

FALMOUTH HOUSING AUTHORITY
COMMISSIONERS BOARD MEETING AGENDA

Tuesday, October 20, 2020 at 4:30 p.m.

The Falmouth Housing Authority will conduct a General Session Commissioners Board Meeting on Tuesday, October 20, 2020 at 4:30 p.m. 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 may join in the meeting by going to: <https://us02web.zoom.us/j/84494279454> ; Meeting ID: 844 9427 9454; or dial 1-646-558-8656, Meeting ID: 844 9427 9454 and follow the instructions to join virtual meeting.

MEMBERS PRESENT: Patricia Favulli (*left meeting at 6:15 p.m.*)
Robert Mascali
Stephen Patton
Linda Howard

STAFF PRESENT: Bobbi Richards, Executive Director
Leslie Pearce, Assistant Director
Kim Conn, Finance Director

OTHERS:

Laura Bancroft, John Alferes, Carrie Gentile, Douglas Cabral, Kathleen Botelho, Linda Clark
Tom Lebach, Eric Turkington, Michelle Ferreria, Teresa Ewald

At 4:32p.m. Ms. Favulli called the meeting to order. The meeting was held via ZOOM.com and was recorded. Ms. Favulli asked for a motion to take items out of order.

Resolution 2020-106

Mr. Mascali moved to take items out of order since FHA counsel was present. Ms. Howard seconded.

4-Ayes (Favulli, Howard, Patton, Mascali) 0-Nays MOTION CARRIED

Response to public comment from John Alferes of Carpet Barn regarding bid protest

Ms. Richards explained that Mr. Alferes requested to be on this month's agenda to discuss his bid protest against the FHA. A discussion included the following:

- Mr. Alferes stated that the Carpet has been in business for 50 years. The founder, his father, was a World War II veteran. He is a Viet Nam veteran. The company is partly woman owned. He has 20 employees. There are terms and conditions for bids. He had to stock material for the orders from FHA. There are costs to him for this. Now that the FHA stocks their own product they risk breakage, theft and damage. He sent emails to Ms. Richards asking why he was not included in the bidding process. It is not right to

go outside the community. He thought that Ms. Richards may have been uncomfortable with the communication and that's why she referred the matter to FHA counsel, Douglas Cabral. He then filed a bid protest with the state AG's office. The taxpayers are being screwed. Botello's quote was more expensive than his. And anyway, the FHA ended up ordering a more expensive material than Botello quoted them on. He stands to lose \$72,000.00 a year from not getting the bid and hoped to get the business back.

- Ms. Richards stated that in initial conversations with Mr. Alferes she sought to determine if there was a contract. No contract was found. After a 3 year period of dealing with Mr. Alferes, the FHA sought quotes from 3 other entities with Botello coming in the lowest for significant savings for taxpayers and the federal government.
- Douglas Cabral noted that public bidding was not required for this situation. 3 quotes were requested from other entities and FHA had pricing information from Mr. Alferes. Since Botello was the lowest it was required that the business go to Botello. There was no attempt to exclude Mr. Alferes and he is welcomed to submit bids in the future.
- Mr. Alferes said that for many years Mr. Arsenault (former Maintenance Director) had required him to keep materials in stock. There is a cost to warehousing materials. He looked forward to the opportunity to bid and would have to take the \$70,000.00 loss for now.
- Ms. Richards noted that the FHA has procurement issues. Terms were often not memorialized in contracts but instead with handshakes. It is illegal to use federal funds in this way and use in this way will be discontinued. There was no contract between Mr. Alferes and the FHA.
- Regarding the more expensive product, Ms. Richards explained that another staff member had ordered the wrong product and it was installed before the mistake was caught. There is now a protocol in place so that this does not happen again.
- Douglas Cabral noted that Ms. Richards had the numbers from Mr. Alferes and storage is not a consideration at this time. MGL Chapter 30b Section 4 outlines that only 3 quotes and no public bidding is required for work of this kind. This was an appropriate way to do things. Regarding the status of the protest: the AG's office has posed a few questions to which the housing authority has responded.

Request from the Falmouth Housing Corporation to discuss the renewal of the project based voucher contracts for Bridgeport (exp. 10/31/20), 704 Main, LLC (exp. 10/31/20), and FHC Edgerton Drive, Inc. (exp. 12/31/20).

A discussion included the following:

- Eric Turkington noted that the FHC has built 8 projects over the years. Project based vouchers are included in most and tied up with loans, maintenance and services to tenants. Since 2001 and with 3 FHA directors, the contracts have been extended. All tenants of FHC are low income and high need. If the contracts are not extended, the FHA will have to cut back on supportive services to these tenants. \$168,000.00 is the calculated loss if project-based vouchers are not extended.
- Ms. Richards noted that this figure is calculated loss and not what FHA pays to FHC.
- Linda Clark explained that financing involves layers of funding. The FHC provides service to the community, individuals, families and it would like to continue.

