

**HOUSING AUTHORITY OF THE BOROUGH OF CLEMENTON
BOARD OF COMMISSIONERS MEETING
APRIL 1, 2015**

Chairperson Nicholson called the Housing Authority of the Borough of Clementon Regular Board of Commissioners Meeting to order at 6:00PM and announced that the meeting has been properly advertised pursuant to N.J.S.A., 10:4-6, the Open Public Meeting Act. The meeting was held in the Community Room of Wooster Towers located at 22 Gibbsboro Road, Clementon, New Jersey.

Salute to flag.

Upon roll call the following were present: Commissioners Casella, Closs, Dougherty, Nicholson, Schmidt, and Watson. Also present at this meeting were William J. Harris, Executive Director, Anthony Ogozalek, Jr., Solicitor, and Barbara J. Murray, Secretary.

Commissioner Schmidt questioned Parliamentary Procedure as to where the name tags came from and the process for determination; Commissioner Nicholson did advise before the meeting that they were alphabetical order but Commissioner Schmidt asked if the Chairperson and the Vice-Chairperson should be seated next to each other. Commissioner Nicholson advised that they did not have to be seated next to each other.

MINUTES

Commissioner Watson, seconded by Commissioner Casella, made a motion to bring the January 7, 2015 minutes back to the table. Voice vote: All ayes.

Commissioner Schmidt stated that as long as the information that was omitted from the January 7th minutes, that being the names of the two individuals that Commissioner Schmidt asked Commissioner Nicholson about regarding being appointed to the Board of Commissioners, is included in the January minutes or the minutes from today he would not have a problem approving the minutes.

Commissioner Watson stated that he would like the background of the two individuals reflected in the minutes also.

Commissioner Closs asked whether or not she could vote because she was not present at the January meeting; Solicitor Ogozalek advised that there is nothing preventing anyone from voting or abstaining, it is what the individual is comfortable with.

Commissioner Nicholson questioned Commissioner Schmidt's accusation that the Chairman is playing politics with the Authority and that we may not survive the next two years. Mr. Harris stated that he listened to the tape of the meeting and said that was a direct quote made by Commissioner Schmidt.

Commissioner Schmidt, seconded by Commissioner Casella, made a motion to approve the minutes of January 7, 2015 with the aforesaid amendments. Roll call vote: Ayes: Commissioners Casella, Nicholson, Schmidt, and Watson. Abstain: Commissioners Closs and Dougherty. The motion carried.

Commissioner Watson, seconded by Commissioner Closs, made a motion to approve the minutes of the March 11, 2015 Special Meeting.

Commissioner Nicholson questioned a statement that was made by Commissioner Schmidt that the contents of the attachment were brought up in the comment period of the meeting; Commissioner Nicholson was talking about an opinion in an e-mail. Commissioner Closs asked if they were speaking about the e-mail of the next day; Commissioner Schmidt replied yes and that the contents of that e-mail were verbally read by Commissioner Nicholson at the January 7th meeting and that is why those minutes were amended. Commissioner Nicholson stated that there was a general conversation about a lot of things and that he sent an e-mail of his opinion to clarify his point, which was beyond the meeting time, and he does not understand why it has to be in the minutes if it was after the meeting. Commissioner Schmidt said that it would not be in the minutes but that 90% of the e-mail that was sent after the meeting Commissioner Nicholson verbally expressed in the meeting which is how the dialog took place between himself and Commissioner Nicholson and why the minutes had to be amended; because the comments that were in the e-mail which was sent out about half an hour after the meeting were verbally read or spoke about by Commissioner Nicholson in the new business portion of the meeting.

