

FALMOUTH HOUSING AUTHORITY
COMMISSIONERS GENERAL SESSION BOARD MEETING MINUTES

Tuesday, March 22, 2022

115 Scranton Avenue, Falmouth, MA 02540

Tel: (508) 548-1977 Fax: (508) 457-7573 www.falmouthhousing.org

The Falmouth Housing Authority conducted a General Session Commissioners Board Meeting on Tuesday, March 22, 2022. The general session began at 4:30 p.m. and will be held via a virtual meeting pursuant to Massachusetts Governor Charles D. Baker's Order Suspending Certain Provisions of the Open Meeting Law dated March 12, 2020. The public were invited to join in the general session meeting by going to: Link: <https://us02web.zoom.us/j/85675370818> Meeting ID: 856 7537 0818, Audio Access: 1-646-558-8656 Meeting ID: 856 7537 0818

MEMBERS PRESENT: Michael Galasso
Kathleen Haynes
Robert Mascali
Stephen Patton

MEMBERS ABSENT: Patricia Favulli

STAFF PRESENT: Bobbi Richards, Executive Director
Chuck Starr, Fiscal Director

OTHERS PRESENT: Laura Bancroft
Carrie Gentile, Falmouth Enterprise
Attorneys Frank Flynn and Sarita Manigat, Flynn Law Group
Linda Clark, Falmouth Housing Corporation

OPEN SESSION

At 4:32 p.m. Steve Patton called the meeting to order. Steve Patton read aloud regulations for remote meetings under the Open Meeting Law.

Bobbi Richards reported that a request has been received from Robert Mascali to take items requiring a vote out of order to accommodate an anticipated early departure from the meeting (approximately 5:30 p.m.). Additionally, Bobbi Richards requested that the item regarding Executive Session Minutes be taken out of order to accommodate a question and answer session with Attorneys Frank Flynn and Sarita Manigat.

Resolution 2022-073

Robert Mascali moved to take items out of order. Kathleen Haynes seconded.

A roll call vote was taken:

Michael Galasso-aye

Steve Patton-aye

Kathleen Haynes-aye

Robert Mascali-aye

4 Ayes (Galasso, Haynes, Mascali, Patton) 0-Nays

MOTION CARRIED

Approval of Minutes

-Executive Session Minutes of 12/18/21 and 1/25/22

In accordance with M.G.L.c.4,c1.256, the public body can withhold disclosure of the executive session minutes for reasons including, but not limited to: If disclosure may defeat the lawful purposes of the session; If the information is related solely to internal personnel rules and practices; Personnel and medical information or other materials relating to a specifically named person such that disclosure may constitute an unwarranted invasion of privacy.

Bobbi Richards explained that she had received a request from Michael Galasso to put the issue of the executive session minutes on the agenda. Bobbi Richards said that she had added the Executive Session minutes of 12/18/21 to the agenda as well. Michael Galasso has requested the release of the Executive Session of 1/25/22. Bobbi Richards stated that she was not willing to release the Executive Session minutes of 1/15/22 or 12/18/21 because the matters are related to her reputation and qualify to be withheld for legal reasons. Representatives from Flynn Law Group, Frank Flynn and Sarita Manigat, were present. Bobbi Richards asked if there were any questions about why it was permitted that the minutes could be withheld from distribution to the Board and release.

A discussion included the following:

- Michael Galasso asked if the minutes were distributed to all the commissioners and if not, what reason are they being withheld.
- Steve Patton asked Frank Flynn if he would like to present.
- Frank Flynn informed that he was not privy to the content of the executive session minutes but he was present to discuss laws regarding executive session minutes and when public bodies can withhold disclosure of the executive session minutes. Generally, Executive Session meeting records are not required to be disclosed if disclosing the contents of the executive session would defeat the purpose of the executive session. Once disclosure of the minutes would no longer defeat the purpose of the executive session, the minutes must be disclosed unless there is an exemption under the public records law. There are 20 exceptions from public records laws, including personnel issues, medical files, internal personnel rules/practices, collective or nonunion bargaining or litigation,
- Steve Patton summarized that the decision was to not release the executive session minutes at this time and asked for Board comments.