- Ms. Richards clarified that there are contracts but they are all ‘initial’ contracts that have been signed again and again. Therefore, they are not renewals. The procurement issues remain. One of the contracts has expired; 2 are expiring soon.
- Douglas Cabral noted two issues: proper procurement and procedures. The intent was to renew but that does not fix the procurement problem. The issues were uncovered as a result of a HUD request of FHA to review all project-based voucher programs. Ms. Richards will have to determine the way forward.
- Eric Turkington contended that a HUD representative said that procurement was not a problem. All projects have a previous competitive basis.
- Ms. Richards noted that in January of 2020, Frank Duffy (town counsel for Falmouth), Eric Turkington and she met and Mr. Turkington suggested that the project based vouchers go to bid. She recommended that the board consider this. The FHA would hire an outside agency to handle the process which could take 30-60 days. The board was generally in favor of going out to bid.
- A question arose about extensions of the contracts. The extension of the contract some weeks ago may not be valid because, it appears, that HUD requires that extensions be greater than one year.
- A question arose about procurement. FHC thought that this issue was settled. FHA thought that the issue was not settled.
- Eric Turkington said that Tracy Johnson Mack, HUD representative, believed that there was no question of origin. Ms. Richards said that the FHA does not agree with this interpretation.
- A question arose about the signed contracts - Were the contracts ‘initial’ or ‘extension’ contracts?
- Robert Mascali noted 2 issues: the recommendation of Ms. Richards regarding the procurement process and how to deal with the 2 projects. The three projects should be dealt with separately.
- Linda Howard agreed with the 2 issues and added a third: If the extension of the first project based voucher program contract was not valid, is extending the other 2 illegal?
- Douglas Cabral clarified that the underlying issue is the initial procurement process. Going out to bid would correct this.
- Procurement voting for going out to bid for project-based contracts was not on the agenda. The board asked Ms. Richards to provide the procurement information for vote once it has been done. Ms. Richards noted she had no reservations about extensions for the 3 project-based voucher programs and go out to bid within the next 60 days. Robert Mascali asked Ms. Richards to consider additional time for the procurement process rather than lock into a 60 day window; Ms. Richards agreed.
- Robert Mascali asked if the project-based contracts could be extended past one year; Ms. Richards expressed discomfort with providing a longer extension, noting that she was unclear as to whether or not FHA or its Board had the right to provide such extensions in this case.
- It was noted that both FHA and FHC are seeking housing for the people and trying to rectify and do the right thing.

FY20 financial review – Fenton, Ewald, & Associates, P.C.

Teresa Ewald appeared to review FISCAL YEAR 2020 for the board. She noted that the FHA did a little better than expected with a deficit of \$20,000.00 when \$30,000.00 was projected. There were some overruns but savings was realized in other realms. FHA is almost at maximum reserves with about 6 months' worth of funds in reserve. The Cares Act covered much of the costs for COVID.

Note: The recording of the Zoom meeting was interrupted at 6:11 p.m. to technical difficulty. The following matters (below) were not recorded via Zoom.

Approval of Minutes

Approval (not release) of Minutes of 9/14/20 – Executive Session – VOTE

Resolution 2020-107

Ms. Howard moved to approve, but not release, the Executive Session Minutes of 9/14/20. Mr. Mascali seconded.

3-Ayes (Patton, Howard, Mascali) 0-Nays MOTION CARRIED

Approval of the Minutes of 9/15/20 – General Session - VOTE

Resolution 2020-108

Ms. Howard moved to approve the General Session Minutes of 9/15/20. Mr. Mascali seconded.

3-Ayes (Patton, Howard, Mascali) 0-Nays MOTION CARRIED

New Business

Public and Tenant Representative comments

None offered

Report of the Maintenance Department

Certificate of Substantial Completion – JJS Universal Construction – VOTE

Resolution 2020-109

Ms. Howard moved to approve the Certificate of Substantial Completion for JJS Universal Construction for the Admin building roof replacement. Mr. Mascali seconded.

3-Ayes (Patton, Howard, Mascali) 0-Nays MOTION CARRIED

Certificate of Final Completion – JJS Universal Construction \$31,970– VOTE

Resolution 2020-110

Ms. Howard moved to approve the Certificate of Final Completion for JJS Universal Construction in the amount of \$31,970 for the admin building roof replacement. Mr. Mascali seconded.

3-Ayes (Patton, Howard, Mascali) 0-Nays MOTION CARRIED

Approval of Septic Pumping Contractor - VOTE

Ms. Conn reported that 2 contractors had come within \$.05 per gallon in bidding. The term of the contract offered is for three years and it is portfolio wide. However, a third bid was

received a day late. The bidder was Graci Septic. Robert Mascali expressed concern as to whether or not FHA could continue to engage with Graci and consider their response to the bid, despite being late. Concern was expressed with not continuing to engage with a contractor, Graci, that the FHA had had successful dealings with just because it was a day late. Ms. Richards noted that it would not be proper to bid this contract request again; and to do so may lead to a valid bid protest. Presently there is no contract with Graci but instead, FHA has been calling for service arrangements. Ms. Richards asked the board to consider the responses from the responders that met the terms and conditions as set forth in the Request for Proposals.

