

NEEDHAM HOUSING AUTHORITY

BOARD OF COMMISSIONERS

MINUTES

**REGULAR MEETING
HIGH ROCK HOMES LLC MEETING
Thursday, November 18, 2021, 7:30 PM**

ROLL CALL BY CHAIR FOSTER TO CONVENE THE REGULAR MEETINGS

COMMISSIONERS PRESENT:

Chair Reg Foster
Vice-Chair Eleanor Evans
Treasurer Ed Scheideler (left the meeting at 9:55pm)
Commissioner Penny Kirk (left the meeting at 9:55pm)
Commissioner Janice Bennett

NHA STAFF PRESENT:

Angie Medeiros, Executive Director

GUESTS: Sue Biasizzo, Ross Donald, John Clark, Kalpana Shah, Kevin Keene, and Richard Day

Chair Foster called the meeting to order at 7:31 PM. The Secretary of the Needham Housing Authority (NHA) provided adequate notice of this meeting by preparing a Public Notice dated November 12, 2021, setting forth the meeting's date, time, and place. Said notice was filed with the Clerk of the Town of Needham and provided to persons requesting it.

AGENDA – REGULAR NHA BOARD & HRH LLC MEETINGS

CHAIR'S ANNOUNCEMENTS:

Chair Foster announced changes to the agenda. He stated that members mentioned that the agenda was too long upon receipt of the Board Packet. Item #1, 2020 NHA & High Rock Homes LLC Audits would be discussed at a future meeting.

Chair Foster stated that the 2021-2023 NHA Collective Bargaining Agreement came in after the agenda was finalized. He stated that this is the third three-year Collective Bargaining Agreement of the Massachusetts Public Employee Council on behalf of Public Employees Local Union 272 of the Laborer's International Union of North America, AFL-CIO. A signed copy from the Union is included in the Board Packet. Chair Foster encouraged the commissioners to review the finalized Collective Bargaining Agreement, and upon request, he would bring this item back to a subsequent meeting for discussion.

RESIDENT/TENANT INPUT:

Sue Biasizzo stated that she, Jessica Reece, and Virgil, recently met with Executive Director Medeiros and Nayda Sanchez, Leased and Public Housing Coordinator. She stated that Ms. Medeiros was kind enough to postpone the installation of the new washers and dryers for Seabeds Way until residents were able to meet with her. She added that Ms. Medeiros gave her information

on the model of washing and dryers and will install them when the Cooks Bridge Tenants Association (CBTA) gives them a date that would work for the community.

Ms. Biasizzo referred to an article in the Needham Times on bullying in Public Housing across the commonwealth. She added that it was a fascinating report and that she joined the Stop Bullying Coalition. Chair Foster responded that he received the email from Ms. Biasizzo, and he thought it was very useful information. He added that he would send her a copy of the full article.

Ross Donald referred to an article in the Needham Times about the Cambridge Housing Authority, and noted that it was pretty informative. Mr. Donald referred to a letter from Equal Justice Needham that referred to a three-page document that he could not find. Chair Foster stated he would copy the document and send it to him.

1. Presentation & Discussion: 2020 NHA & High Rock Homes LLC Audits Marcum LLC – postponed to January 20, 2021 Board meeting.

2. Status Update:

Housing Plan Working Group Kickoff Meeting 10-22-2021

Commissioner Scheideler reported on this item. He stated that nothing substantive was discussed; it was more of a meet and greet meeting. Chair Foster noted that there will be a lot of staff work done by Karen Sonnarborg, and the target date for completion would be July 2022.

Needham CPA Plan Update Process

Chair Foster reported on the CPC meeting he attended yesterday. He stated that the CPC is working on revising the 2014 CPA Plan for Needham and the application process. He added that their busy season starts next month on December 8, when they will do their first review of applications for funding. Chair Foster stated that he would like the commissioners to review the information in their Board Packet on the Community Preservation Plan and send him their collective feedback. He added that he and Ms. Medeiros would consolidate the feedback for the Board's consideration at their next meeting. Chair Foster asked that comments be submitted by Friday, December 3.