- Michael Galasso clarified that his belief was that the board was entitled to receive a copy of the minutes of an executive session, not to release them, but to review them, and the Executive Director has chosen to not release them to the board. He is asking if the Director is on legal standing to not provide the draft minutes to the Board for review.
- Robert Mascali clarified that the legal opinion received today does not address Michael Galasso's question as posed. Michael Galasso shared that the legal opinion addresses only whether or not the executive session minutes can be withheld from release to the public.
- Frank Flynn said that he would need to do some research on the question before answering as the question for which he was asked to attend the meeting was not the question now posed by Michael Galasso.
- Michael Galasso moved that the minutes of 12/18/21 and 1/25/22 be released by the Executive Director to the members of the Commission, but not the public. The motion did not receive a second; the motion failed.
- Michael Galasso asked if Frank Flynn would be back with the ruling.
- Frank Flynn said he would be if the Board officially requested that the matter be explored further.

The meeting then turned to items that required votes.

-Special Session Minutes of 2/8/22
Resolution 2022-074

Kathleen Haynes moved to approve the Special Session Minutes of 2/8/22. Robert Mascali seconded.

A roll call vote was taken:

Michael Galasso-aye

Steve Patton-aye

Kathleen Haynes-aye

Robert Mascali-aye

4 Ayes (Galasso, Haynes, Mascali, Patton) 0-Nays

MOTION CARRIED

-General Session Minutes of 2/15/22

Robert Mascali provided general comments regarding the distribution of board meeting materials. He said that he had not had a chance to review the minutes and requested that if documents were sent out, that they be in one email, rather than multiple emails, if possible.

Robert Mascali acknowledged that print packets of the materials are made available for pick up by the Commissioners.

The minutes were tabled.

Report of Maintenance Department

Bobbi Richards noted that these change orders were for properties at Brick Kiln Road and Oak Street. DHCD has reviewed and requests a vote from the board.

-Change Order 1– Zander – DHCD Project No. 096071 - \$8,278.67– Asbestos Removal

Resolution 2022-075

Kathleen Haynes moved to approve the change order from Zander Corporation in the amount of \$8278.67. Robert Mascali seconded.

A roll call vote was taken:

Michael Galasso-aye

Steve Patton-aye

Kathleen Haynes-aye

Robert Mascali-aye

4 Ayes (Galasso, Haynes, Mascali, Patton) 0-Nays

MOTION CARRIED

-Change Order 2– Zander – DHCD Project No. 096071 - \$1,702.30 – Sill repair front steps
Michael Galasso expressed concern that there was detail lacking in the report the change order was tabled.

-Change Order 3-Zander-DHCD Project No. 096071-\$776.98 Vent piping to code
Resolution 2022-076

Kathleen Haynes moved to approve the change order from Zander Corporation in the amount of \$1,702.30. Michael Galasso seconded.

A roll call vote was taken:

Michael Galasso-aye

Steve Patton-aye

Kathleen Haynes-aye

Robert Mascali-aye

4 Ayes (Galasso, Haynes, Mascali, Patton) 0-Nays

MOTION CARRIED

-Portfolio vacancy review

Bobbi Richards reviewed the document including information about two turnovers at Mayflower and the bid process at Pinecrest.

-Open RFPs were reviewed

-List of 705 units

Michael Galasso proposed that aging units be sold.

Report of the Accounting Department

-Payment of March bills and HAP payments – VOTE

Resolution 2022-077

Robert Mascali moved to approve the payment of March bills and HAP payments. Kathleen Haynes seconded.