Commissioner Nicholson again said that he does not understand why those comments have to go in the minutes because it was an e-mail sent from the Chairperson to all Commissioners further expanding on his comments and that sometimes at meetings he does not express himself adequately, he does better writing things out. Commissioner Nicholson also said that he is entitled to his opinion about things that are discussed at a meeting and that he forwarded the e-mail to all Commissioners with no intention of making it a discussion and he purposely put in the e-mail to not reply and asked Commissioner Schmidt if he had an issue with that. Commissioner Schmidt said he thought that Commissioner Nicholson misunderstood what he was saying; that none of the comments of the e-mail were in the January 7th minutes, nothing about the new appointments, where Commissioner Schmidt and past Commissioner Porter were residing; they were all brought up by Commissioner Nicholson at the January 7th meeting.

Commissioner Nicholson stated that he has difficulty reading the minutes as one of our Commissioners feels there is abuse going on, discrimination going on, and it just goes on and on and that these are strong words. Commissioner Nicholson said that everyone is entitled to their opinion and that he wants to assure everyone present that there has been no abuse and no discrimination going on regarding paying Commissioners mileage from their residence or the Housing Authority. Commissioner Nicholson again clarified that these comments reflect an opinion, but they are heavy words and Commissioner Schmidt has said other things in recent meetings that have been quite disturbing. Recently a comment was made that the financial position of the Housing Authority is based on poor management in the past and Commissioner Nicholson takes that as an unnecessary and inaccurate opinion of what is going on here.

Commissioner Schmidt asked for future reference that if the motion is on the table, can anything else be discussed besides that motion because some of what was said by Chairman Nicholson had nothing to do with either set of minutes. Solicitor Ogozalek advised that under State statute and State law or local law there is no requirement of how a meeting is run or how it is conducted other than the votes actually taken. Solicitor Ogozalek stated that the Housing Authority can choose either Parliamentary Procedure or Roberts Rules of Order; the Housing Authority Board has less than 12 members and once there are less than 12 members Roberts Rules of Order can be suspended per the Chairman's discretion. The Chairman controls the meeting and makes the decision on how the quorum is run, unless it is voted on in a year to year resolution.

The Chairman asked for a roll call vote on the minutes of the March 11, 2015 Special Meeting. Roll call vote: Ayes: Commissioners Casella, Closs, Nicholson, Schmidt, and Watson. Abstain: Commissioner Dougherty. The motion carried.

BILLS

Commissioner Dougherty, seconded by Commissioner Watson, made a motion to approve the bills for Public Housing and Section 8 dated March 6, 2015 to April 2, 2015 with proper certification. Roll call vote: Ayes: Commissioners Casella, Closs, Dougherty, Nicholson, Schmidt, and Watson. The motion carried.

Chairperson Nicholson turned the meeting over to William J. Harris, Executive Director.

MANAGEMENT

Mr. Harris advised that he needed to make a correction as to the amount reported that was paid to Maria Cimino to prepare the 5-Year Plan; the reported amount was \$1,800.00 but the actual amount was \$1,100.00.

Mr. Harris also advised the Board that due to the concern over the accuracy or inaccuracy of the January 7th minutes we have invested \$99.00 in a new tape recorder and thanked our Solicitor for lending us his recorder. This recorder has the capacity to convert the audio recording into text, which will hopefully save time and leave less of a chance for human error as to what actually takes place at the meetings.

Occupancy/Tenant Relations

Mr. Harris advised that we have received a request from the Bethel House of God to come to Wooster Towers once a month to have a fellowship for any resident who would like to participate. They have come here in the past but not on a regular basis.

Commissioner Schmidt asked if this would put us in a gray area legally, for example if another religious group asked and were denied or if perhaps a tenant in the building would take offense to this. Solicitor Ogozalek advised that if there is an open door policy on this there is no problem but once someone is denied then it becomes a problem; the best solution to this is to create a policy on this and set guidelines.

Barbara Murray advised that for years St. Lawrence/Our Lady of Guadalupe Church has been coming on Sunday morning to the Community Room to distribute Communion to any resident wishing to receive.

Mr. Harris advised that he would try and find out more information on this issue and present it at the next meeting.

