

Newark Housing Authority

**Board of Commissioners
January 10, 2018**

Summary of Meeting Minutes

Opening:

Before the regular meeting of the Board of Commissioners was called to order, Mr. Gouge (NHA's attorney) acknowledged that Board Chairperson, Lloyd Harris Sr. and the Vice-Chair, Kevin Heitzenroder was not present. Mr. Gouge asked the remaining board members to discuss/vote amongst themselves as to who would chair the meeting.

Mr. Hartranft made a motion for Ms. Shand to chair the meeting. The motion was 2nd by Mrs. Lane. Ms. Shand accepted and the meeting was called to order at approximately 5:02 pm.

I. Roll Call:

Board of Commissioners present: Janaki Ram Ray, Peter Hartranft, Nikki Lane and Donna Shand. Marene Jordan; Executive Director and Donald Gouge Jr. NHA's attorney were also present. Mr. Heitzenroder was not present for roll call but did arrive late.

Absent Members: Lloyd Harris Sr. and Sharon Smith

II. Approval of Minutes:

(a). Minutes from December 13, 2017

The Acting-Chairperson asked for approval of the December 13, 2017 meeting minutes. A motion was made by Mr. Hartranft to approve the minutes. The motion was 2nd by Mrs. Lane in an attempt to approve the meeting minutes. The motions to approve the minutes were withdrawn as the approval of the meeting minutes from December was tabled until next month.

III. Report of the Executive Director:

(a). Staff Report:

The Acting-Chairperson called for the report from the Executive Director. Before the report was given, Mrs. Jordan provided the following update:

Operating Reserve Litigation:

NHA received correspondence from the Law Firm handling the damages from the Operating Reserve Offset. It is expected the funds should be deposited within the next few weeks.

City of Newark's CDBG Appointments and process for board appointments:

The Process and discussion was tabled until next month

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

HUD has not provided an opinion yet.

RFQ 2017-01 Agency Representative:

In response to the RFQ to procure an Agency Representative, NHA received one proposal. The proposal will be reviewed to determine if the proposal meets the criteria outlined. Although a review committee was created to review the proposals, the committee may not be needed.

Mrs. Lane asked: “What firm responded to the RFQ?” Mrs. Jordan replied: “CSG, an outside firm.”

The Acting-Chairperson asked for approval of the Staff Report for December. Ms. Lane made a motion to accept the Staff Report. The motion was 2nd by Mr. Ram Ray.

Aye 4 (Mr. Heitzenroder, 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, was not present. No report was provided and all items were tabled until next month.

- a). **On Boarding Informational Manual/Process in filling board vacancies/re-appointments of board members:** - Tabled
- b). **CDBG Appointments:** – Tabled
- c). **Executive Director Contract Amendment:** - Tabled

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

The Chairperson of this sub-committee, Mr. Heitzenroder, was present for the meeting. He mentioned there would be a follow-up discussion to 26 N. Chapel Street from last month’s meeting later but asked Mrs. Jordan to provide a general update on any developments from this committee.

26 N. Chapel Street:

NHA is in the process of relocating the tenant from 26 N. Chapel Street to a single family home in a residential development. It appears as though the asking contract rent will be affordable thus allowing NHA to move forward with a Pre-HQS Inspection, the HAP contract and the tenant signing a lease agreement. A February 1, 2018 lease-up is expected.

101 New London Road:

NHA is in the process of having this property appraised. As soon as the appraisal is complete, NHA will move forward with listing the property and submitting the disposition application for HUD/SAC approval.

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

The Chairperson of this sub-committee, Ms. Shand, provided a report.

(a) Monthly Financials

Reference was made to the Budget vs. Actual Report for the Low Income Public Housing Program for the period covering April 2017 – November 2017. She noted nothing unusual from previous months reporting. She opened the floor to allow for questions from the board. There were none.

Reference was made to the Profit Loss report for the Section 8 program for the same reporting period. Again, there was nothing unusual from previous months reporting. There were no questions on this report as well.

Strategic Planning Committee – Chairperson (Ms. Shand):

The Chairperson of this sub-committee, Ms. Shand, reported the committee met several months ago and was able to develop a draft evaluation process to measure the goals and objectives outlined in the 3 year strategic plan in phases. She asked all members to review and will seek approval at next month's meeting.

V. Attorney Issues:

26 N. Chapel Street

Mr. Gouge reported that as a result of the board accepting the offer from the Baldini's to purchase 26 N. Chapel Street last month, the agency was threatened with a lawsuit. The complaint is lengthy and will need to be discussed and reviewed. This matter will be discussed during Executive Session.

