

FALMOUTH HOUSING AUTHORITY
COMMISSIONERS BOARD MEETING DRAFT MINUTES

Tuesday, July 20, 2021

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The Falmouth Housing Authority conducted a General* Session Commissioners Board Meeting on Tuesday, July 20, 2021 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 were invited to join the meeting virtually or via telephone:

Link: <https://us02web.zoom.us/j/87204156159> Meeting ID: 872 0415 6159

Audio Access: 1-646-558-8656 Meeting ID: 872 0415 6159

**Note: Agenda stated it was a Special Session; it was a General Session*

MEMBERS PRESENT: Patricia Favulli

Robert Mascali (*logged in at 4:36 p.m.*)

Stephen Patton

Michael Galasso

STAFF PRESENT: Bobbi Richards, Executive Director

Leslie Pearce, Assistant Director

OTHERS PRESENT: Chris Kicza, Winslow Architects

John Winslow, Winslow Architects

Teresa Ewald, Fenton, Ewald & Associates

Patricia Grace, DHCD State Attorney assigned to FHA

Laura Bancroft

OPEN SESSION

Call to Order

At 4:32 p.m. Patricia Favulli called the meeting to order.

Bobbi Richards requested that items be taken out of order to allow for presentations from Winslow Architects and Fenton, Ewald & Associates.

Resolution 2022-001

Steve Patton moved to take item out of order. Michael Galasso seconded.

3-Ayes (Favulli, Galasso, Patton)

0-Nays

MOTION CARRIED

New Business

-Commissioner overview training with Patricia Grace, Attorney/DHCD

Patricia Grace's presentation included the following:

- Patricia Grace has been an attorney with DHCD since 1993, serving the South Coast. Patricia deals with issues that affect the state portfolio only; FHA has a separate attorney for federal/other issues. Patricia focuses not on contracts but mostly on open meeting law and tenant issues.
- The primary duties of the Board include setting policies, of which there are many. The Board is not to administrate. When policies are set, then the Director can manage.
- Concerns of the Board are budgets, integrity, compliance with regulations, sound fiscal policy, annual election of officers and review of bylaws.
- Attention was called to page 7 of the handout where there was a list of policies including Affirmative Action, investment, grievances, smoking, parking, travel, sexual harassment.
- Policies should be in place and updated regularly. This provides a framework for consistency and fairness for the Director and staff.
- The power for the Board lies with its majority, not with individuals.
- Board members are not to be involved with day-to-day matters or assign tasks to staff. There should be no access to tenant files or entering tenants' units.
- Board members are obligated to know many laws, which is a big task. There are statutes, regulations, case law, bylaws and policies which should be reviewed from time to time. A good working knowledge of Robert's Rules of Order is important. Board members were urged to have knowledge of laws and to educate themselves.
- The Board's point of contact at DHCD is currently Carrie Souza.
- The Board should know FHA's Capital and Operating funding sources.
- Regarding confidentiality, the FHA holds a lot of personal data which must remain confidential and protected under regulation 804 5. In general, this data is not shared with the Board.
- Regarding 760 CMR 6, the Board would act as a hearing panel and Open Meeting Law would apply. The hearing would likely be done in executive session and it was suggested the Board get legal help for this if needed.
- Regarding conduct and ethics, 760 CMR 4 outlines behavior. DHCD provides guidance through the 'Attorney of the Day' program. Questions can be posed, and opinions can be presented in writing.
- Liability may be avoided by honoring fiduciary duty. Board members are deemed public employees. There is \$100,000.00 policy limit for negligence. Willfully malicious acts,

violation of civil rights and acting on one's own could cause the scope of protection to be invalidated. Care should be taken with contracts, conflicts of interest, confidentially, acting independently, seeking to administrate.

- It was clarified that tenant Board members may vote on all issues, except on issues that affect them personally.

-Update regarding maintenance projects as follows:

DHCD Project No. 096075 – Septic system replacement, Jamie Lane (705) - Low Bid - \$33,500 – VOTE

A question arose about the high cost of the bid. Bobbi Richards shared that the bidding process is performed by DHCD and FHA's involvement is limited. Michael Galasso requested that the process be discussed at a future meeting.