3. Modernization & Redevelopment Initiative Update

Chair Foster noted that the Board has been very involved with the Modernization and Redevelopment Initiative, with two special board meetings with the Cambridge Housing Authority (CHA) over the last month. Minutes of those meetings are being drafted, and the video recordings are available. He referred to the CHA Project Status Report available in the Board Packet and asked members if they had any comments or questions. Commissioner Bennett asked how the CHA recommendations for a conversion path factor into the path that the NHA may or may not choose. Chair Foster stated that CHA, based on the input last month plus additional analysis, would come to the Board approval of their final recommendations, and the Board will decide along with resident input.

Chair Foster drew the Board's attention to the following document -- Key Goals and Objectives: Draft Conversion/Repositioning of Federally Subsidized Properties. These are based on his notes from the previous two CHA meetings. Chair Foster asked the Board if they had anything that they would like to add to the list of key goals and objectives. Hearing none:

RESOLUTION #2021-186

Chair Foster moved, and Penny Kirk seconded the motion to adopt the Draft Conversion/Repositioning of Federally Subsidized Properties: Key Goals and Objectives, as submitted.

The motion carried. The vote was unanimous 5-0.

4. Discussion & Approval: Proposed CPC Funding Applications

#1 – Property Existing Conditions Reports: Property Survey

#2 – Pre-Development Design Costs – Linden Chambers Redevelopment

#3 – Purchase of East Militia Heights Drive Property

#4 – Funding of NHA Assistant Executive Director Position

Chair Foster noted that the Board packet contained the final drafts of the proposed Community Preservation Act funding applications to the Town. Following approval from the Board, they above be submitted to CPC for CPA funding. Chair Foster summarized each request and noted that they all have benefited from CHA’s review and editing. He stated that the total NHA is asking for \$2.86M in funding from the CPC. Chair Foster noted that there is \$3.2M in the “bucket”, or money reserved for Community Housing.

RESOLUTION #2021-187

Upon a motion duly made by Commissioner Foster and seconded by Commissioner Bennett to approve the proposed Community Preservation Act (CPA) funding applications and authorized Chair Foster and Executive Director Angie Medeiros to submit the applications to the CPC for funding.

The motion carried. The vote was unanimous 5-0.

5. Review & Approval:

9/29-30/2021 Minutes of the NHA Meetings

10/21/2021 Minutes of the NHA Meeting

RESOLUTION #2021-188

Upon a motion duly made by Commissioner Foster and seconded by Commissioner Bennett to approve the minutes of September 29, 2021, September 30, 2021, and October 21, 2021, as amended.

The motion carried. The vote was unanimous 5-0.

Commissioner Scheideler presented a question relative to the 10/21/2021 meeting minutes and the job description within the motion. He asked when the job description would be posted.

Executive Director Medeiros stated that she and Deb Tambeau, Resident Service Coordinator met with Deondre Cabey, Director of the Afterschool Program. He is very much interested in starting the program in January 2021. Commissioner Scheideler stated that the motion was worded because it supersedes the current position, and the new position is to be posted in his opinion, because that was what was proposed and decided. A general discussion followed as described further in the next paragraphs.

6. Status Update:

• After School Program Reboot

Executive Director Medeiros stated that she has decided to continue with Deondre Cabey as Director of the Afterschool Program. She stated that he has been in the role for quite some time and that she has had a productive conversation with him regarding his role. Continuing to use Mr. Cabey greatly increased the likelihood of reopening the program in January 2022. Ms. Medeiros referred to the 2010 Department of Early Education and Care (EEC) exemption letter. She asked Commissioner Evans to clarify children's ages who can participate in the Afterschool Program. Commissioner Evans stated that the exemption letter from the EEC states that NHA had been issued an exemption from licensure in 2010 for its afterschool program for the open-door criteria for age 6-13. She also stated that EEC is considering changing its criteria for their open-door policy from ages 6-13 to ages 9-13, which has not gone into effect yet. The housing authority can continue the open-door policy for ages 6-13.

Commissioner Scheideler stated that his prior motion describes an expanded new job description differently from the old job description. It indicates that the new position supersedes the current position. He added that the way the motion is written, Mr. Cabey would have to apply for the job as would anyone else. Chair Foster stated that the Executive Director has the ultimate decision on implementing hiring practices per the Personnel Policy.

