

GREAT BARRINGTON HOUSING AUTHORITY

2 Bernard Gibbons Drive

Great Barrington, MA 01230

BOARD MEETING

Great Barrington Housing Authority Board of Commissioners

Tuesday, May 28, 2019

Meeting held at Claire Teague Senior Center

APPROVED Board Minutes

Present: James Mercer, Diane Dillon, Jackie Sinico, Eileen Mooney

Administration: Tina Danzy

CALL TO ORDER

The meeting was called to order at 2:02PM by Vice-Chairman Mercer.

CITIZEN SPEAK

- Tenant inquired about “2 to 2” votes taken at previous meeting. Asked if Board was going to (5) members to resolve this issue. Mercer explained that when the Sheffield property merged with GBHA last summer there was no provision made in the merger documents to accommodate representation for Sheffield on the Board of Directors, or voting rights for election of Board members. Representative Smitty Pignatelli and Adam Hines are currently working with the legislature to have a bill passed to resolve this issue. Tenant stated going through the State House process could take months. Mercer stated the Board of Directors is a State Board and must follow State guidelines. There is the possibility of the Board reviewing and revising the bylaws to allow the Executive Director a vote in the event of a tie-vote, but currently there is no provision for that either. Sinico stated she would like to have it researched whether the LTO could pick a candidate, or if there is the possibility they could vote to break a tied-vote.

Mooney stated she has written to both regarding this situation and is opposed to it. She believes there is a better way to get this done. There is current legislation, supposedly to be approved this summer, which would allow the LTO to nominate a potential member for Select Board appointment.

- An inquiry was made whether the Board has always been (4) members. Mercer stated since he has been on the Board, since 2017, yes. Mooney stated in 2017 DHCD proposed, and the regulation passed and became State law, to allow one member of the Board be a tenant of the housing Authority. DHCD never stated the process in which that person would be chosen or appointed, so the Election Division determined there could be no vote taken for this Board position until DHCD explained the proper process to follow. DHCD has not done this to date. However, the MA Union of Public Housing Tenants has proposed legislation that would allow the LTO to nominate someone to the Board of Directors, who would then be appointed to the Board.

Mercer stated one reason the 5th Board spot was kept open was to save the spot for the tenant representative. But now there should be a spot kept open for a representative from Sheffield to join the Board.

- Tenant inquired regarding a previous complaint that had been made about two dogs. Mercer stated tenant complaints should be made through the executive Director and the LTO. If at any time a tenant believes the matter to be serious or feels in danger they should call the police.
- Tenant stated they understood that once an election involving members of the Board takes place, an office that has been held by a Board member expires and should be re-organized at the first meeting of the new Board.

Mercer explained that if for any reason the Chairperson is not able to perform their duties, the Vice-Chairperson becomes the Chairperson. An election to re-organize Board officers was taken at the first Board meeting following the town election. Voting ended in a tie – so with no provision in the bylaws to break a tie, the matter was tabled until the next regularly scheduled Board meeting, which will be held in June. Mercer stated the bylaws can be found online, or he would be happy to send a copy to anyone who would like them.

OLD BUSINESS

a) Approval of Executive Director Contract – new format per DHCD

Dillon made a motion, seconded by Mercer to approve the Executive Director contract in the new format, as provided by DHCD, 26 hours per week at a salary of \$56,067.00 per year, contract term to be April 17, 2019 to April 16, 2020.

Mooney stated the contract refers to Rider 1, but she does not see a Rider 1. Mercer stated there is a Rider 1, and handed out copies to the Board, and read a portion of its contents. Mooney inquired who legal counsel was. Mercer stated Attorney Colin Boyle was legal counsel.

Mooney stated the Executive Director's job description included with the contract does not cut back to 26 hours, meaning job duties remained the same as for 35 hours. It is also noted the salary remains the same. She is wondering why the hours were cut back to 26 hours when the job description is written for 35 hours. Sinico explained the # of units an Authority is responsible for dictates the number of hours the Executive Director position is approved for. Mooney stated it seems to be disorganized – filling in numbers, but not bringing the document together as whole – no cohesiveness.

Mercer stated all Board members reviewed the Executive Director packet that was sent to the State for approval containing the worksheet, the contract document, which are all State documents. The worksheet dovetails with the contract. Today's meeting is to approve the contract returned by the State, containing a new format and reducing the working hours to 26 hours per week. The salary remains the same as in all Authorities. The pay scale is set by the State.

Mooney stated she would like to see the Executive Director's job description discussed further. If the hours on the job are decreased, it would stand to reason that job duties would also be simplified to meet the reduced hours. Sinico stated this is why the Authority needs a qualified Office Assistant, to relieve the Executive Director of some of the daily tasks. Mercer stated the job description is approved by the State. It is not the job of the Board to change the job description. Mooney stated she disagrees. Mercer stated he understands she disagrees, and why, but it cannot be changed.

