

The Regular Meeting of the Board of Commissioners of the Housing Authority of the Borough of Clementon will be held on Wednesday, May 16, 2012 at 4:00PM in the Community Room at Wooster Towers. This meeting has been properly advertised and posted pursuant to N.J.S.A. 10:4-6, the Open Public Meetings Act.

Sheila K. Wooster
Secretary

PLEASE CALL IF YOU CANNOT ATTEND.

AGENDA

REGULAR MEETING

May 16, 2012

MINUTES

BILLS

MANAGEMENT

CAPITAL FUND PROGRAM (MODERNIZATION)

SECTION 8

Bills

PUBLIC

**CLEMENTON HOUSING AUTHORITY
BOARD OF COMMISSIONERS MEETING
MAY 16, 2012**

Salute to the flag.

Chairperson Nicholson called the May 16, 2012 meeting of the Clementon Housing Authority to order and announced that the meeting has been properly advertised and posted pursuant to N.J.S.A. 10:4-6, the Open Public Meetings Act. Upon roll call the following were present: Commissioners Casella, Nicholson, Porter, and Schmidt. Also present at this meeting were Thomas J. Shusted, Jr., Solicitor, Sheila K. Wooster, Executive Director, and Barbara J. Murray, Secretary.

MINUTES

Chairperson Nicholson asked for a motion to approve the minutes of the April 11, 2012 Board of Commissioners Meeting as submitted. Commissioner Schmidt requested that the minutes be amended to include that the reason the bills for November 2011 had to be approved at an actual meeting was because they cannot be approved thru an e-mail as they had been done. Commissioner Porter, seconded by Commissioner Schmidt, made a motion to approve the minutes of the April 11, 2012 Board of Commissioners Meeting with the aforesaid correction. Roll call vote: Ayes: Commissioners Nicholson, Porter, and Schmidt. Abstain: Commissioner Casella.

BILLS

Bills were presented for approval in the amount of \$53,026.18 for Vendor checks dated May 1, 2012 thru May 17, 2012. Commissioner Casella, seconded by Commissioner Porter, made a motion to approve the payment of bills with proper certification in the amount of \$53,026.18 for Vendor checks dated May 1, 2012 thru May 17, 2012. Roll call vote: All ayes, with Commissioner Schmidt abstaining from check #10053.

Commissioner Nicholson turned the meeting over to Mrs. Wooster.

MANAGEMENT

State Budget Adoption FYE June 30, 2013

Mrs. Wooster advised the Board that the State Budget FYE June 30, 2013 has been verbally approved by the State and advised that we are waiting on the written approval. Mrs. Wooster asked for a motion to adopt the State Budget FYE June 30, 2013. A discussion followed. Commissioner Porter, seconded by Commissioner Schmidt, made a motion to adopt the State Budget FYE June 30, 2013, pending written confirmation from the State. Roll call vote: All ayes.

Phone Conference

Commissioner Schmidt brought to Mrs. Wooster's attention that there is pending legislation that would prohibit conference calls like the one that the Board did last month to create a quorum. Solicitor Shusted will watch the last couple of sessions of State legislation meetings in June for more details.

Deceased Tenant (Apt. 601)

Mrs. Wooster advised the Board that the tenant who resided in apartment 601 passed away in his apartment and that to the best of our knowledge there is no family. Mrs. Wooster advised the Board that she will be working closely with our Solicitor to complete the necessary steps to be able to enter the apartment, clean it out, and prepare it for the next tenant.

