – Chairperson (Mr. Heitzenroder):

The Chairperson of this sub-committee, Mr. Heitzenroder, was not present for the meeting. In his absence Mr. Jordan provided a brief up date.

a). 26 N. Chapel Street:

NHA submitted an application for a relocation/tenant protection voucher and associated funding for the family at this property. A response is pending. NHA reached out to the Landlord Association and private landlords inquiring into the availability of 4 bedroom units. NHA received responses from 4 landlords and will follow-up on behalf of the family. NHA's target date is to have a November lease-up.

Mrs. Smith inquired into if the 4 units will be surrounded by the college students. Mrs. Jordan replied it's possible as our community is a college town and properties owned by NHA are all located with a student zone; however, NHA will assist the family with recommendation that will be more suitable.

b). 101 New London Road:

Mrs. Jordan informed NHA received a reply from the Advisory Council on Historic Preservation that they do not believe their participation in the consultation to resolve the adverse effects are needed. If they receive a request for participation from DE SHPO office or any other consulting party they may reconsider

their decision at that time. Also, if the circumstance change and its determined their participation is needed to conclude the consultation process, their involvement may change.

The MOA is under review by HUD and the SHPO Office. The MOA was prepared by NHA's consultant and consistent with regulatory requirements. There is a section of the MOA that addresses the possibility of finding burial remains and artifacts and who the responsible party will be in the proper handing. It is NHA position that since the property will be sold "as is" then whatever is discovered after the disposition of the property should fall under the responsibility of the new owner. HUD has not completed its overall assessment.

Elkton Housing Tour:

The tour of Elkton Housing Authority's Senior Center is scheduled for Friday, October 29th at 11:00 am. The address is 145 East High Street, Elkton MD. If anyone is interested in attending, please let me know as they are requesting a head count.

C. Report of Finance Committee – Chairperson (Ms. Shand):

The Chairperson of this sub-committee, Ms. Shand, presented the financial reports to the board.

(a) Monthly Financials

Ms. Shand mentioned she reviewed the reports in both programs and did not see anything out of the ordinary. She opened the floor to any board member to ask questions regarding the financial reports.

Mrs. Lane inquired into the reduction of our rental permits. Mrs. Jordan replied, the annual renewal fee is \$200.00 per rental. No change.

Mrs. Lane inquired into if we are experiencing any issues with bed bug? Mrs. Jordan replied, we had an issue but nothing recent.

D. Strategic Planning Committee – Chairperson (Ms. Shand):

The Chairperson of this sub-committee, Ms. Shand, mentioned the committee will need to discuss how to evaluate the progress made by the development committee in addressing the action items mentioned in the 3-year action plan and the steps to be taken to revise the Mission Statement. A meeting will be confirmed for November 1st, 2nd or 3rd.

V. Attorney Issues:

Mr. Gouge reported NHA received payment in full for monies owed from a former participant who filed a complaint with the Human Relations Department. The case is closed.

Mr. Gouge reported the non-compliance settlement agreement between a tenant and NHA is resolved. The tenant returned possession over to NHA.

Mr. Gouge reported he was informed of a Rolling Board that took place via email. As a reference, he referred to FOIA statutes section 29 Del.C. §10002(g).

Mr. Ram Ray asked how is the board to form some type of unity outside of the authority via email without it being a violation?

Mr. Gouge replied, sending an email is not an issue as long as the email chain does not warrant any discussion about the business of NHA with (4) or more board members. NHA is a public body and the public has a right to be a part of any business that is discussed. Mr. Gouge asked all board members to be careful in sending and responding to group emails that pertains to NHA.

Mr. Hartranft mentioned its best to stop all group emails.

Mr. Gouge also mentioned in doing some research he believes that the Executive Session Meetings should be taped. However, he will research further Mr. report the findings at the next board meeting.

Mr. Gouge also referred to the By-Laws Section III – Meetings, Section 3 – Special Meetings. He read the following:

“The Chairperson of the authority may, when she/he deems it expedient, and shall, upon the written request of two members of the authority for the purpose of transacting business designed in the call, call a meeting. The call for a special meeting shall be delivered to each member of the authority at his/her business or home address at least 7 days prior to the date of such special meeting. At such meeting, no business shall be considered other than as designed in the call. The special meeting will be held in addition to monthly board meetings and the annual meeting held in May.”

Mr. Ram Ray acknowledged sending the email to all board members requesting a meeting to discuss the CDBG application.

Mr. Gouge reminded everyone of the proper process and procedure in requesting a Special Meeting that is only called by the Chairperson of the Board.

VI. Old Business:

- A. From the other Commissioners: None
- B. From the Executive Director: None
- C. From Legal Counsel: None: None

VII. New Business:

- A. From Commissioners: None
- B. From the Executive Director: Public Vote on real estate transaction (if applicable)
- C. From Legal Counsel:

VIII. Visitors and/or Petition:

The acting Chairperson of the Board opened the floor to our visitors. Ms. White asked for clarification of what property NHA is trying to purchase? Mrs. Jordan replied, the application specifically mentioned 299 E. Main Street but we are inquiring into other properties located in George Reed Village.

She reference a similar FOIA issue regarding a Rolling Board involving City of Newark Committee that addresses the same situation as discussed today and the outcome was the same.

Mr. Slijepcevic was in attendance as an interested party regarding 26 N. Chapel Street. However, he mentioned the possibility of having or knowing someone that may have a 4 bedroom unit for the family at 26 N. Chapel to consider when the time comes to relocate.

IX. Executive Session:

The acting Chairperson acknowledged that we do not have a quorum to vote on any action items that may be discussed during Executive Session. The Executive Session will be tabled until next month.

X. Adjournment:

The acting Chairperson asked for a motion to adjourn the meeting. Mrs. Smith made a motion for the meeting to adjourn. The meeting was 2nd by Mrs. Lane.

Aye 4 (Ms. Smith, Mr. Hartranft, Mr. Ram Ray and Mrs. Lane)
Nay 0
Motion passed, Vote: 4 to 0
Abstain: 0

Meeting Adjourned at 6:01 PM

Minutes Submitted by: Marene M. Jordan, Executive Director