Mr. Harris advised that 68 apartments were occupied in March and that one of our other tenants passed away suddenly but his family is going to pay the rent for April so they have time to remove his belongings.

Mortar Joint Sealant Repair Project

Mr. Harris advised that the mortar joint sealant repair project has begun and the contractors have 60 days to complete the project.

Roof-Mounted Heater Project

Mr. Harris advised that the bid due date for the roof-mounted heater project has been pushed back to April 9th.

FY2015-FY2019 HUD Agency Plan

Mr. Harris advised that we are required by HUD to submit an agency plan every five years. Maria Cimino has prepared a draft plan which Mr. Harris edited and gave copies to everyone for their review. Mr. Harris advised that there is a 75 day public comment period on this plan and that it is due in to HUD by July 1st. Mr. Harris also advised that he prepared the resolution to approve the Agency Plan but that it did not have to be voted until next month. Commissioner Schmidt asked if the Board could make changes to the Plan once they had the opportunity to review it; Mr. Harris said yes. We also had our Resident Advisory Board meeting and gave a draft of the 5-Year Plan to the residents and one of the things that the residents didn't think was necessary was new kitchen cabinets; they all seemed to agree that we should continue to work on boiler and generator replacement. Mr. Harris stated that based on the advice of our accountant small housing authorities are permitted to allocate two of the years to operations.

State Budget FYE 06/30/16

Mr. Harris advised that the State budget will not be ready until the last week in April due to our accountant having surgery. Commissioner Schmidt asked if there would be time for the Board to get a draft of the budget and make any changes before it goes to the State. Mr. Harris advised that he feels we would have time because the budget is done in two phases, the introduction and then the adoption.

Commissioner Schmidt said that his concern is that in the past we have sent the introduction budget to the State and they stamp their approval on it and send it back and then when we are ready to adopt the budget we find out that no changes can be made and we are adopting the introduction budget. Commissioner Schmidt feels that we need to have a budget within the next ten days and then have a special meeting before the meeting to introduce the budget and send it to the State.

OLD BUSINESS

Newspapers of Reference

Mr. Harris advised that he has prepared Resolution HA15-04 to ratify a motion that was made to add the South Jersey Times and the Central Record as newspapers of reference for legal advertising and receiving public notices of special meetings. Solicitor Ogozalek advised that the Resolution was already passed at the last meeting and that we only have to insert the additions and have the Chairman sign it.

Resolution HA15-05

Commissioner Schmidt read a resolution asking that the Borough of Clementon consider the Housing Authority in its allocations of Community Development Block Grant Funds and other sources for HUD eligible projects here at the Housing Authority.

Commissioner Schmidt, seconded by Commissioner Dougherty, made a motion to adopt Resolution HA15-05 to send to the Borough of Clementon expressing our support for any assistance they can provide to the Housing Authority to best serve the residents of Wooster Towers. Roll call vote: Ayes: Commissioners Casella, Closs, Dougherty, Nicholson, and Schmidt. Neys: Commissioner Watson. The motion carried.

Contract – Executive Director

Commissioner Schmidt asked the Board if they were satisfied with the Executive Director's contract. Mr. Harris advised that he did not want the matter discussed with public present.

Travel Policy

Commissioner Casella stated that we need to address the mileage issue in the travel policy and he would like to make a motion that any travel other than for training not be authorized by Mr. Harris but should be presented to the Board for approval because it is unfair for Mr. Harris to be put in that position because the Board technically employs him.

Commissioner Nicholson thanked Commissioner Schmidt and Mr. Harris for all the work they did researching other Housing Authorities' travel policies. Commissioner Nicholson said that our problem is that the policy is vague as to the point of origin as are most of the other policies that were reviewed; we need to be less vague for the future. Commissioner Nicholson said that in his opinion Mr. Harris has a good handle on what is going on here and if he authorizes something then it is for the benefit of the Authority and travel expenses should be paid; in his opinion the solution is to set the point of origin either from the place of business or residence, whichever is closer. Commissioner Nicholson also said that in this case Commissioner Schmidt submitted mileage from Washington D.C. to Atlantic City for a seminar that he attended on behalf of the Authority and it was approved; we are fine with that but we need to be more clear in the future. Commissioner Nicholson said that he is comfortable leaving the authority with the Executive Director and this is all dependent upon having the budget for it; if the Board wants to make it contingent upon the approval of the Commissioners that is fine too.