Audit, Fee Accountant, and Solicitor Proposals

Mrs. Wooster advised that she has placed ads for proposals in the Courier Post for Auditor, Fee Accountant, and Solicitor. All proposals are for one year contracts and must be submitted by 3:00PM June 6, 2012. Commissioner Schmidt stated that he has spoken to other people about the wording of our proposals and the way that the

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proposals are scored and said that he would like to review the RFP's before our Reorganization Meeting, which is June 20, 2012. Mrs. Wooster advised that he, and anyone else on the Board, could stop by the office after June 6, 2012 to review the RFP's prior to the Reorganization Meeting. Commissioner Schmidt asked Mrs. Wooster how she will score the proposals. A discussion followed. Commissioner Schmidt is of the opinion that we should make a three month appointment for the three professional positions. A discussion followed. Commissioner Schmidt made a motion that the RFP's be for three months then once they are received back at the Housing Authority have each Commissioner come in and get copies of the proposals to review and then return them to the Housing Authority prior to the June 20th meeting. The motion did not carry.

Copy Machine

Mrs. Wooster advised the Board that our copy machine had been out of service for about a week; it is repaired and working now but that it might be something we should put on our wish list.

HUD Engineer

Mrs. Wooster advised the Board that an engineer from HUD, Suresh Mistry, will be visiting our office on June 13, 2012.

Upgrading of Lights

Mrs. Wooster advised that the upgrading of the lights throughout the building to more energy efficient lighting is complete, with the exception of the offices and the bathrooms. More lights had to be ordered so we are waiting for them to come in.

OPRA Request

Mrs. Wooster advised that she has received another OPRA request for our Record Disposition Form and that she responded within the seven day time period with the requested information.

Job Description/Salary Range

Commissioner Schmidt asked if there was any information on the Job Description/Salary Comparison report. Mrs. Wooster advised that she is still looking into it and that the price increased from the original quote to \$2,000.00 with benefits and \$1,200.00 without benefits. Mrs. Wooster also advised that she talked to someone else who told her that NAHRO may be looking into doing this in the near future. Mrs. Wooster advised that she will try to have more information on this next month.

Shared Services

Commissioner Schmidt questioned if it would be possible for the Housing Authority to share services with the Boro, specifically the purchasing agent the Boro is currently getting certified and possibly sharing a Clementon police officer part-time. A discussion followed. The majority of the Board did not see a need to pay for a purchasing agent's assistance and Mrs. Wooster felt she could not justify the expense of using a police officer, even part-time.

Commercial On-Line Wedding Services

Commissioner Schmidt questioned the charge on Solicitor Shusted's bill to review "Weddings On Wheels". Mrs. Wooster advised that it was for an applicant that applied to live here at Wooster Towers and who has an on-line wedding service; Mrs. Wooster was questioning whether or not that would qualify as conducting a business from their apartment, which is not permissible here at Wooster Towers.

Residency Ordinance

Commissioner Schmidt advised that he is not comfortable with Mrs. Wooster sending a request for an ordinance regarding residency issues for Housing Authority Commissioners to the Mayor without the Board being made

aware. Chairperson Nicholson questioned how Commissioner Schmidt was even aware of the request. A discussion followed.

Questions from Commissioner Schmidt

Mrs. Wooster advised that Commissioner Schmidt has sent several e-mails to her with various questions on several different topics and asked if she could forward these questions to the other Commissioners. Commissioner Schmidt said that he had no problem with Mrs. Wooster forwarding his questions.

SECTION 8

Bills

Bills were presented for approval in the amount of \$20,548.00 for the HCV Program for checks dated May 1, 2012 thru May 31, 2012. Commissioner Nicholson, seconded by Commissioner Casella, made a motion to approve the payment of bills with proper certification in the amount of \$20,548.00 for the HCV Program for checks dated May 1, 2012 thru May 31, 2012. Roll call vote: All ayes.

Bills were presented for approval in the amount of \$9,052.00 for the Disabled Voucher Program for checks dated May 1, 2012 thru May 31, 2012. Commissioner Porter, seconded by Commissioner Casella, made a motion to approve the payment of bills with proper certification in the amount of \$9,052.00 for the Disabled Voucher Program for checks dated May 1, 2012 thru May 31, 2012. Roll call vote: All ayes.