Commissioner Kirk stated that the 2010 exemption from the EEC, even if it wasn't explicitly stated, assumed an onsite manager, which had been Ms. Kirk when she filled the Resident Services Coordinator role. She added that in her opinion, the new job description is more accurate to the original role. She stated that a qualified manager is needed, in her opinion, and was concerned that Mr. Cabey was not qualified enough.

At that point, Ms. Medeiros announced that she plans to hire a full-time Resident Service Coordinator to service all families of the NHA and provide services to the Afterschool Program at Capt. Robert Cook and High Rock. Fee accountant Rick Shaw has confirmed that the NHA can afford it, and the cost for this position will be included in the 2022 Budget we'll be reviewing next month.

Commissioner Bennett commented that a full-time Resident Service Coordinator is needed to provide services for all families of the NHA. Commissioner Bennett expressed support for the role outlined in Commissioner Scheideler's motion regarding the Afterschool Program.

- **NHA Office Relocation**

Ms. Medeiros reported on plans for offsite relocation of the NHA administrative office. She stated that she is in contact with a local broker, and per Chapter 30B procurement requirements, RFPs for potential locations have been initiated. She stated that she is looking at a move-in date of February 1. Chair Foster noted that the Board packet contained several related documents as board information: a letter and RFP that went out to the Broker; a copy of the brochure for office space on 21 Highland Circle, of which Ms. Medeiros had an opportunity to look at this space. A general discussion followed on the square footage of the current office space and accessibility to the office by residents. Ms. Medeiros will provide a status update at the next meeting.

7. Executive Director Annual Review Process for 2021

Chair Foster referred to Draft Executive Director Performance Evaluation in the Board Packet. He asked if there were any changes to the document that the Board would like to make. Hearing none, Chair Foster stated that he would distribute the document to the commissioners. He emphasized that, due to the Open Meeting Law (OML), the commissioners may not discuss their individual evaluations among themselves until we convene in a duly posted public meeting. He referred to the 2018 Supreme Court ruling in Boelter vs. Wayland.

Chair Foster stated that he would also distribute a copy of Ms. Medeiros's 2021 goal statement that was finalized and agreed to last January. He stated that commissioners would need to comment on whether or not goals have been met.

Chair Foster continued to summarize the process for evaluating the Executive Director, which OML requires be done in a public and open meeting. Chair Foster noted that Ms. Medeiros would do a self-evaluation as a requirement of this process. Chair Foster stated that, to comply with Boelter vs. Wayland, he would not distribute the individual evaluations ahead of time, but rather at our December 16, 2021 meeting. At this meeting, each commissioner (and Ms. Medeiros) will have an opportunity to present her/his evaluation for consideration and discussion. At our January 20, 2022 Board meeting, the evaluations will be finalized, and the Board will consider whether any salary adjustment is appropriate for 2022.

8. 2022 Budget Approval Process: Date to meet with Rick Shaw

Chair Foster noted that Ms. Medeiros and Rick Shaw are hard at work on the proposed 2022 Budget for the NHA and HRH. He stated that each year the Board typically schedules a Special Meeting with Rick Shaw in early December, dedicated to the presentation, review and approval of the 2022 Budget. The commissioners agreed to meet on Thursday, December 9, with Rick Shaw at 7:15 PM.

**9. Discussion & Approval Process: Board Procedure Improvements
Proposing agenda items & motions**

• **Introduction**

Chair Foster introduced this item. He referred to a draft he developed for the NHA Board of Commissioners on Rules of Procedure, Proposing Agenda Items and Motions for Upcoming Board Meetings. He stated that Commissioner Evans had contacted the Attorney General's Office on follow-up questions the Board had on the Open Meeting Law. He stated that the response from the AG's office is in the Board Packet. Chair Foster stated that Commissioner Scheideler has been long advocating for adopting an official parliamentary procedure for the NHA, and a motion to this effect was deferred to tonight's meeting.

• **AG Feedback – Open Meeting Law Questions**

Commissioner Evans summarized the response she received from the AG's office. She stated that the AG did not have an opinion on a Board member sending a document to the Board Chair as long as no more than two persons were discussing the document and in terms of special procedures for persons that are married, the Open Meeting Law does not provide any exceptions for married members of public bodies, the Chair should treat them the same as other member of a public body. A general discussion followed.