Solicitor Ogozalek advised that a motion could not be made to amend the by-laws without seven days notice to the Commissioners. Commissioner Schmidt asked if under State statute does the Board have the power to take the authority away from the Executive Director regarding decisions on the travel policy; Solicitor Ogozalek advised that the Board does have that power and that it would be more appropriate for the Executive Director to approve travel expenses that pertain to the Commissioners.

Mr. Harris commented that he believes everyone here is honest but there may be other Commissioners that are appointed to the Board at a later date and one of the biggest abuses is when Commissioners abuse travel. Mr. Harris added that he would like the Board to proceed with caution when making their decision with regards to this because he is the one responsible for keeping the costs down for the Authority.

Commissioner Schmidt said that he would like to keep Mr. Harris as first oversight. Commissioner Nicholson said if we make changes to the policy, we all know it has been very vague in the past and travel policies can be quite elaborate based on some of the ones that were reviewed and wonders if that is the direction we want to go in for our travel policy.

Commissioner Schmidt questioned whether this was a by-law or policy; Solicitor Ogozalek said that it is policy and apologized for saying that it was a by-law. Commissioner Nicholson asked Commissioner Casella to repeat his motion. Commissioner Casella made a motion that any travel other than for training would have to come before the Board for approval; it would not be decided by the Executive Director. Commissioner Schmidt said that in his opinion that is why we have an Executive Director. Commissioner Casella said that the Executive Director has undue influence because the Board is his boss; an example being if someone submits travel expenses and the Executive Director doesn't approve it, who is to say that someone would not be evil enough to plot to remove him from his position.

Commissioner Schmidt said that our current policy states that travel expenses can be submitted provided there is sufficient funding and the Commissioners know what the budget for travel is because they set the budget.

Commissioner Nicholson said that travel expenses have not been abused at the Authority and he would not want to take that authority away from the Executive Director and necessarily put it in the hands of the Commissioners; the Commissioners could certainly question the decision if they feel there is abuse.

Commissioner Casella withdrew his motion.

Commissioner Nicholson said that we should entertain a motion as to where the point of origin for mileage should begin; throughout all of these policies reasonableness was widely accepted and most widely the normal place of business is where the Housing Authority was located. If we were to pass a motion "on residence", with Commissioner Schmidt submitting mileage from Washington D.C., how we word that because it is not exactly his residence, he works there during the week. Mr. Harris asked if this was not what was voted on at the last meeting. Commissioners Casella and Closs both said yes, it was a three to three vote. Commissioner Schmidt stated that our current policy is to reimburse for all expenses incurred.

Commissioner Schmidt also said that unless Commissioner Dougherty, Commissioner Closs, or he was going to bring the issue back up he does not believe the other three Commissioners can make the motion again. Solicitor Ogozalek asked where Commissioner Schmidt got this information; Commissioner Schmidt said that it was Robert's Rules and he realized that we do not follow Robert's Rules so to disregard his statement.