Bills were present for approval in the amount of \$3,450.67 for Vendor checks dated May 1, 2012 thru May 31, 2012. Commissioner Casella, seconded by Commissioner Porter, made a motion to approve the payment of bills with proper certification in the amount of \$3450.67 for Vendor checks dated May 1, 2012 thru May 31, 2012. Roll call vote: All ayes, with Commissioner Schmidt abstaining from the payment of #7566 because unclarified.

Inspector - Adam Norcross

Commissioner Schmidt questioned what Mr. Norcross does exactly when doing the inspections for the Housing Authority. Mrs. Wooster explained; Commissioner Schmidt asked if RFP's had gone out for the position and if Mr. Norcross was insured, etc. A discussion followed. Commissioner Casella suggested that Commissioner make some phone calls regarding the legality, etc. of this issue. A discussion followed.

PUBLIC

There was no public in attendance.

Commissioner Nicholson, seconded by Commissioner Porter, made a motion to go into Executive Session at 5:25PM to discuss LT003923-12 Clementon Housing Authority vs. Robert O'Brien. Roll call vote: All ayes.

The Board of Commissioners resumed its regular session at 5:45PM

Executive Session Decision

There was no decision needed. The Executive Session was an up-date on pending litigation.

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Commissioner Porter, seconded by Commissioner Casella, made a motion to adjourn. Roll call vote: Ayes - Commissioners Casella, Nicholson, and Porter. Ney - Commissioner Schmidt.

Respectfully submitted,

A handwritten signature in black ink that reads "Sheila K. Wooster". The signature is written in a cursive, flowing style.

Sheila K. Wooster
Secretary

I feel it is important that I provide the Board with a time line, the sequence of events and their results regarding the issues surrounding our Housing Quality Standard (HQS) Inspector.

Below is what I have on file as far as written communications and phone calls that took place with Commissioner Schmidt, our insurance broker, our insurance company, our 2 HUD reps, our home office HUD Division Supervisor and Mr. Jim Donnelly of the New Jersey State Comptroller's office.

May 16, 2012: at the monthly Board meeting questions arose of whether Adam Norcross, our current HQS inspector, needed to be licensed/certified, insured and bonded and if an RFP had been put out for the position.

May 17, 2012: I sent an email to our policy and procedure rep in Newark asking if a certification or license was needed to be a HQS inspector.

May 18, 2012: I received a written response from Cephas Ward in Newark that neither was required but are considered beneficial and whether an RFP was needed would depend on our procurement policy.

May 21, 2012: I received an OPRA request regarding Adam Norcross from Michael Walters. He requested a copy of Adam's certification/ license, a copy of his contract, his insurance paperwork, a copy of all payments from 1/1/2011-12/31/2011 and 1/1/2012 to present and a copy of his job description/job duties.

Shortly after receiving Mr. Walter's OPRA request I spoke to Commissioner Schmidt and questioned him as to how Mr. Walters knew of this issue. His response was that based on the actions of the Board members at the meeting he did not feel that his concerns were going to be addressed and because at the time he was not sure if he could OPRA the Authority while sitting on the Board, he had asked Mr. Walters to do it.

May 23, 2012: I received an OPRA request from Harry Scheeler. His request was a cut and paste of Mr. Walters' request.

I do not know the relationship Commissioner Schmidt has with Mr. Scheeler

May 23, 2012: Commissioner Schmidt sent an email to all commissioners and I voicing his concerns and advising all that he had contacted our home office and our insurance company. The results of his calls were: an RFP should have been used, Adam should be licensed and he is not covered under our insurance policy.

May 24, 2012: I received written confirmation from our insurance carrier that Adam is covered by our liability insurance.

May 23, 2012: Commissioner Schmidt sent an email to all commissioners and I voicing his concerns and advising all that he had contacted our home office and our insurance company. The results of his calls were: an RFP should have been used, Adam should be licensed and he is not covered under our insurance policy.