• **Proposed Rules and Procedures – Proposing Agenda Items and Motions**

Chair Foster referred to his draft document on rules and procedures. He summarized key objectives and agenda preparation. He noted that the deadlines had been chosen to enable the distribution of the monthly Board packet on the Friday before the following Thursday's meeting.

Commissioner Scheideler referred to the paragraph on "germane topics" and stated that allowing the Secretary/Executive Director to have oversight on proposed agenda items is inappropriate and a poor business practice. Chair Foster noted that his reference to "germane topic" is if the topic was not on the agenda initially. He pointed out that per Open Meeting Law, public bodies can only discuss items that are on the agenda. Commissioner Scheideler stated that he would recommend that the paragraph regarding germane topics be re-worded. Commissioner Bennett offered to collaborate with him. Chair Foster asked Commissioners Scheideler and Evans to work on a second draft of the document for the Board's consideration at its next meeting.

• **Adoption of Parliamentary Procedure**

Commissioner Foster referred to the Robert Rules of Order, and also the simplified document in the Board Packet proposed by Commissioner Scheideler. He stated that each commissioner had delivered to their home an official copy of the Robert Rules of Order – Newly Revised – *In Brief* edition, and also the official full, 700+ page newly revised Roberts Rules of Order. The "In Brief" version covered most of the situations normally encounter, and also contain extensive cross references to the official full version.

Chair Foster yielded the floor to Commissioner Scheideler to advocate, as the proponent, for Cornell University on Robert Rules of Order – Simplified document, which is included in the Board Packet.

Commissioner Scheideler stated that his proposal is that the NHA Board adopt parliamentary procedures per Robert Rules of Order. He also noted that if there were any discrepancies between Cornell University simplified version and the official to the Robert Rules of Order, in Brief edition version, he would want the Robert Rules of Order in Brief to be the determining factor. The consensus of the Board that adopting the official Roberts Rules of Order versions seems to be an excellent direction to go in.

Chair Foster suggested that the Board take the next month to look over the official Roberts Rules of Order versions. He asked that the Board defer its motion to adopt parliamentary procedures until the next Board.

10. Schedule Board Training #2 – TBD

Chair Foster noted that there is not enough time between now and the end of the year to schedule Board Training #2 but will keep this item on the agenda going forward.

11. Agenda Items Proposed by Commissioners

- **Amend HR Policy (deferred from 10/21/2021 Board Meeting)**

Chair Foster referred to Commissioner Scheideler's motion to amend the NHA Human Resource Policy. A copy of the motion is in the Board Packet. Chair Foster stated that he and Ms. Medeiros spoke with Attorney Jonathan Driscoll and sent him a copy of Commissioner Scheideler's motion. Chair Foster stated that Attorney Driscoll responded, and his opinion is in the Board Packet. Chair Foster noted that the motion was taken off the table at the October 21, 2021, meeting, and the commissioners will now discuss the motion in light of Attorney Driscoll's response.

Commissioner Scheideler repeated his motion:

"The Board of Commissioners will delegate, to the Executive Director, (with the oversight authority and exit interview authority held by the Board) the responsibility to perform all duties with regard to hiring staff."

He stated that the only thing he was trying to accomplish was to address his opinion: that having an employee have 100% responsibility and authority with no oversight is a terrible business practice. He stated that his goal is to restore the legislature's authority to the Boards of Commissioners, who would then delegate the responsibility as her function currently is. He added that her job would not change in any way, shape, or form because she would still have the ability to do exactly what she is currently doing; however, there would be authority oversight restored back to the Board of Commissioners.

Commissioner Scheideler said that in his view, Attorney Driscoll had addressed the wrong questions. Attorney Driscoll's opinion suggests that Mr. Scheideler is recommending that the Board do the hiring and the firing and that this is not the case at all. Commissioner Scheideler suggested that the Chair resubmit the question back to Attorney Driscoll along with a copy of Mr. Scheideler's motion and ask Attorney Driscoll to revise his opinion to address the proposed motion.