Commissioner Nicholson said that while we have the issue on the table it should be discussed; we are looking at a policy that reimburses for travel and what we have is vague. He added that we are fine with the fact that one of our Commissioners attended a seminar and was paid mileage but the question is where does the point of origin begin; normally the place of business is where the Housing Authority is located or place of residence, whichever is shorter. If we make it from place of residence then we need to define residence. Commissioner Schmidt said that the policies that had "whichever is closer" were from North Carolina and Texas. The Housing Authorities in New Jersey said reimbursement was for actual expenses incurred. Commissioner Schmidt said that if we make the policy from place of residence, he does not have a problem with that. Commissioner Closs asked Commissioner Schmidt where his residence is; Commissioner Schmidt said that during the week he resides in Washington D.C. because he works there and on the weekend he resides in New Jersey. Commissioner Closs said that he has two residences; Commissioner Watson said that you can only have one legal residence and asked Commissioner Schmidt where his vehicle is registered and what address is on his driver's license, Commissioner Schmidt said New Jersey. Commissioner Watson asked Solicitor Ogozalek how residence is defined. Solicitor Ogozalek said that there is no clear answer, it goes into local regulations; the Board needs to define residence. Commissioner Schmidt said that he thinks we should wait until we have a seventh Commissioner and then bring the issue back to the table for discussion in August and break this deadlock. Commissioner Nicholson said that the Board should make a decision and stop putting things off.

Commissioner Schmidt made a motion that Commissioners per submitting proper documentation receive reasonable compensation for actual costs incurred for travel on behalf of the Housing Authority from their place of residence. Solicitor Ogozalek said that the motion is what the policy is now so there

is no need to make a motion; we only need to make a motion to add to the policy the definition of residence and go from there.

Commissioner Nicholson, seconded by Commissioner Casella, made a motion that employees and Commissioners of the Housing Authority traveling on business for the Housing Authority approved by the Executive Director be reimbursed for reasonable travel expenses, mileage being determined either from the Housing Authority or their residence, whichever is shorter based on the IRS per miles reimbursement. Commissioner Schmidt commented that this is the same motion that was proposed last month so why propose it again this month. Roll call vote: Ayes: Commissioners Casella, Nicholson, and Watson. Neys: Commissioners Closs, Dougherty, and Schmidt. The motion did not carry.

Commissioner Dougherty said that we need to look into how the workplace or residence, whichever is closer, is decided. Commissioner Nicholson said that is typically how the government does it and the IRS has stated that also; Commissioner Schmidt said that he thinks if that were the case every Housing Authority in the State of New Jersey would have a policy similar to that; Housing Authorities in the State of New Jersey do not have that listed because they have a state statute being that you do not have to be a resident of the town for which the Housing Authority was created for; which is unfair for Commissioners who serve for no pay and when they go on official business for the Authority they should be compensated to where they are going for the Authority, not from the Authority. Commissioner Schmidt said he thinks that is why in the state of New Jersey it is for actual expenses incurred; Commissioner Nicholson said that Commissioner Schmidt is not claiming that he lives in Washington and that is the issue; Commissioner Schmidt said that Commissioners are not employed by the Housing Authority, they come from their homes. Commissioner Nicholson asked Commissioner Schmidt if we would be having this discussion if he lived in Gloucester City or Clementon and that it seems reasonable except in his situation. Commissioner Schmidt said that if we want to define legal residence as what is on someone's driver's license, he is fine with that; he said he does not care if he is paid from Washington or Gloucester City but policy should not be a central location point if you are going on official business. Commissioner Dougherty said that we need to define legal residence and whatever way we decide; it needs to be defined in the policy. Commissioner Nicholson said that it seems to him that most businesses will measure the distance between the workplace and the residence and pick the shorter of the two.

Commissioner Schmidt, seconded by Commissioner Watson, made a motion to amend the travel policy that Commissioners be reimbursed reasonable expenses and actual costs incurred when on official business for the Housing Authority and eligible for reimbursement for travel and other things necessary, mainly travel, from their residence; their residence shall be their legal residence as is on their driver's license or state government ID card. Solicitor Ogozalek suggested that the motion be amended to be put into a resolution and put on the agenda for next month. Commissioner Dougherty, seconded by Commissioner Closs made a motion to table the issue. Voice vote: All ayes.

NEW BUSINESS

Resolution HA05-06 – Appointing Authority

Commissioner Schmidt, seconded by Commissioner Watson, made a motion to adopt Resolution HA15-06 granting power back to the Executive Director for hiring and disciplinary matters, with consultation with the Solicitor to keep everything legal. Roll call vote: Ayes: Commissioners Casella, Closs, Dougherty, Nicholson, Schmidt, and Watson. The motion carried.