A roll call vote was taken:

Michael Galasso-aye

Steve Patton-aye

Kathleen Haynes-aye

Robert Mascali-aye

4 Ayes (Galasso, Haynes, Mascali, Patton) 0-Nays

MOTION CARRIED

-Independent audit review performed by Marcum

Chuck Starr reviewed the report and asked if there were questions; there were no posed by the Board. Chuck Starr highlighted that there were no findings during a period where there was a transition in fiscal staff, which spoke highly of past and present staff at the housing authority.

Report of the Executive Director

-Leased housing summary for March 2022

Tabled

-Portfolio-wide revision to tenant handbook – VOTE

Bobbi Richards explained that there were separate handbooks for the state and federal properties, yet the rules were relatively the same (with the exception of the 705 units). The administrative goal was for the federal and state units to operate using the same handbook; the handbook will include attachments specific to certain issues relative to the 705 units and/or other amendments to the lease.

Resolution 2022-078

Kathleen Haynes moved to approve the revised tenant handbook. Michael Galasso seconded.

A roll call vote was taken:

Michael Galasso-aye

Steve Patton-aye

Kathleen Haynes-aye

Robert Mascali-abstained

3 Ayes (Galasso, Haynes, Patton) 0-Nays 1-Abstain (Mascali) MOTION CARRIED

-Independent Contractor for Recording Secretary- VOTE

Bobbi Richards explained that Maureen McIver was the only applicant for the Recording Secretary contract when the position was advertised recently. The position has been advertised on two occasions within the past 6 months; another interested party initially responded to the first advertisement but did not further engage with the housing authority. Maureen McIver responded to both advertisements; no others responded.

Resolution 2022-079

Robert Mascali moved to approve the award of a three (3) year contract to Maureen McIver for independent recording secretarial services. Michael Galasso seconded.

A roll call vote was taken:

Michael Galasso-aye

Steve Patton-aye

Kathleen Haynes-aye

Robert Mascali-aye

4 Ayes (Galasso, Haynes, Mascali, Patton) 0-Nays MOTION CARRIED

-Review of waiting lists (DIAL, Section 8/HCV, Project-based, SRO, Federal Public Housing)

Tabled

-Discussion regarding county ARPA funding

See funding discussion above.

-Request for proposals for Project-based program
Tabled

-Onsite managers

Bobbi Richards reported that none of the housing entities she contacted used onsite managers. Per Michael Galasso's previous request, Bobbi Richards contacted the top 5 housing entities in California including the Los Angeles housing authority with 7,193 public housing units, the county of LA housing agency with 2,962 public housing units, the San Francisco housing authority with 2,483 public housing units, and the Sacramento housing authority with 1,699 units. None have a housing model that provides housing/onsite managers/maintenance. These positions operate out of centralized offices.

Public Comments

None.

DHCD Information

Bobbi Richards explained that Michael Galasso had asked for Bobbi Richards' reaction to a letter issued from Lisa Taylor at DHCD. Ms. Taylor has been FHA's housing specialist since December 2021. A discussion included the following:

- Bobbi Richards said that she remained concerned that DHCD has not proposed a solution to funding repairs of the aging housing portfolio. Funds distributed among all housing authorities will not be adequate to address all the serious issues experienced in FHA's current stock. Bobbi Richards explained the DHCD will allow FHA to select certain units and rework the capital improvement plans based on DHCD's needs assessments; DHCD will not permit the housing authority to spend monies provided by DHCD to contract an independent agency to provide a needs assessment. The funding of the 705 portfolio and other capital improvements are old conversations and DHCD should offer an explanation to FHA on why the units continue to not be funded for repairs. Bobbi Richards emphasized that she believes DHCD is asking her to accept simple unit turn approaches rather than repair, improve and modernize units that have had no reconditioning for 10-25 years.
- Robert Mascali said that had to leave the meeting but that he supported the idea that DHCD should explain how to repair the aging portfolio, they could be invited to a meeting and the invitation should come from the Commissioners, not Bobbi Richards.
- Bobbi Richards clarified that what she was proposing was a needs assessment for the entire portfolio – a unit by unit, building by building review so a true condition of the portfolio could be received. A similar project was taken on by another housing authority that has become frustrated with the lack of state funding and it was determined that more than \$1m is needed to repair their public housing portfolio.
- DHCD's statement that the housing authority would not be able to access any state funding to cover a needs assessment not performed by DHCD is the larger issue that Bobbi Richards wishes for the Commissioners to address. Bobbi Richards shared that it is unacceptable that a funder controls the repairs that are made to a portfolio.

