

**AMHERST HOUSING AUTHORITY
AGENDA REGULAR MEETING/ MINUTES
Wednesday February 22, 2017
ANN WHALEN COMMUNITY ROOM, AMHERST, MA**

Members of the Amherst Housing Authority met on **Wednesday, February 22, 2017** in the fifth floor community room of Ann Whalen Apartments, 33 Kellogg Ave., Amherst, MA. Board Chair, Laura Quinn called the meeting to order at **5:01** p.m.

PRESENT: Commissioners: L. Quinn, S. Jefferson, P. Jessop, C. Kruger,
T.Boutilier arrived at 5:15

ABSENT: none

ALSO PRESENT: D. Turgeon E.D., P Parmakian, Interim Director of Housing Programs, J. Hite, AHA Consultant and M. Burkart community member; *other community members were present but did not sign-in

AGENDA ADOPTION/CHANGES: Adopt or Change

As presented.

Motion made by: P. Jessop

Second: S. Jefferson

Unanimous

ACCOUNTS PAYABLE: December 2016

As presented.

Motion made by: P. Jessop

Second: S. Jefferson

Unanimous

ACCOUNTS PAYABLE: January 2017

As presented.

Motion made by: P. Jessop

Second: S. Jefferson

Unanimous

APPROVAL MINUTES OF DECEMBER 28, 2016

As presented.

Motion made by: P. Jessop

Second: S. Jefferson

Unanimous

APPROVAL MINUTES OF JANUARY 9, 2017

As presented.

Motion made by: P. Jessop

Second: S. Jefferson

Unanimous

APPROVAL MINUTES OF JANUARY 11, 2017

As presented.

Motion made by: P. Jessop

Second: S. Jefferson

Unanimous

APPROVAL MINUTES OF JANUARY 18, 2017

C. Kruger requested the minutes reflect the arrival time of a commissioner. It was agreed the time would be checked via tape and entered.

Motion made by: P. Jessop

Second: S. Jefferson

Unanimous- with requested change

TENANT CONCERNS: F. Soto presented there had been two intruders into the Ann Whalen building. One had entered a tenant apartment through their unlocked slider and the second had been asleep in a lobby. She strongly felt a notice should go out to tenants reminding them to lock their doors, be aware of propped open exterior doors and to be aware of any criminal activities.

D. Turgeon noted she would direct the front office to send a safety reminder and that the two intruders had both been identified via security cameras and the police had arrested them.

PROGRAM PARTICIPANT CONCERNS:

None presented

Tenant Organizations:

- Ann Whalen

None presented- C. Kruger suggested an effort to encourage more tenant interest. D. Turgeon agreed.

- Chestnut Court

None presented

NEW BUSINESS:

1. Resolution 2017-01- Contract for Financial Assistance Amendment #8- Capital Improvements Work plan 5001

D. Turgeon presented the contract amount will increase by 435,392 due to a contract amendment by DHCD. The contract is for the renovations that occurred at John Nutting.

Move: WHEREAS: the Authority wishes to enter into a contract with the Commonwealth of Massachusetts for funding to improve its State-aided housing,

THEREFORE BE IT RESOLVED: that the Board of Commissioners of the Amherst Housing Authority does hereby enter into an amended Contract for Financial Assistance 5001 (Capital Plan CFA) by increasing the contract amount by \$435,392 dollars to \$3,258,753.16 dollars, said amendment as a result of establishment by the Commonwealth of a Capital Fund allocation for purposes of preservation and modernization of State-Aided housing at the Amherst Housing Authority, and further that it does hereby authorize the Executive Director to take all actions necessary and proper for execution of said Contract Amendment, and

FURTHER, that the Authority, and the Executive Director in its name, shall be authorized on and after the execution of said contract to do and perform on behalf of the Authority all acts and the things required of the Authority to perform fully all obligations of the Contract Amendment, and

FURTHER, that this Resolution shall take effect immediately.

Motion made by: P. Jessop

Second: S. Jefferson

Unanimous

2. Resolution 2017-02 –State 400-1 Program Budget for FYE 3/31/2018

D. Turgeon presented the next 5 resolutions are part of the State and Federal budgets. The board was presented with each individual budget along with the overall budget. She further went on to explain DHCD had issued PHN-2016-28 states the timelines for the budget submission. She also explained what programs each budget represented. L. Quinn added she had met with D. Turgeon and P. Parmakian and reviewed the budget(s). She also applauded the work done and the new formats as they are much easier to follow and provides full transparency.