Commissioner Evans stated that the Executive Director, in hiring/firing, evaluating, and supervising staff, must follow personnel policies that the Board has adopted. She added that the Board could put other means of oversight in place. Commissioner Evans noted that Attorney Driscoll points out that the Board's contract with the Executive Director and her job description reflects the Department of Housing and Community Development's (DHCD) model contract for the Executive Director that local housing authorities are required to use.

Commissioner Kirk stated that Commissioner Evans is correct but that it does not eliminate the responsibility of the Board to exercise oversight over the decisions of the Executive Director. She added that there should be a way for the Board to evaluate what is happening administratively in the NHA office.

Chair Foster stated that Board has a proposed motion on the table and a legal opinion which seems to recommend that the Board not to adopt the motion. He noted that Commissioner Scheideler's concern is that Attorney Driscoll is addressing different issues than what Commissioner Scheideler has raised. Chair Foster stated that the proper thing to do would be to send the question back to Attorney Driscoll and invite him to a Board meeting.

Chair Foster went on to offer his comments on the proposed motion. Commissioner Scheideler's objective is that authority be reinstated back to the Board. Chair Foster stated that, in his opinion, there is nothing to reinstate because the Board already has the ultimate authority and responsibility.

Chair Foster suggested that Attorney Driscoll be invited to attend the December 9 or 16 meeting to address concerns in real-time. Commissioner Scheideler proposed that the Board postpone the vote on the amendment to the NHA Human Resources Policy until the next Board meeting to allow time to research the letters from DHCD and a review of the Executive Director's contract.

- **Resident Survey (including survey info submitted by Equal Justice Needham (EJN))**
Ms. Medeiros stated that she sent out the Resident Surveys and received 52 completed copies. Ms. Medeiros summarized some of the results and will present more analysis at the next meeting.

At that point, Mr. Scheideler and Ms. Kirk interrupted to the Board meeting to state they were attending the meeting from a west coast location. Their host had informed them that they were late for their dinner appointment. Therefore Mr. Scheideler and Mr. Kirk would have to the meeting shortly, before it was finished. Chair Foster stated that we were about to take up three agenda items which Ms. Kirk and Mr. Scheideler had proposed for the agenda. With them leaving, it would seem to be necessary to postpone these agenda items to our next meeting. However with our remaining quorum of three commissioners, we could approve the warrants.

Mr. Scheideler and Ms. Kirk concurred, and at approximately 9:55pm they left the meeting

- **Monthly Grievance Process Status Report**
This item was postponed to the next Board meeting.
- **Monthly Public Safety Officer Report**
This item was postponed to the next Board meeting.
- **Monthly Resident Services Report**
This item was postponed to the next Board meeting.

12. Possible Grievance Appeal to Board

Chair Foster announced that the resident who wanted to appeal their Grievance to the Board had withdrawn their Grievance Appeal.

13. Information & Discussion: Executive Director's Report, Financial Report, Vacancy Report, Work order Report

Chair Foster noted four regular monthly reports in the Executive Director's Report, and asked if there were any questions. There was no discussion on this item.

14. Approval: NHA Bill/Check Warrant

RESOLUTION #2021-189

Upon a motion duly made by Commissioner Foster and seconded by Commissioner Bennett to approve payment of the bill roll/check roll listed on the Warrant dated November 18, 2021, in the amount of \$265,754.12.

The motion carried 3-0, with Mr. Foster, Ms. Evans and Ms. Bennett voting “aye”. Ms. Kirk and Mr. Scheideler were absent.

15. Approval: HRH LLC Bill/Check Warrant

RESOLUTION #HRH2021-40

Upon a motion duly made by Commissioner Foster and seconded by Commissioner Bennett to approve payment of the bill roll/check roll listed on the Warrant dated November 18, 2021, in the amount of \$22,520.80.

The motion carried 3-0, with Mr. Foster, Ms. Evans and Ms. Bennett voting “aye”. Ms. Kirk and Mr. Scheideler were absent..

16. Adjournment

Motion and Vote

At approximately 10:05 PM, Commissioner Foster moved, and Commissioner Bennett seconded the motion to adjourn the NHA Board meeting of November 18, 2021.

The motion to carried 3-0, with Mr. Foster, Ms. Evans and Ms. Bennett voting “aye”. Ms. Kirk and Mr. Scheideler were absent.

Minutes Prepared by Cheryl Gosmon