MEETING MINUTES
Great Barrington Housing Authority Board of Commissioners
Tuesday, October 30, 2018

Present: Karen Smith, James Mercer, Jackie Sinico, Diane Dillon
Administration:
Legal Counsel: Colin R. Boyle, Attorney at Law, Morgan, Brown & Joy, LLP

CALL TO ORDER
The meeting was called to order by Chairperson Karen Smith at 2:00PM, announcing this is a special meeting of the GBHA Board. Normal business is suspended.

Michelle Loubert, Board Member Jackie Sinico and a reporter from The Record all reported to the Chair they were recording the meeting.

ANNOUNCEMENT REGARDING THE DEPARTURE OF VERA CARTIER
Smith stated while the board has previously announced the upcoming departure of Ms. Cartier, we would like to formally announce her departure here and that the terms relative to her departure were reached with Ms. Cartier at an Executive Session on Tuesday, October 16, 2018. The Board voted, with only Jackie Sinico dissenting, to approve these terms, which at the time were not final. The terms have since finalized. With the vote taken by the Board on October 16, 2018, Ms. Cartier’s last day was October 24, 2018, and we wish her the best in her future endeavors.

Mercer made a motion, seconded by Sinico to adjourn the Open Session and enter Executive Session under MGL c. 30A, §21(a)(1) to discuss complaints or charges brought against, a public officer, employee, staff member or individual, specifically the complaints by Eileen Mooney and Michelle Loubert alleging violation of Open Meeting Law by the Commissioners of the Great Barrington Housing Authority and/or under MGL c. 30A, §21(a)(3) to discuss litigation strategy regarding same. Discussion in open session would have a detrimental effect on the Board’s litigation position. (Return to Open Session Following the Executive Session.)

Unanimous approval via roll call vote.

Eileen Mooney inquired who the additional gentleman is at the meeting. Chairperson Smith introduced Attorney Colin Boyle, legal counsel for the Great Barrington DHCD. Eileen Mooney inquired whether he worked for DHCD. Attorney Boyle stated he works for the Great Barrington Housing Authority. Eileen Mooney inquired when Attorney Boyle was hired. Attorney Boyle stated this is not a question and answer period as the Board is in Executive Session at this time.
Regular Session was reconvened at 2:23PM – Call to order by Chairperson Smith.

Chairperson Smith announced copies, distributed by the State of Massachusetts, explaining the responsibilities of a Housing Authority Board are available. Anyone who is interested is welcome to take a copy.

ROLL CALL VOTE (regarding delegation to counsel of response to Complaints by Eileen Mooney and Michelle Loubert alleging violation of Open Meeting Law by the Commissioners of the Great Barrington Housing Authority)

Mercer made a motion, seconded by Dillon to authorize James Bender and Colin R Boyle of Morgan, Brown and Joy to respond on behalf of the Great Barrington Housing Authority to the complaints lodged by Eileen Mooney and Michele Loubert alleging the violation of the open meeting law by the Commissioners of the Great Barrington Housing Authority.

Unanimous via roll call vote.

NEW BUSINESS

a) Update on Interim Director – James Mercer

Mercer reported following the departure of Vera Cartier, Executive Director, he contacted the Lee, Lenox and Stockbridge Housing Authorities. He did not hear back from the Town of Lee. Stockbridge had recently hired a new Executive Director, so he asked if they could make a recommendation of individuals who could serve as a possible Interim Director. He also contacted the DHCD who also provided a list of possible Interim Directors. One person, Tina Danzy, was a runner up in Stockbridge. Board members Smith, Mercer and Dillon met with her separately over the weekend. Board member Sinico was not able to meet with her. A copy of her resume and list of certifications was provided for review by anyone interested in doing so.

Following discussion with DHCD, the Board is allowed the provision of hiring an Interim Director on a temporary basis when necessary to maintain operations of the Authority during periods of vacancy of an Executive Director. During which time the Board would be conducting a search for a permanent Executive Director. Advertisements for the position would be made, along with input from the community, Board and tenants in the hiring process.