Move: That the proposed Operating Budget for State-Aided Housing of the Amherst Housing Authority Chapter 200, 667, 705 Program Number 400-C, for Fiscal Year ending March 31, 2018, showing total revenue of \$724,672.70 dollars and Total Operating Expenditures of \$720,790.71 dollars, thereby requesting a subsidy of \$284,527.74 dollars be submitted to the Department of Housing and Community Development for its review and approval.

Motion made by: P. Jessop

Second: S. Jefferson

Unanimous

3. Resolution 2017-03 –State 400-9 Program Budget for FYE 3/31/2018

Move: That the proposed Operating Budget for State-Aided Housing of the Amherst Housing Authority, Program Number 400-9, for Fiscal Year ending March 31, 2018, showing total revenue of \$252,170 dollars and Total Operating Expenditures of \$237,223.43 dollars, thereby requesting a subsidy of \$0.00 dollars be submitted to the Department of Housing and Community Development for its review and approval.

Motion made by: C. Kruger

Second: S. Jefferson

Unanimous

4. Resolution 2017-04 –State 689-1 Program Budget for FYE 3/31/2018

Move: That the proposed Operating Budget for State-Aided Housing of the Amherst Housing Authority Chapter 689, for Fiscal Year ending March 31, 2018, showing total revenue of \$39,356.04 dollars and Total Operating Expenditures of \$37,871.50 dollars, thereby requesting a subsidy of \$0.00 dollars be submitted to the Department of Housing and Community Development for its review and approval.

Motion made by: P. Jessop

Second: S. Jefferson

Unanimous

5. Resolution 2017-05 –State MRVP Program Budget for FYE 3/31/2018

Move: That the proposed Operating Budget for State-Aided Housing of the Amherst Housing Authority MRVP Program, for Fiscal Year ending March 31, 2018, showing total revenue of \$ 175,900 dollars and Total Operating Expenditures of \$175,962 dollars, thereby requesting a subsidy of \$ 157,900 dollars be submitted to the Department of Housing and Community Development for its review and approval.

Motion made by: C. Kruger

Second: S. Jefferson

Unanimous

6. Resolution 2017-06 –Federal Public Housing Budget for FYE 3/31/2018

D. Turgeon presented this was the budget for Federal Public Housing. T.Boutilier inquired about the funding for this budget. P. Parmakian explained this budget was for Watson Farms- 15 units of Federal Housing and is level funded. Further discussion was had regarding the templates and forecasts.

Move: To adopt by reference, as Resolution 2017-06, Form HUD 52574, “PHA Board Resolution Approving Operating Budget,” and to approve the FY18 Federal Operating Budget as contained on Form HUD 52564, and further to authorize the Chairperson and Executive Director to sign said Forms and the Secretary to spread a copy of said signed Resolution on the Minutes of this meeting.

Motion made by: P. Jessop

Second: S. Jefferson

Unanimous

7. Resolution 2017-07 – Personnel Policy Revision –Compensatory Time

L. Quinn explained during the ED transition an ongoing issue arose regarding compensatory time. The current policy is vague and has resulted in 3 employees having accumulated a large amount of time on the books. One was using the time, one was retiring this week and the last was the new E.D. The revised policy would require written approval by the ED for compensatory time and furthermore complies with Fair Labor Standards Act. P. Jessop noted the new policy says “ Any work that would lead to an employee earning compensatory time or overtime shall be approved, in writing, in advance, by the Executive Director.” - He felt there could be extenuating circumstances where the ED could not approve in advance. It was agreed the sentence “In extraordinary circumstances, where approval cannot be granted in advance, the Executive Director shall have the sole discretion whether to approve Compensatory Time.”

Move: To amend **Chapter IX EMPLOYMENT TERMS AND CONDITIONS** , Section G, Compensatory Time/Overtime, by substitution, in its entirety, of the following text:

Section IX. EMPLOYMENT TERMS AND CONDITIONS

G. Compensatory Time/Overtime Compensation

Work in excess of regular work hours shall be limited to work required and pre-approved by the Executive Director in the interest of the efficient operation of the Authority. The Fair Labor Standards Act (FLSA) provides that some full-time employees are eligible to be compensated through the use of “Compensatory Time” for work in excess of the employee’s established work week, while others must be paid cash “Overtime” pay. In either case, full-time employees who may periodically be required to work beyond their regular workweek shall be compensated at a rate of one and one-half hours for each overtime hour worked. Work on established holidays shall be compensated a rate of two hours for each hour worked.