Mooney stated she did not receive sufficient information. If she had she would not be raising so many questions. Mercer stated he has concerns also. This will be a lot of work to perform within 26 hours.

Mercer stated with a permanent Executive Director on Board, the Bookkeeper position that has been working with the office on a short-term basis will be no longer.

Mercer, Dillon and Sinico approved.

Mooney abstained.

b) Job Description for Part-Time Office Assistant

Mercer stated the Executive Director has prepared and brought before the Board for approval an amended job description for the position of part-time Office Assistant. Copies were available for those who required them. The document being presented better describes the duties expected of the Office Assistant.

Mooney inquired who writes out checks. It is her understanding that the bookkeeper from Adirondack has been performing this function. Mercer stated the Office Assistant, under the direction of the Executive Director, has multiple responsibilities, including producing check payments. Danzy stated Adirondack only produces payroll checks – no vendor payments.

Sinico stated in the past the Office Assistant has produced all checks – vendor payments and payroll. GBHA had then outsourced the payroll to Adirondack. The Bookkeeper was brought in to produce vendor payments. Sinico stated this is why she has asked for a qualified Office Assistant for some time now so this function would no longer need to be outsourced. She is looking forward to having a qualified Office Assistant and stated the job description seems to cover most of the job duties that should be performed by that position.

Danzy stated the goal is to get vendor invoices input into the PHA System as soon as they are received. If at the appropriate point in training Danzy feels the Assistant is qualified to also prepare the checks, then they will perform that function also. Up until that point Danzy will review to make sure vendor invoices have been input correctly and will prepare checks herself. Once checks are prepared proper signatures will be obtained.

Mooney requested that when “checks” are referred to she would like it specific stated whether they are vendor or payroll checks. Danzy responded only vendor payments are processed through the GBHA office. Duty # 3 specifically states “vendor invoices”

Danzy stated a payroll report containing employee hours worked, etc. is prepared on a weekly basis and submitted to the payroll company. Sinico stated GBHA began working with a payroll company about a year ago and believes it has been very successful.

Mooney stated obtaining meeting minutes from the transcriber is stated as a responsibility of the Executive Director in that job description. Sinico stated in the past the Office Assistant took the meeting minutes. Mooney stated she would like to discontinue use of the outsourced transcriber. Dillon inquired why Mooney would like to discontinue use of the transcriber. Mooney stated she is

uncomfortable with minutes being done by an individual who is not present at the meeting. This would also relieve the Executive Director of the responsibility of recording the minutes. It would seem appropriate to have the Office Assistant record and produce the minutes.

Danzy stated she would have a problem with that given her hours being cut to 26 hours per week. The Office Assistant will only be working 18 hours per week. Karen Lewis has agreed to stay on as long as available, but Danzy is expecting the new Assistant to have several months of learning curve. Possibly in a few months when everything is flowing smoothly this could happen.

Mercer stated he is aware the current Transcriber intends to be finishing up her position with GHBA. Due to changes in her personal/professional schedule she will not be able to continue.

Mooney stated she has brought to Danzy's attention that she would like to see the job description written more clearly. Not organized differently, but a clearer presentation. Other than that she has no additional concerns.

Dillon made a motion, seconded by Sinico to approve the revised job description for the position of Part-Time Office Assistant, as presented.

Mercer, Dillon and Sinico approved.

Mooney abstained.

- c) Vote to write to our legislators & Great Barrington Select Board to support proposed Massachusetts Union of Public Housing Tenants law for seat on housing authorities

Mooney stated she has made a draft of the letter, but would like to table the vote as she has not been able to locate her copy of the proposed legislation, so she cannot refer to it by number.

Agenda item will be tabled until the next Board meeting

- d) Vote to Appoint Public Records Access Officer

Mercer stated to clarify – at the last meeting Eileen was nominated and agreed to serve as Public Records Assess Officer. A vote was not taken on the nomination at the time as he wanted to check with legal counsel whether this was appropriate or not due to outstanding open meeting law complaints that had not yet been investigated. Attorney Colin Boyle stated he saw no conflict or problems regarding this appointment.

Sinico made a motion, seconded by Dillon to appoint Board Member Eileen Mooney as Public Records Access Officer.

Mooney stated she is no longer interested in serving in this position. She has recently made a public records request that was not sufficiently fulfilled and will be writing a letter of complaint regarding that request. She does feel she is the right person to perform this function.

Mercer votes approval.

Sinico, Dillon and Mooney opposed.

Mooney made a motion, seconded by Sinico to require the Chairperson or Acting Chairperson to fulfill the duties of Public Records Access Officer.

Mercer stated the GBHA Board is a small Board. To put everything on the shoulders of one person is unfair. The Board is supposed to delineate and share responsibilities. Board member Mooney has the interest in this area and the skill in dealing with public records. To automatically require someone else to do it is not fair.

Nomination and vote for Public Records Officer was tabled until the next Board meeting.

