

HOUSING AUTHORITY OF THE TOWNSHIP OF BRICK
BOARD OF COMMISSIONERS MEETING – AUGUST 25, 2014

Present: Vera Fozman, Chair
Kim Terebush, Vice-Chair
Edward Kiesche, Commissioner
John Catalano, Commissioner
Dolores Lunetta-Radice, Commissioner
James Conroy, Resident Commissioner

Terry Brady, Esq. HATB Legal Counsel
Nancy Nicholson, Acting Executive Director
Michelle Rosenthal, Section 8 Coordinator

Call To Order: Chair Fozman called the Regular Meeting of the Housing Authority of the Township of Brick to order at 6:30 P.M. at the David Fried Community Room. She announced that this meeting was being held in accordance with the Open Public Meetings Act of the State of New Jersey (Sunshine Law) and adequate notice has been given.

**Salute to
The Flag:**

Chair Fozman led the assembly in the salute to the Flag and a brief moment of silence for those whom lost family and love ones due to war or any other circumstances.

Roll Call:

Upon roll call, the following Commissioners answered present: Vice-Chair Terebush, Kiesche, Catalano, Conroy, Lunetta-Radice, and Chair Fozman. Also present were Terry Brady, Esq., Michelle Rosenthal, Section 8 Coordinator, and Nancy Nicholson, Acting Executive Director.

Item #1: Authorization by the Board of Commissioners to approve and accept minutes of the regular meeting held on July 28, 2014.

Commissioner Kiesche had asked for follow up on several items that were discussed at the prior meeting. He addressed Chair Fozman and asked if a report has been supplied by the Maintenance Supervisor regarding the Air Conditioner service charges. Chair Fozman replied that no report was given. He also wanted to know if a report was received regarding the Section 8 discrepancy on the voucher list. Chair Fozman read the report from the bookkeeper Rhoda Li. The other unresolved issue Commissioner Kiesche questioned was the handling of the RFP for General Legal Services and would like the initial RFP to be reviewed again because in his opinion the bid opening was not handled correctly as per a letter from the conflict attorney. A lengthy discussion on the subject of General Legal Services followed; Commissioner Kiesche wanted it on record that his concern was that the original bid that was received and reviewed by the Conflict Attorney should be reviewed again. Chair Fozman said that the Contract and Bids Committee agreed that all new contracts would be handled by the new Executive Director. There being no additions, deletions or corrections on motion by Commissioner Conroy and seconded by Commissioner Lunetta-Radice, the minutes were accepted as submitted. Upon roll call, Commissioner Conroy, Lunetta-Radice, Vice-Chair Terebush and Chairman Fozman voted "Aye". Commissioner Kiesche voted "Aye" on all except for item #8. Commissioner Catalano abstained because he did not attend the meeting.

Item #2: Authorization by the Board of Commissioners to approve for payment vouchers #24683 through #24727 and Direct Deposit D000114500 through D000115100, Operating Account, August, 2014.

Motion to approve for payment vouchers pertaining to Operating Account was made by Commissioner Kiesche and seconded by Commissioner Conroy. Vice-Chair Terebush asked if a report was given by the Maintenance Supervisor in regards to Collins Landscape and Chemlawn, However, Ms. Nicholson said no report was received and noted that Collins Landscape has a contract for landscaping and that does not include the chemicals to fertilize the property. The other issue Vice-Chair Terebush had was the invoice voucher #24716 for repair on the company vehicle, this was brought to the attention of the Building and Grounds Committee and she noted this was an unauthorized repair. There was a brief discussion on how to handle the issue of the unauthorized repair. Mr. Brady said because this could lead to pending litigation or a contract issue this should not be held in public session however, a closed session as to a remedy may be in order. Commissioner Kiesche asked about voucher #24714, there was not an explanation as to what this refund was for. Ms. Nicholson said she would look into that and would email the Board first thing in the morning. Commissioner Catalano asked who the medical reimbursement vouchers were for. Ms. Nicholson explained those vouchers pertain to retirees of the Authority. Upon roll call, Commissioners Catalano, Kiesche, Conroy, Vice-Chair Terebush and Chair Fozman voted "Aye". Commissioner Lunetta abstained on all vouchers except those that pertained to payroll, benefits and dental in which she voted "Aye".

Item #2A: Authorization by the Board of Commissioners to approve for payment vouchers #24728 through #24733 and Direct Deposit #00015200 through D000115800, Operating Account, August, 2014.

Motion to approve for additional Operating Account vouchers was made by Commissioner Catalano and seconded by Commissioner Kiesche. Upon roll call, Vice-Chair Terebush, Commissioners Catalano, Kiesche, Conroy and Chair Fozman voted "Aye". Commissioner Lunetta-Radice abstained on all.

Item #3: Authorization by the Board of Commissioners to approve for payment vouchers #27037 through #27104 and Direct Deposit D000004530 through D000004589, Section 8 Account, August, 2014.

Motion to approve for Section 8 payment vouchers was made by Vice-Chair Terebush and seconded by Commissioner Kiesche. Upon roll call, Vice-Chair Terebush, Commissioners Catalano, Kiesche, Conroy and Chair Fozman voted "Aye". Commissioner Lunetta-Radice abstained on all.

Item #4: Authorization by the Board of Commissioners to approve for payment voucher #2222, Tenant Security Refund Account, August, 2014.

Motion to approve for voucher #2222 Tenant Security Refund was made by Commissioner Conroy and seconded by Commissioner Catalano. Upon roll call, all Commissioners voted "Aye".

Item #5: Authorization by the Board of Commissioners to approve for payment vouchers #4169 through #4171, Capital Fund Program, August, 2014.

Motion to approve for Capital Fund payment vouchers was made by Commissioner Catalano and seconded by Commissioner Kiesche. Upon roll call, all Commissioner voted "Aye".