Every employee shall be notified whether the responsibilities of their job make them eligible to receive Compensatory Time.

An employee eligible for overtime compensation will be paid for that work in the employee’s next paycheck. Earned Compensatory Time must be taken within 60 days of the date it is earned. The Executive Director, under extraordinary circumstances, may grant an extension of this 60-day window. The Board of Commissioners shall be notified, in writing, if any such exception is granted, with the reason for granting the exception. An employee must be permitted to use Compensatory Time on the date requested unless doing so would, in the opinion of the Executive Director, unduly disrupt the operations of the Authority. Failure to allow an employee to use Compensatory Time shall constitute cause for the employee to file a Grievance directly to the Chairperson of the Board of Commissioners.

No more than 40 hours of Compensatory Time may be earned and carried by any employee. An exception to this cap for a specific employee can only be granted by vote of the Board of Commissioners. Quarterly, the Executive Director shall provide a report to the Board of Commissioners listing the Compensatory Time balances of all AHA staff.

In the calculation of separation pay, an employee shall be paid cash (at the hourly or salary rate the time was earned) for any Compensatory Time balance.

Any work that would lead to an employee earning compensatory time or overtime shall be approved, in writing, in advance, by the Executive Director. In extraordinary circumstances, where approval cannot be granted in advance, the Executive Director shall have the sole discretion whether to approve Compensatory Time.

The Executive Director shall not be eligible to earn Compensatory Time or Overtime.

Nothing in this section shall prohibit an employee and the Executive Director from establishing, in special circumstances, a temporary flexible schedule so as to allow the employee to work outside their normal work schedule to meet a special personal obligation. For example, an employee might request to work a few extra hours one week so they can take an afternoon off for an appointment.

{On the effective date of this amendment: a) Every employee shall be notified in writing whether the responsibilities of their job make them eligible to receive Compensatory Time; b) All employees with Compensatory Time balances shall be notified of this amendment and, within 60 days, reduce their Compensatory Time balance to no more than that allowed by this amendment or, by vote of the Board of Commissioners at the request to the Executive Director by the employee, be paid for their time in excess of the maximum allowed by this policy, at the rate the Compensatory Time was earned under the provisions of the applicable section IX (G) of the Personnel Policy.}

Motion made by: P. Jessop- with revision as noted

Second: S. Jefferson

Unanimous

7b. VOTE: One-Time Payment to Employee of Accrued Compensatory Time

L. Quinn asked this be resolved as part of the transition for the incoming ED.

Move: to authorize a one-time payment to Debbie Turgeon of \$22,363.98 dollars, representing 546 hours of Compensatory Time earned while serving as Director of Housing (and prior positions) as authorized by the previous Executive Director, calculated at the rate of pay in effect when it was earned, and to be paid as an obligation made by the AHA to be fulfilled in advance of finalizing Ms. Turgeon's promotion to the position of Executive Director, a position in which she is unable to earn, accrue or use Compensatory Time.

Motion made by: P. Jessop

Second: C. Kruger

Unanimous

8. Resolution 2017-08 – HUD Annual Civil Rights Certification

D. Turgeon presented the HUD certifications are annual. As a "High Performer" AHSA is exempt from submitting an Annual Plan but will need to submit Certifications.

Move: ADOPTING 2014 ANNUAL PLAN AND RELATED POLICIES AND CERTIFICATIONS

WHEREAS, the Amherst Housing Authority operates a public housing program and a Housing Choice Voucher program both funded, in part, by the United States Department of Housing & Urban Development (HUD), and;
WHEREAS, the NHA has prepared an Annual and Five Year Plan in compliance with 24 CFR 903, and
WHEREAS, as a Qualified PHA, HUD requirements consist of the annual adoption by the Board of Commissioners of a Civil Rights Certification;

NOW, Therefore Be It Resolved that the Board of Commissioners of Amherst Housing Authority adopts Form HUD 50077-CR, and further authorizes the Chairperson and Executive Director to sign said Form on behalf of the Authority.

Motion made by: P. Jessop

Second: S. Jefferson

4- Yays 1-(T.Boutillier) Abstain

8b. VOTE: CERTIFICATE OF FINAL COMPLETION- ANN WHALEN ELEVATOR REPAIRS

D. Turgeon presented the project is complete and this was for final payment.

Move: That the Board of Commissioners approves Final Completion on the Ann Whalen Elevator Repair project, and hereby authorizes the Executive Director to take all actions necessary and proper to execute said Final Completion documents, and further to approve application for Payment #2, representing retainage owed in the amount of \$3,800.22 dollars, so as properly to close out the project.