Smith stated the candidates references have been checked, past employment and all have come back highly recommended. The amount of effort necessary to maintain the Authority is vast and needs attention. A permanent search could extend approximately 1 to 4 months. It is imperative an Interim Director be hired while the permanent process is ongoing. Advertisement must be done in a certain fashion, set up tenants’ interviews of candidates, reference checks, etc. An Interim can be hired for 3 months, and if needed, re-up for additional months.

Eileen Mooney inquired how much the Interim Director would be paid. Smith responded the same as the Executive Director salary, approximately $54,000.
Michelle Loubert inquired who was present when they met with the candidate. Mercer stated Karen and himself met with her together and Dillon and he met with her together. A quorum of the Board did not meet with her.

Eileen Mooney inquired when the meeting was posted and when was the decision made? Smith stated there was no posting of a meeting because it was not a formal meeting. Eileen inquired when the decision was made to look for an Interim Director. Smith stated the responsibilities of the Board state once the separation agreement with Vera Cartier was made, the next step was to research the hiring of an Interim Director. Eileen Mooney inquired whether Mr. Pender and Mr. Boyle would also be representing the Board in the open meeting law complaint as to the way this has all been handled. Smith stated yes, she believes so.

Michelle Loubert inquired how legal representation was being funded. Smith replied by DHCD, at their insistence.

Dillon stated she was very impressed when speaking to the Interim candidate as she is well aware of the importance of maintaining the dignity and respecting tenants needs and concerns, along with how important maintaining positive relationships. Dillon stated she understands that is something that is very important to the tenants. She also maintains the necessary certifications for her field. Smith added she has the Occupancy Specialist Certification and four or five other national certifications pertaining to public housing.

Jane Greene inquired whether tenants would be given the chance to voice their needs to the interim. She does not believe it is up to the Board to voice tenant needs. Possibly the head of the Tenants Advisory Board could meet with her before she is hired. Smith stated that is not part of this process. It will be included in the process of hiring a permanent Executive Director, but not for the Interim Consultant.

Smith stated copies of the Interim Director candidate’s resume will be available to anyone interested following the meeting.

Unidentified Tenant inquired whether the Interim Director would be finishing up re-certifications that did not get completed under the previous Executive Director. Smith stated yes, she would expect that to happen. A request has been made to the State to send a team to help get the re-certifications not complete done as soon as possible. It is a problem that this process is so far behind. An email was sent today following up on a request that was made for assistance in getting the re-certifications up to date.

Lou Delmasto inquired whether anyone on the Board made contact with the possible interim prior to October 24, 2018. Smith stated yes, Mercer and herself did have contact since the separation agreement had been signed on October 10th. It began valid/finalized on October 17th. He also inquired how much Attorney Boyle was being paid by DHCD. Attorney Boyle stated he did not have that answer. He stated he is a member of a law firm that was retained many months ago.

Eileen Mooney inquired whether any of these legal costs come out of local housing authority funds. Smith answered no. This is in addition to regular operating funds. DHCD strongly suggested three
months ago that the Authority have legal counsel. Eileen Mooney inquired whether legal counsel was also used for the Berkshire Housing/Dewey Court merger. Smith stated yes.

Sinico stated she has read the candidate resume. The certificates that are attached to her resume are required certificates. Are they only what she is required to have or are they anything outside of normal requirements? Smith stated she is not sure, but the COS is something that requires. Sinico stated the Board is voting today on this, but with one day notice she was unable to meet with the candidate. Sinico has no idea exactly why the previous Executive Director was let go, but what she believes she understands is that she was not qualified for the position. As she has researched this candidate she is concerned she is less qualified then the previous Executive Director was. She does not want the same situation to happen again. Sinico stated she does not feel comfortable taking a vote right now because she has not met her.