Resolution 2022-007

Robert Mascali moved to approve \$33,500 from DHCD for the septic system on Jamie Lane. Steve Patton seconded.

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

DHCD Project No. 096065 – Septic project – Certificate of Final Completion - \$5,579.60 - VOTE

Resolution 2022-008

Michael Galasso moved to approve - \$5,579.60 for Project No. 096065's final completion. Steve Patton seconded.

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

Harborview piping project update

Chris Kicza/Winslow Architects reported that the date for substantial completion is now predicted to be July 30, 2021. Unit inspections have been done and a punch list generated. Air testing for mold spores is occurring.

A discussion included the following:

- Given the scope of the project the change orders are not unreasonable but there is concern about the labor cost to material ratio. Are there pictures of the work? Was a projected hourly wage sought from the contractor?
- It is probably illegal to ask hourly wages from the contractor.

- Patricia Favulli observed that this building has lacked maintenance, properly done, for many years.
- Given the Florida building collapse, is there any directive to the FHA to inspect?
- The 2 federal buildings are considered hi-rises. The FHA is required to hire a third-party contractor to inspect. A needs assessment occurs every two to three years.

PCO #18 – MCI - \$4,900.41 – Replace 1st flr sprinkler system zone valve – VOTE

Resolution 2022-002

Michael Galasso moved to approve \$4,900.41 for the sprinkler system. Robert Mascali seconded.

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

PCO #19 – MCI - \$699.82 – Remove and replace water/backflow feed and relief valve servicing builder boiler – VOTE

Resolution 2021-003

Michael Galasso moved to approve \$699.82 to remove and replace the water/backflow feed and relief valve servicing the building boiler. Robert Mascali seconded.

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

Tatakert Apartments – Domestic water pipe replacement project

Overview of project, genesis as an emergency project, grant funding received as part of the Harborview piping job project:

Bobbi Richards reviewed that the scope of work was done and a grant for emergencies was received to be used to remediate both Harborview and Tatakert piping and related problems. An engineering firm experienced with piping issues in public housing was hired.

John Winslow said that costs were greater than anticipated with Harborview. There is a similar scope of work anticipated for Tatakert with Type M copper installed in the 80s, as it was in Harborview, which was subsequently banned. The goal is to replace the domestic water lines and do mold remediation. The \$1.8 million estimated is in excess of the funds available and so the proposal is separated into phases. The first phase proposes to replace the horizontal domestic lines on the first floor and install shut off valves. This is not ideal, and it would be best to do the whole project at once. However, the three engineering firms that have submitted bids are known and experienced entities. The low bidder is recommended.

A discussion included the following:

- Michael Galasso asked if the entities were local, state or federal. What would it cost to do the project all at once?
- John Winslow said that Tataketa is unique. There is no central corridor here and access to each unit is through the ceiling of each unit.
- Bobbi Richards said that funding has been exhausted. Rolling back other projects is being considered. There is no source for additional funding for Tataketa to replace the shortfall experienced at the Harborview project; both projects are part of the same emergency grant fund.
- Can HUD be asked for more money?
- Bobbi Richards said that her understanding was that HUD may not award additional funds for emergency needs. Housing authorities were responsible for overages.
- A very rough estimate is that the project could take 3-6 months.
- Bobbi Richards reminded that funds must be obligated by December or the funding could be lost.
- Can the deadline for committing the funding be extended?
- Patricia Favulli noted that the Board could ask the Director to reexamine funding sources but was concerned that it would soon be August and funding must be committed or lost. This would be a large amount of funding to lose and no needed repairs would have been done at all if the looming deadline is missed.
- Bobbi Richards agreed to request, from HUD, that both the obligation of funds be extended and permission to reapply for additional funding for the same project be granted.
- Patricia Favulli confirmed that the vote to be taken was for phases 1, 2, and 3.