BOARD COMMENTS

- Mercer stated Board Member Mooney has much experience and knowledge around the Open Meeting Law. At a future Board meeting he would like to invite her to give a brief presentation to the Board on this subject.
- Mercer stated he would like to bring everyone up to date regarding a report of a violation of open meeting law currently before the State. He received a call from Attorney Colin Boyle stating a letter from the State will be forwarded to the Authority as soon as received regarding determination of public access of documents pertaining to former Executive Director Vera Cartier's performance evaluation. The State has decided this information should be made public.

As background, before the evaluation was completed, legal counsel advised discussion and outcome surrounding Vera Cartier's performance review be held as confidential and should not be released to the public. Once the letter from the State is received all information pertaining to the performance review will be opened to the public.

Mercer requested Executive Director Danzy contact Vera Cartier to inform her of the State's decision and that all information pertaining to her performance review will be released to the public, and very well may end up in the press. The existing Board at the time did everything possible to protect Cartier's privacy.

Sincio inquired whether that would mean the "gag order" has been lifted in regard to a specific incident. Mercer stated there was never a "gag order". Everyone is expected to maintain a certain decorum as a Board member. Confidential Board material is still not to be discussed with the public in any form or fashion.

Danzy inquired whether this decision is effective now. Mercer stated as soon as the letter is received from the State.

- Sinico stated she would like to have the Board meeting packet on Monday before the Board meeting, early Tuesday morning at the latest so she is able to review the packet contents before the meeting. Mooney requested packets be made available on Friday. Mercer stated he felt that would be reasonable. Danzy stated she would like to have all agenda items submitted (7) days prior to the Board meeting. Once the agenda is drafted it should only take a couple of days to collect packet materials. Packets could be ready for Thursday since Danzy does not work on Friday. Unless it is an emergency situation the agenda should not be revised. Mercer stated he would also

like to check into whether a secure electronic transfer could be made so Board packets could be sent electronically. Dillon, Sinico and Mooney all stated they prefer a paper copy.

- Dillon stated she would like to welcome Eileen Mooney as a new member of the GBHA Board. She is excited about the expertise she brings to the Board and looks forward to all moving in the same direction. Dillon's purpose in serving on the Board of Directors is to help GBHA thrive. She also thanked Board Member Jim Mercer for all the work he has picked up in the meantime.
- Mercer reminded all Board members that emails are subject to the open meeting law. He stated that if a Board Member has information they would like to disseminate to others that they insert at the bottom of their email "DO NOT RESPOND TO THIS EMAIL."
- Dillon thanked Karen Lewis for staying on in the office. She appreciates her assistance.
- Mooney stated LTO Bylaws should be included on the Town Housing Authority website. She would also like to add to the next meeting agenda an inquiry as to whether the LTO would like their officers included on the website. In addition, there should be a description of the GBHA facilities on the website.
- Mooney stated there is supposed to be a Memorandum of Understanding between the LTO and the Housing Authority. She would like to see arrangements made to do that. The Massachusetts Union of Public Housing Tenants has one that is very long and meant for a much larger facility. GBHA should be able to do something much simpler.
- Mooney stated she was advised by Danzy that she was told by DHCD that vendor contracts are not available to the public when she requested the contract for the company who provides the laundry facilities. Mooney stated she will clarify this statement with DHCD. Danzy stated what she said was the Board as a whole can add to a meeting agenda a request to review a vendor contract. Requesting such documents by an individual during day to day operations – no. Through the Board meeting process – yes. Carolina with the State stated this is not the role of an individual Board member, but the role of the Board as a whole.
- Mooney requested a list of DHCD funds received in the last fiscal year, and what the description of those funds were.
- Mooney also requested a copy of the folder containing the advertisement used for the job Karen Lewis now holds. Sinico stated she does not believe the job was advertised. She believes the current Office Assistant was brought in by Karen Smith.
- Mooney requested that the financial statements being presented at the June meeting by Sue Honeycutt be provided to the Board in the packet ahead of the June meeting. Danzy stated if she has the statements in her possession that will be no problem. Mercer stated an email can be sent to Sue Honeycutt and her supervisor requesting the documents so Board members can review the information prior to the June Board meeting.
- Mercer asked that all these requests be submitted in writing.
- Sinico stated following the last meeting she was accused of being biased towards Flag Rock. Since the Dewey Way property merger in July 2018 it is obvious the property is in need of assistance in getting it to a good place – and shame on Berkshire Housing for allowing the property to deteriorate in the way that it has. Sinico has purchased all tools necessary to clear prickly bushes and poison ivy from areas, and is willing to donate her time to work towards that goal. She would start a neat pile to be picked up and removed by Maintenance. Mercer stated he would like to check this out with Attorney Colin Boyle to make sure this is appropriate, and will advise back.
- There was a question asked regarding how often an audit is performed. Danzy stated an audit of all areas of the Authority, a PMR, is performed annually.

ADJOURNMENT

Sinico made a motion, seconded by Mercer to adjourn the meeting at 3:03PM.

Unanimous approval.

Respectfully submitted by Debra E Brazie