Dillon stated she wanted to clarify something that seems to have come up a couple of times. The process in terms of the previous Executive Director, the Board voted approval of a subcommittee of Smith and Mercer. Dillon stated she is interested in viable, stable, affordable housing in the Town of Great Barrington. She is committed to making sure these housing properties continue to be affordable and viable. These are the reasons she serves on the Board. When this subcommittee was selected it was approved unanimously. Dillon stated she was then invited to review 150 pages of documentation. Sinico stated she reviewed it also. Dillon stated it was very clear from the documentation that it was not a good fit with the previous Executive Director. Sinico stated she disagreed and there was a rebuttal that was explaining all of it. Dillon stated she wanted to make it clear that it was solely based on her review of that process. As she stated in a previous meeting, the previous Executive Director was lovely in many ways, however her interest and the interest of the Board is the long-term stability and financial viability of being able to provide housing such as this in Great Barrington, which means there is a lot more then what you are seeing that has to happen. Dillon stated she understands it seems this process was sudden and not thoughtful, but she is actually impressed by the number of hours that the subcommittee spent reviewing what needed to happen. Hard work, integrity and a desire to sustain this Authority is how Dillon has viewed this.

Sinico stated she believes Vera Cartier’s rebuttal explained a lot of the review that was done, and she finds it very unfair what happened. She also came onto this Board because of all the changes that had to be made with a new Board and a new Executive Director. In the first 6 months there were many changes. There were a lot of circumstances, such as paying bills with only rent money as the State budget money was late, her questions were not being answered, etc. How big of a financial background does this candidate have?

Dillon stated she has a great deal of experience.

Sinico stated she does not feel comfortable voting today.

Mercer stated the Board is looking for stability, to have an individual on premise to address tenant concerns. Account heads at DHCD have knowledge of her as well. She comes highly recommended.

Jane Greene stated she is not a business person, but cares about the elderly. She was in favor of Karen Smith becoming a member of this Board, but does not believe her temperament is a good fit. She
believed Dillon would be a good fit due to her background and experience. She wants to speak about the disruption to the tenants lives this has caused. The way things were handled is not the way it should work. This Authority needs a Board that puts the tenants first. You could get an Executive Director that is great with financials and figures, but what she feels is needed is someone who is here 75% of the time for the people. That is what she believes they had with the previous Executive Director. That is what she would like to see again. It is not sympathy that is needed, but empathy.

An unidentified tenant inquired whether this vote needs to be a majority vote to pass. Smith stated it is a majority vote.

Lou Delmasto stated he believes one of the problems was in regard to the handling of the finances. If that was the problem, doesn’t the Board sign off on all the bills? Smith stated she cannot discuss personnel issues. A financial person has been hired at the recommendation of the State to go back and straighten everything out from April of 2017 forward, including payroll, accounts payable, etc., and will be doing so until the State determines that everything is up to date. Warrants have to be signed. The problem was many things were five and six months behind in the sense of detail. Now the Authority is on target. In addition, there was a question in regard to minutes. The last minutes that had been posted was the July minutes. There were two meetings in August that had not been posted. They are now posted. September and October minutes will be posted once approved by the Board.

Mr. Delmasto inquired if the bills that need to be paid are brought to the board to sign off on, and then the bills are paid. Smith answered no. There is a fee accountant involved and an accountant goes over them. The Board does not sign off on anything until it has been vetted.

Eileen Mooney stated she wanted to go back to the Board looking for an Interim Director because that is what the responsibility of the Board is. Smith stated she said she wanted to contact the State regarding an interim director. That was all that was stated. Eileen Mooney stated then the action was taken. The training manual that you have on the table states the Board is also responsible to hold and attend regular and special monthly meetings in conformance with the open meeting law and public records law. She does not understand how the Board’s action in finding the Interim Director and having sessions to meet her conforms to the open meeting law. The intent was to have all Board members meet her. That is not in violation of the open meeting law? Smith deferred the question to counsel. Attorney Boyle stated it is not a violation of the open meeting law because they did not meet in a quorum to deliberate on a matter.