May 24, 2012: I received written confirmation from Jeanne Aransky that Adam is covered by our liability insurance.

May 30, 2012: I responded to Mr. Walters (within the required 7 day time frame) advising him that: Adam did not need a certificate/ license, we have a verbal contract with him, and the insurance issue was under review. I sent our payment history for Adam from 1/2011-12/2011 and 1/2012-present (\$2100.00). I directed him to the HUD website for the voluminous HQS description/job duties and attached a copy of the checklist Adam submits after each inspection.

May 31, 2012: I received an email from Commissioner Schmidt questioning the legality of a verbal agreement and he advised me that he had again contacted our home office and spoke to the Division Supervisor, Dolores Melvin questioning the HQS certificate/license requirement and that she had directed him to our HUD engineer, Suresh Mistry, who told him that the inspector must have one. Commissioner Schmidt questioned why there was conflicting answers.

June 1, 2012: I responded to Mr. Scheeler with a cut and paste of the response to Mr. Walters.

June 1, 2012: I received an email from Mr. Scheeler telling me that it is not legal for us to have a verbal agreement with a vendor and he recommended we get a contract in place and that he was forwarding the response to the DCA and HUD.

June 4, 2012: I responded to Commissioner Schmidt that I had spoken to both Dolores Melvin and Suresh Mistry and they both confirmed that he had misunderstood and that there is no mandatory law or regulation that states that the HQS inspector must be certified or licensed.

June 5, 2012: Commissioner Schmidt thanked me for my clarification on the issue but that he had contacted 5 friends in government and he has been assured that it is not sufficient to have a verbal contract and he is concerned that there was no legal review when Adam was hired.

June 6, 2012: I requested that Commissioner Schmidt provide me with the names of his 5 contacts and I asked him to show me a statute that references the illegality of a verbal contract.

June 8, 2012: I received an email and call from Commissioner Schmidt assuring me that he did not in any way violate the sunshine law by speaking to 5 friends and he provided me with New Jersey Statute - Title 40A Municipalities and Counties - 40A:11-2. As of today, I have not reviewed the material.

June 8, 2012: I spoke again to Dolores Melvin who reiterated that there is no regulation or law that requires the HQS inspector be certified or licensed.

June 8, 2012: I spoke to our insurance broker Terry Dermody. He had spoken to a representative from New Jersey Manufacturers; our workmen's compensation company, and he was told that Adam would be covered as an uninsured contractor. He said that this is a gray area but his understanding is that the coverage would be as the law applied and each claim could dictate the outcome, but the opinion is that because the claim would have been created by someone acting on our behalf there would be coverage.

June 8, 2012: I spoke to Jeanne Aransky at Housing Authority Insurance; our liability insurance company. She referred to her email and reconfirmed that Adam would be covered under our liability policy.

June 8, 2012: I was notified by Mr. Jim Donnelly at the New Jersey State Comptroller's office that he had received a complaint from Mr. Michael Walters regarding the possibility of misuse of funds or fraud in reference to Mr. Adam Norcross. He emailed me what he had received and asked me to review it and then call him back.

June 8, 2012: I called Mr. Donnelly back and we went through the complaint, which turned out to be Mr. Walter's OPRA request. Mr. Donnelly said that based on my answers to Mr. Walters he was not really sure why it was directed to his office. Mr. Donnelly seemed to be questioning if Adam had similar responsibilities for things that an "inspector" like an electrical inspector would have or was he just responsible for checking a checklist. Once I explained that Adam simply submits a checklist he saw no reason to continue with the matter. I explained to Mr. Donnelly that Adam would do between 50-70 or so inspections for \$20 a piece throughout the year for us which is why we did not have a contract with him. Mr. Donnelly's opinion was that maybe the wise thing to do to bring this issue out of the gray area would be to get a contract into place with Adam. He did not say, however, that a contract was required.

How the Board wants to now handle this issue will be discussed at our meeting on June 20, 2012