Resolution 2020-111

Mr. Mascali moved to approve award of the 3-year septic contract to A&K Site and Septic, LLC. Ms. Howard seconded.

3-Ayes (Patton, Howard, Mascali) 0-Nays MOTION CARRIED

- a. Review of state property annual inspections: Salt Sea and Choate have been done. Tenants may opt out for safety concerns.
- b. Signage installation at Rose Morin/Choate/Salt Sea: Signs for each property have been installed. Work continues on house numbers.
- c. Harborview parking – loading zone: the town and architects are in process to determine if the area under consideration is a loading zone.
- d. Harborview piping project update: Bids have been collected but no information has been disclosed. Work is being done on temporary lodging for tenants. Bids came in higher than expected at \$1.4 to \$1.5 million. Concerns about mold are addressed by a third party.
- e. Tataket piping project update This project is still being reviewed. Mold and leaks are being handled by a third party. There have not been many requests for inspections but the option remains open.

Report of the Fiscal Officer

Payment of bills and approval of HAP payments – VOTE

Resolution 2020-112

Ms. Howard moved to approve payment of bills and HAP payments for September. Mr. Mascali seconded.

3-Ayes (Patton, Howard, Mascali) 0-Nays MOTION CARRIED

FY20 financial review – Fenton, Ewald, & Associates, P.C.

Reference presentation by Fenton, Ewald & Associates, P.C.

Report of the Assistant Director

Monthly leased housing summary report was reviewed.

Use of Boston Housing Authority's Payment Standards & Utility Charts for areas that do not have a local housing authority with a federal HCV portfolio - VOTE

Ms. Richards explained that that these charts had been used for years but HUD inquired about board approval for their use.

Resolution 2020-113

Mr. Mascali moved to approve the use of Boston Housing Authority's Payment Standards & Utility Charts for one year. Ms. Howard seconded.

3-Ayes (Patton, Howard, Mascali) 0-Nays MOTION CARRIED

Report of the Executive Director

- a. Distribution of draft of Model Admin Plan – Effective date of public comment period
- b. Ross Service Coordinator Grant Renewal : This grant pays for half of the service coordinator's salary.
- c. COVID-19 Updates
 - Massachusetts Eviction Moratorium: Letters will be drafted and sent to tenants regarding payment plans. The hope is to avoid court action.
 - Reopening of the housing authority to the public: Reopening will be the day after Veteran's Day. Ideas are being solicited from staff about a safe and comfortable work environment. The community rooms will not be opened at this time. Several other housing authorities on the Cape are also keeping their community rooms closed at this time.
- d. Request from the Falmouth Housing Corporation to discuss the renewal of the project-based voucher contracts for Bridgeport (exp. 10/31/20), 704 Main, LLC (exp. 10/31/20), and FHC Edgerton Drive, Inc. (exp. 12/31/20): *Reference discussion held between FHC and FHA.*
- e. Response to public comment from John Alferes of Carpet Barn regarding bid protest: *Reference discussion held between John Alferes and FHA.*

Reorganization of the Board of Commissioners

Resignation of Sari Budrow due to relocation: Ms. Richards said she had received Ms. Budrow's letter of resignation and appreciated her years of service to FHA. Notice will be given to the town clerk; position will be advertised to tenants in the next newsletter.

Next Scheduled Meeting – November 17, 2020 at 4:30 p.m.

Resolution 2020-114

At 6:40 p.m. Mr. Mascali moved to adjourn. Ms. Howard seconded.

3-Ayes (Patton, Howard, Mascali) 0-Nays MOTION CARRIED

The Falmouth Housing Authority Board of Commissioners has the right by vote to take items out of order. If you require a reasonable accommodation to attend this meeting, please contact our office at (508) 548-1977

Documents Used:

Draft Minutes of Executive Session of 9/14/20

Draft Minutes of General Session of 9/15/20

Vacancy/Turnover Report, October 2020

Certificate of Substantial Completion – JJS Universal

Certificate of Final Completion – JJS Universal

HAP Accounting Cash Payment/Receipt Register – September 2020

PHN 2020-32 Eviction Prevention Guidance (DHCD) – 10/14/20, FHA Public Housing Account Aging Report, All LHA Call (notes) from 10/14/20, “Eviction ban may be near its end,” article in Boston Globe by Tim Logan and Matt Stout

Monthly Leased Housing Report

Fenton Ewald Presentation documents: Hud Form 52681 and attachment

Letter from FHC, 10/14/20 re: Project-based Vouchers (PBVs) – Housing Assistance Payments (HAP) contracts between Falmouth Housing Authority (FHA) and Falmouth Housing Corporation (FHC)

Letter from FHC (9/11/20) to be placed on October 2020 agenda

“MA-047 FHA-Mainstream Award for COVID-19 Response (Additional Voucher Request) 9/24/20

FHA Newsletter, October 2020

Carpet Barn Flooring Bid Protest, Response from Doug Cabral, 10/8/20

Use of Payment Standards and Utilities from Boston Housing Authority, current BHA utilities and payments standards