Michelle Loubert stated having an attorney present, even under the best of circumstances, is not liked, but it is not uncommon to have an attorney present to address open meeting law complaints. She has filed open meeting law complaints with the Town of Great Barrington and their town counsel addresses them. She is not uncomfortable with this at all. It actually surprises her. In addition, a meeting was held in April where the Executive Director was praised by the Board. People were present at this meeting so this action has caught people off guard. Also, the description of how accounts payable is handled, as a former employee of the Authority, what was described was not the process at that time. She asked when this new process accepted. Smith stated there was a public document that Eileen Mooney was in possession of, a deficiency notice from the State to the Great Barrington Housing Authority. Smith stated Michelle Loubert is also in possession of that document. When that deficiency
notice was received by the Authority procedures changed drastically, and that is when it started, around mid-June.

Lou Delmasto stated a decision was made and they did not have a quorum. Attorney Boyle stated he did not state a decision was made. Smith stated two people spoke to the candidate about her qualifications. There was no decision made. Jim also met with Dillon and the candidate in order to get further input. Mr. Mercer stated the process he went through in researching an Interim Director. Eileen Mooney and Michelle Loubert stated the emailing involved between Board members regarding setting up the meetings with the candidate violated the open meeting law. Attorney Boyle stated it would depend on the content of those emails whether there has been any violation.

Mercer stated the Board needs to vote and sign the Interim Director contract, which will then be sent to the DHCD for review. Once their review is complete the Board is free to move forward with the hiring.

Mercer made a motion, seconded by Dillon to offer Tina Danzy the position of Interim Executive Director of the Great Barrington Housing Authority.

Smith, Mercer, Dillon voted approval via roll call vote.

Sinico voted nay via roll call vote.

The motion passed.

Chairperson Smith signed the Interim Executive Director contract.

CITIZEN SPEAK

Marlene Koloski stated process started in June for Interim Executive Director? Smith stated no, the financial process changed in mid-June.

Unidentified Tenant – Stated she meant no ill-intent, but Jane Greene thought so highly of Smith to recommend her to serve on this Board and it does not seem like it is working out. No one that is involved in any of this wants you on the board. She does not understand why Smith is not stepping down. Smith stated she was asked to come and serve because of 12 to 14 years of issues with the operation of the Authority. Smith stated she takes a job very seriously, and that is what she is here to do. To provide long term financial viability for the Authority. One of the biggest problems is the State funds over half of the cost of running the Authority. They have a large list of requirements that must be done, policies and procedures that must be adhered to in order to maintain the Authority. It is the Board’s responsibility to make sure the Executive Director is meeting the guidelines that the State has determined in order for a Housing Authority to be viable. There was a meeting that was held with four members of the State to go over the existing deficiencies at the beginning of May. A petition was given to the State at that meeting in support of Vera. The State said it was not their position to support the Executive Director. Their position is to maintain the viability of the Authority. They needed many, many things and checklists done. There is a public document that Michelle Loubert and Eileen Mooney are both in possession of. The tenant stated she believes the former Executive Director was hired
under false pretense. Smith stated she was not on the Board when the previous Executive Director was hired. Tenants are invited to look at the report, which is a public document.

Dillon stated she is very sorry for how disruptive this process has been. She stated she can see how emotional tenants are about this subject. Clearly, maybe something could be done better. The processes were followed as written. Moving forward it will be important that the Board hears and communicates more clearly, taking into account people not being able to understand what is going on. This is a unique and very special population. Dillon’s sincere hope is that Smith does not resign because she feels she has done so much work on behalf of the Board. Because of the Chairperson’s diligence and what she has been able to produce Dillon believes she can move forward in voting with confidence.

Sinico stated she does not feel the Board has truly heard the tenants.

Eileen Mooney requested the email be forwarded to her, sent by Jim Mercer requesting Board members to meet with the candidate. Attorney Boyle stated he would have to review the document first. Eileen Mooney claims this denial is also a violation.

Michelle Loubert inquired what Attorney Boyle’s legal background is. Attorney Boyle stated he does public sector labor and employment law. His firm represents other cities, towns and municipalities and other housing authorities throughout the Commonwealth.

ADJOURNMENT

Mercer made a motion, seconded by Dillon to adjourn the Regular Meeting Session at 3:11PM.

Unanimous approval.

Respectfully submitted by Debra E Brazie