Resolution HA15-07 – Submission of Five-Year Plan

Commissioner Schmidt, seconded by Commissioner Watson, made a motion to table the vote on Resolution HA15-07 to allow time for further review. Voice vote: All ayes.

Meeting Time

Commissioner Schmidt would like it put on the agenda for next month to discuss starting the meeting on time if we have a quorum at the start time that is advertised; last month we waited 20 minutes when we had a quorum and peoples' time is valuable. Commissioner Casella asked if the Chairman or Vice-Chairman needed to be present to start the meeting; Solicitor Ogozalek said no they did not as long as we have a quorum.

Commissioner Nicholson said that if we are going to have a special meeting before the end of April, maybe we should include some of these other issues on the agenda to discuss; Commissioner Schmidt said that if we are having a special meeting for the budget then it should only be for that. Solicitor Ogozalek advised that the Chairman has the authority to set the agenda for a special meeting; Commissioner Schmidt asked if the Board has the power to take that authority away. Solicitor Ogozalek said no the Board does not have that power. Commissioner Nicholson said that he would like the special meeting advertised with some of the other issues on the agenda; Solicitor Ogozalek said no because with the by-laws issues the Commissioners must have seven days notice, we only have to do 48 hours for OPMA but the guidelines for the by-laws are a little more stringent.

PUBLIC

Lorraine Rossiter, Apt. 606, said that it would be nice if the Commissioners wrote a letter to South Jersey Gas Company thanking them for their response to two emergency issues here at Wooster Towers.

Ms. Rossiter also questioned why Commissioner Schmidt is on the Board because he does not live in Clementon and was the \$268.00 travel reimbursement a monthly payment. Commissioner Schmidt said that the reimbursement was for a training conference that he attended on behalf of the Housing Authority. Commissioner Nicholson said that as far as Commissioner Schmidt being a member of the Board, it is a mayoral appointment and it is a federal housing authority and residency is not required in the town.

Ms. Rossiter also commented that in the past one of our tenants, Mary Ranger, used to post on the bulletin boards when Our Lady of Guadalupe Eucharistic Ministers would be here to give Communion and it would be nice if we could do that again because a lot of the people here now may not know that the Catholic church comes here. As far as the Bethel House of Worship, Ms. Rossiter attended and they mostly talked about bible study.

Ms. Rossiter said that she could not make the Resident Advisory meeting but was concerned when she heard about the electric costs increasing and asked if we counted the number of air conditioners that people have; Mr. Harris said yes we do and that there were some flaws in our record keeping but that has been corrected. Ms. Rossiter asked if we changed electric suppliers; Mr. Harris said that Ms. Wooster had signed a three-year contract with Direct Energy and that has expired so he went with a company that does on-line auction and went with a company called Suez Energy and signed the contract today.

Commissioner Schmidt, seconded by Commissioner Casella, made a motion at 7:35PM to adopt Resolution HA15-08 to go into Executive Session for not more than ten minutes for a legal matter regarding Section 8 litigation and termination. Voice vote: All ayes.

Commissioner Casella, seconded by Commissioner Closs made a motion to adjourn from Executive Session and enter into Regular Session at 7:40PM. Voice vote: All ayes.

Executive Session Discussion

Solicitor Ogozalek advised that he upheld the decision of the Housing Authority based on HUD's rules that assistance can be terminated.

Commissioner Schmidt asked if we lose that voucher or can it be reissued to another family; Mr. Harris advised that we would not be issuing anymore vouchers due to the uncertainty of HUD funding and our cash flow.

Commissioner Schmidt, seconded by Commissioner Dougherty, made a motion to adjourn at 7:45PM. Voice vote: All ayes.

Respectfully submitted,


William J. Harris
Secretary