Tenant/Landlord Case

Mr. Gouge reported the JP courts finally provided a ruling on a case filed in October. The courts ruled in favor of the defendant despite not citing any violations in policies or procedures. NHA has filed an appeal.

Mrs. Lane asked: "This case involved non-payment?" Mr. Gouge replied: "Yes." Mrs. Lane asked: "How many months was the tenant behind?" Mr. Gouge replied: "One." He added that the issue involving this case was the re-certification process vs. an interim change and what month would the decrease in rent be effective.

VI. Old Business:

- A. From the other Commissioners: None
- B. From the Executive Director:
 - 1. Discuss/Update on 26 N. Chapel Street (Executive Session – Real Estate Transaction)
 - 2. Approval of 2018 Annual Plan

Mrs. Jordan asked: “If there were any questions relating to the Annual Plan. If not, the plan needs to be approved so that it can be submitted to HUD for their review and approval.

The Acting-Chairperson asked for a motion to approve the Annual Plan. A motion was made by Mr. Ram Ray. The motion was 2nd by Mr. Hartranft.

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

- C. From Legal Counsel: None:

VII. New Business:

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

The Acting-Chairperson opened the floor to the visitors.

Visitors Present:

Mayor Polly Sierer
Nick Baldini Sr.
Nick Baldini Jr.
Gabe Baldini
Mitch Slijepcevic
Marc DeBeary

IX. Visitors and/or Petition:

Mayor Sierer asked if the CDBG process/appointment was discussed prior to her arrival. Mrs. Jordan replied: No, the discussion was tabled until next month as the Chairperson of this committee is not present.”

Mayor Sierer asked: “Will this topic be an agenda items for next month?” Mrs. Jordan replied: “Yes.”

The Acting-Chairperson informed the public that the meeting was entering into Executive Session.

Note: The minutes will reflect that at approximately 5:21 pm Mrs. Lane left the building and was not returning. She will not take part in the discussion/review of 26 N. Chapel Street. Mrs. Lane was

provided a copy of the complaint and was asked not to discuss or review the complaint with anyone outside of NHA.

X. Executive Session: The Acting-Chairperson asked for a motion to enter into Executive Session to discuss 26 N. Chapel Street.

Note: The contract amendment for the Executive Director will not be discussed during Executive Session and will be tabled until next month.

Mr. Heitzenroder made a motion to enter into Executive Session for the purposes indicated. The motion was 2nd by Mr. Hartranft.

Aye 3 (Mr. Heitzenroder, Mr. Hartranft and Mr. Ram Ray)
Nay 0
Motion passed, Vote: 3 to 3
Abstain: 0

At approximately 5:23 pm the board of commissioners entered into Executive Session to discuss the board action taken to accept an offer to purchase 26 N. Chapel Street (A Real Estate Transaction) and the threatened litigation. This section of the meeting was closed to the public.

At approximately 5:50 pm the board of commissioners came out of Executive Session. The Acting-Chairperson asked for a motion for the meeting to become public. Mr. Hartranft made a motion for the meeting to become public. The motion was 2nd by Mr. Heitzenroder.

Aye 3 (Mr. Heitzenroder, Mr. Hartranft and Mr. Ram Ray)
Nay 0
Motion passed, Vote: 3 to 3
Abstain: 0

Mr. Gouge informed the public of the following:

The board has decided to table all further discussions regarding 26 N. Chapel Street to allow the full board to be present to review the complaint and to allow time for HUD to provide a written response regarding the process NHA used to receive the offers.

The Acting-Chairperson asked for a motion to table any further action regarding 26 N. Chapel Street until next month. Mr. Hartranft made a motion to table the discussion. The motion was 2nd by Mr. Ram Ray.

Aye 3 (Mr. Heitzenroder, Mr. Hartranft and Mr. Ram Ray)
Nay 0
Motion passed, Vote: 3 to 3
Abstain: 0

The meeting was opened to the public to ask any questions or make any comments. There were none.

XI. Adjournment:

The Acting-Chairperson asked for a motion for the meeting to adjourn. Mr. Heitzenroder made a motion for the meeting to adjourn. The motion was 2nd by Mr. Hartranft.

Aye 3 (Mr. Heitzenroder, Mr. Hartranft and Mr. Ram Ray)
Nay 0
Motion passed, Vote: 3 to 3
Abstain: 0

Meeting adjourned at approximately 6:00 PM

Minutes Submitted by: Marene M. Jordan, Executive Director

Note:

- Executive Session Summary of Minutes (Minutes from the closed session relating to the Real Estate Transaction were taken by Mrs. Jordan)

APPROVED