Confirming architect for project– Winslow Architects - \$135k – VOTE

Bobbi Richards shared that both Harborview and Tataketa were submitted as emergency projects to HUD at the time of the funding request; Winslow Architects were selected by the housing authority due to the emergent nature of the issues and requirements for scopes of work to be immediately developed.

Resolution 2021-004

Michael Galasso moved to approve Winslow Architects for the Tataketa project and their proposal, dated 5/24/21, for \$135,000.00 for plumbing engineering. Steve Patton seconded.

4-Ayes (Favulli, Galasso, Mascali, Patton)

0-Nays

MOTION CARRIED

The discussion continued:

- Robert Mascali inquired about the time frame. At some point it would make sense to go ahead with phase 1.
- John Winslow thought that September 1 would be the end date to meet deadlines for RFPs.
- Bobbi Richards sought to clarify: The vote just taken was for the architect and the engineer needs to be taken off the approval.

- John Winslow clarified that their contract includes MEP (mechanical, electrical, plumbing) and so phase 2 and 3 is not included.
- Can a change order be done to correct this later?
- No. This will need to be revoted.
- John Winslow suggested taking out the line item regarding the MEP.

Resolution 2021-005

Michael Galasso moved to amend the previous vote to exclude the cost for the MEP consultants. The bids received from plumbing engineers will not be considered at this time. Steve Patton seconded.

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

John Winslow clarified that the MEP may be added at a later time.

Discuss engineering proposals, and select engineer – VOTE

Bids were received from C.A. Crowley, Mac Ritchie Engineering and Norian Siani. Matter was tabled to a future meeting – after additional information regarding funding has been received.

MATTER TABLED

Reports regarding the Fiscal Department

Teresa Ewald of Fenton, Ewald and Associates discussed the monthly financials and reviewed the June Bills and HAP payments report.

-Payment of June bills and HAP payments – VOTE

Resolution 2021-006

Steve Patton moved to approve. Robert Mascali seconded.

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

(Note: Michael Galasso did not vote since he was briefly logged off.)

-Overview of May 2021 financials as presented by Fenton, Ewald & Associates

Ms. Ewald reviewed, noting that the pace of spending is decreasing. In May \$45,000 less was lost than in April.

Bobbi Richards emphasized that considerable costs were incurred remediating pipe leaks and associated problems. Improvements should be seen in future months due to financial support tenants are receiving from local agencies related to emergency rental assistance funds; the SNAP program will be fully transitioned to the Mainstream as of October 1, 2021.

Report of the Executive Director

Reopening of FHA's administrative office and community rooms (excl. Harborview)

Bobbi Richards reported that the FHA office doors opened on July 6, 2021. A week following, Rose Morin and Tataketa opened. Masks are requested but cannot be enforced by the housing authority at the separate community rooms.

Candidate search for Fiscal Officer update

An offer has been made to a candidate with excellent references. It is hoped they will start tomorrow.

Next meeting agenda items – due by Tuesday, August 10, 2021

- General Session Minutes of 6/22/21 & 7/20/21
- Review of FHA federal and state portfolio
- Leased housing summaries for June, July & August 2021
- Board of Commissioners Monthly Meeting format(s)

Resolution 2021-009

At 6:35 p.m. Robert Mascali moved to adjourn. Steve Patton seconded.

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

Relevant Documents

Winslow Architects – Tataketa Water Piping Replacement Contract Proposal; Harborview Piping Repairs PCO Log; Change Order No. 18, Change Order No. 19;

Plumbing Engineering contracts from MacRitchie Engineering, C.A. Crowley, Norian Siani

DHCD Board Presentation/Board Member Training Handouts from Patricia Grace

Fenton, Ewald & Associates – May Financials, June HAP Cash Register

DHCD Bid Recommendation #210964, Low Bid results, Low Bid – JW Dubis & Sons re: 42 Jamie Lane (Septic - 705 unit)

DHCD Certificate of Final Completion – JW Dubis & Sons re: 466 Brick Kiln (Septic)