Motion made by: C. Kruger

Second: S. Jefferson

Unanimous

9. Resolution 2017-09 – Accepting CDBG Award - Watson Farms Accessible Unit Upgrade

C. Kruger recused herself from the next two items- stating as a member of the Board of Selectmen this could be a Conflict of Interest. She left the room.

P. Jessop pointed out a typo in the next two items in the form of the \$\$ amounts were mixed up. Discussion and corrections were made. The motion below reflects the revisions.

Move: ACCEPTING CDBG GRANT FROM THE TOWN OF AMHERST

WHEREAS: The Amherst Housing Authority desires to perform modernization work at its public housing developments and has applied to the Town of Amherst for Community Development Block Grant funds to allow for that work; and,

WHEREAS: the Town of Amherst has awarded the Housing Authority funds;

NOW, THEREFORE BE IT RESOLVED: that the Board of Commissioners accepts a grant from the Town of Amherst in the amount of **\$80,000** dollars in the form of a Community Development Block Grant award for the Watson Farms Accessible Unit Upgrade project, and further authorizes the Executive Director to take all actions necessary and proper to enter into a contract with the Town of Amherst to receive the grant and serve as the Contract Officer.

Motion made by: P. Jessop- with correction

Second: S. Jefferson

4- Yays 1 – (C. Kruger)- recuse

10. Resolution 2017-10 – Accepting CDBG Award - Chestnut Ct Bathroom Window Replacement

Move: ACCEPTING CDBG GRANT FROM THE TOWN OF AMHERST

WHEREAS: The Amherst Housing Authority desires to perform modernization work at its public housing developments and has applied to the Town of Amherst for Community Development Block Grant funds to allow for that work; and,

WHEREAS: the Town of Amherst has awarded the Housing Authority funds;

NOW, THEREFORE BE IT RESOLVED: that the Board of Commissioners accepts a grant from the Town of Amherst in the amount of \$30,972 dollars in the form of a Community Development Block Grant award for the Chestnut Court Window Replacement project, and further authorizes the Executive Director to take all actions necessary and proper to enter into a contract with the Town of Amherst to receive the grant and serve as the Contract Officer.

Motion made by: P. Jessop- with correction

Second: S. Jefferson

4- Yays 1 – (C. Kruger) -recuse

C. Kruger was called back to the room.

AUDIT REVIEW

REVIEW OF UNIT VACANCIES:

D. Turgeon presented there are 1 unit at Chestnut Court and a move-in date is being established. Jean Elder has three vacancies that are undergoing renovations. D. Turgeon has inquired with DHCD whether or not there are any regulatory restrictions for the Jean Elder units. C Kruger recalled the units had been rented to families in the past; D Turgeon is also exploring other agency rental.

EXECUTIVE DIRECTOR'S REPORT- SEE ATTACHED

CHAIR'S REPORT- SEE ATTACHED

OTHER BUSINESS- Not Anticipated within 48 hour notice
None presented

EXECUTIVE SESSION- LABOR NEGOTIATIONS STRATEGY

MOVE: That the Board of Commissioners enter Executive Session, as authorized by Exceptions 2 of the Massachusetts Open Meeting Law, for the purpose of conducting strategy sessions in preparation for negotiations with the Maintenance Employees Union (SEIU Local 254), the Chair having determined that having the discussion in an Open Session may be detrimental to the AHA's bargaining position, and further, that upon voting to adjourn the Executive Session and returning to Open Session, the Board of Commissioners will entertain no business other than a motion to Adjourn to a time certain.

Motion made by: L Quinn

Second: C. Kruger

Passed Unanimous

THE BOARD WENT INTO EXECUTIVE SESSION AT 6:37 PM.

RECONVENE REGULAR SESSION BY ROLL CALL

All YAYS- L. Quinn, S. Jefferson, P. Jessop, C. Kruger, T. Boutilier
THE BOARD CAME OUT OF EXECUTIVE SESSION AT 7:12 PM.

ADJOURN: Meeting was adjourned at **7:15 pm**

Motion made by: P. Jessop

Second: S Jefferson

Passed Unanimous

NEXT MEETING DATE: March 21, 2017 at 6PM

* Materials Included-

Chair Report

Review of Vacancies

Draft Procurement Policy