Discovering the needs of the development should not be a function of the funder; it should be conducted through an independent review so that there are no conflicts of interest.

- Bobbi Richards clarified that there was a need for a separate stream of funding to pay for a needs assessment for the portfolio.
- Bobbi Richards shared that she has begun the process of obtaining quotes to determine the costs of an independent needs assessment for all units that the housing authority maintains. The estimated repair costs can be determined after such assessment is performed. The Board and Bobbi Richards estimated the costs of the needs assessment to be \$250k.

Resolution 2022-080

Michael Galasso moved to authorize the Executive Director to draft a letter to Julian Suso and the Falmouth Affordable Housing Corporation requesting \$250,000 to fund a needs assessment to bring the portfolio to a condition that would serve low and moderate income individuals for years to come. Kathleen Haynes seconded.

A roll call vote was taken:

Michael Galasso-aye

Steve Patton-aye

Kathleen Haynes-aye

3 Ayes (Galasso, Haynes, Patton)

0-Nays

MOTION CARRIED

New Business – Commissioners Retreat – Open to the Public - Date/Time/Location Needed
Discussion continued about details regarding the retreat. The matter will continue to be listed on future agendas until such time that date/time/location and agenda are determined.

Next meeting agenda items – due by Tuesday, April 12, 2022

-Public hearing for state portfolio / review of revised state capital improvement plans and process to include new projects

Note: Per Chair request, please submit all agenda items to the Chair

(boc1@falmouthhousing.org) to allow for proper planning for future meetings.

Resolution 2022-081

Kathleen Haynes moved to adjourn at 5:50 p.m. Michael Galasso seconded.

A roll call vote was taken:

Michael Galasso-aye

Steve Patton-aye

Kathleen Haynes-aye

3 Ayes (Galasso, Haynes, Patton)

0-Nays

MOTION CARRIED

Relevant Documents

Portfolio unit layouts, virtual tour of Rose Morin #60

Public Housing Accounts Aging Report through 2/28/22

HAP Accounting Cash Payment/Receipt Register 2/1/22-2/28/22

Landlord Payment History Report 2/1/22-2/28/22

Marcum Independent Accountants' Report on Applying Agreed-Upon Procedures FYE 6/30/21

Minutes of Special Session of 2/8/22

Minutes of General Session of 2/15/22

DHCD Vacant Unit Award #096085 – 667-1 and 096086 – 705-0G and 705-0R - \$56,292 to make repairs to vacant units 667-1 Mayflower and 26 Pinecrest

Ad run (1/14/22) in Falmouth Enterprise re Public Comment period for proposed changes to tenant handbook

Ad run (1/28/22) in Falmouth Enterprise re Recording Secretary (Independent Contractor)

Resume of Maureen McIver

Ad run (3/11/22) re invitation for proposals for 6 (6) Kitchen Renovations at Harborview

Federal and State Vacancy Report as of 3/16/22

List of 705 units

Draft Tenant Handbook (revised 3/18/22)

Notice of Public Hearing for Proposed Annual Plan (State CIP) FY2023

DHCD ARPA Funding announcement emailed 3/17/22

Thank you letter from tenant regarding Blizzard of 2022

Zander change order regarding asbestos

Zander change order re sill repair

Zander change order re vent piping

Waiting list reports for DIAL, Project-based, Federal public housing, Federal Section 8/Mainstream, Single Room Occupancy (SRO)

Leased Housing Report for March 2022

Monthly financial report for January 2022 from Fenton, Ewald & Associates, P.C.