Item #6: Report of the Acting Executive Director

Ms. Nicholson read the report for those present.

Item #7: Resolution to approve an agreement for employment services by and between the Housing Authority of the City of Passaic and the Housing Authority of the Township of Brick.

Commissioner Catalano requested going into closed session to discuss the applicant. Chair Fozman said No, closed session was not necessary. Commissioner Catalano and Kiesche had several questions and concerns in regards to the how the Personnel Committee made their selection of the candidate and why is the position part-time rather than full. Another concern the two Commissioners had was the agreement was with Passaic Housing Authority and not the individual candidate.

Vice-Chair Terebush explained to the Board the process that the Personnel Committee used to narrow it down from the original 30 applicants. She discussed in length and addressed the Commissioners concerns regarding how they reached the decision on hiring a part-time experienced Executive Director and how and why this particular applicant was chosen. She noted his knowledge and expertise and how he will be an asset to the Housing Authority with all he has to offer. After a lengthy discussion amongst the Board, motion to enter into an agreement for employment services by and between the Housing Authority of the City of Passaic and the Housing Authority of the Township of Brick with revision adding the following language to item #4 of the agreement "*With the prior written consent of the Board of Commissioners of the Housing Authority of the Township of Brick*" was made by Vice-Chair Terebush and seconded by Commissioner Conroy. Upon roll call, all Commissioners voted "Aye".

Item #8: Resolution by the Board of Commissioners of the Housing Authority of the Township of Brick awarding a contract for site re-lighting to Sodon's Electric Inc.

Motion to approve the award of contract for site re-lighting to Sodon's Electric Inc., was made by Commissioner Kiesche and seconded by Vice-Chairman Terebush. Upon roll call, all Commissioners voted "Aye".

Item #9: Tenant/Applicant Status Report.

Ms. Nicholson read the report for those present.

Item #10: Committee Reports

A. Building and Grounds Committee

Vice-Chair read the report for those present.

B. Budget and Finance Committee

B1. Budget Comparison Report

Commissioner Catalano read the report for those present.

Statement prepared by Chair Fozman:

Chair Fozman prepared a statement on the appointment of a new Executive Director and asked that it be incorporated so that the minutes reflect her statement, (attached hereto).

Item #11: Tenant/Public Comments.

Several tenants had expressed their likes and dislikes in regards to Mr. Matthews. Chair Fozman reiterated Mr. Matthews is still employed at the Authority as Maintenance Supervisor.

Siobhan Noonan, Forge Pond Resident said she loves her apartment and the staff and how she is looking forward to a new Executive Director.

Some tenants at Forge Pond had complaints about their building in regards to cleaning and security. Chair Fozman reminded tenants that these concerns should be brought to the attention of the office or the police should be alerted if the situation calls for it.

Item #11: Tenant/Public Comments (continued...)

Dan Esposito, employee of the HATB asked if we are now going to be a satellite office to Passaic Housing Authority. Mr. Brady noted that we would just be sharing services.

Joe Lamb, resident of Brick hopes the Housing Authority will finally get the proper representation from the new Executive Director and noted how the Authority suffered in past from lack of proper Management.

Item #12: Report of Attorney.

Nothing to report.

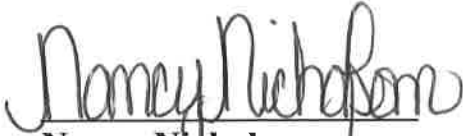
Item #13: New Business

None to report.

Item #14: Resolution by the Board of Commissioners authorizing the meeting to be closed to the public for the purpose of discussing and/or reviewing matters exempt under the Public Open Meetings Act (P.L. #1975) in executive session.

There being no further business to be brought before the Commissioners, motion to adjourn was made by Vice-Chair Terebush and seconded by Commissioner Conroy. Upon roll call, all Commissioners voted "Aye". The meeting was adjourned at 8:20PM.

Adjournment


Nancy Nicholson,
Acting Executive Director

Statement by Brick Housing Authority Chairwoman Vera Fozman

On the Appointment of a New Executive Director

I look forward to working with Victor Cirilo as the Executive Director of the Brick Housing Authority.

Victor is extremely qualified, with many years of experience as Executive Director in the City of Passaic. His appointment brings needed expertise and experience to our Authority. His appointment also represents a significant cost savings. Because of the inter-local agreement with Passaic City, we will be spending less than half of what a full time executive director would cost.

I've heard that some of my fellow board members have complained that Mr. Cirilo was hired too quickly, and that more interviews should have been conducted, and that they weren't given enough time before they decide. They have no one to blame but themselves.

Because of years of delay and inaction, starting with then Chairman Steve Scaturro's appointment of a completely unqualified person as Executive Director, the Department of Community Affairs recently warned us that, if we did not hire a qualified Executive Director by the end of this month, we are in danger of being forced to "cease and desist from all business matters." - August 8, 2014 (email from DCA Attorney Matthew Rudd.) This correspondence from the DCA, sent to us on August 8th, makes clear that we must appoint an Executive Director at this meeting, or else face potentially serious consequences for this Housing Authority.

For over two and a half years, this housing authority has been without a qualified Executive Director. In correspondence from April of 2012, the DCA notified then Brick Housing Authority Chairman Steve Scaturro that "Matthews' work experience does not meet the intent of the State Law that requires housing authorities to employ an executive director who has a minimum standard experience." - April 9, 2012

Yet Chairman Scaturro and the other board members, including two who continue to sit on this Board today, ignored the DCA, failed to hire a qualified executive director, and played games with job titles to attempt to keep Mr. Matthews in a job for which the DCA had declared he was unqualified. Chairman Scaturro and his fellow board members appointed Matthews as Assistant Executive Director, a newly created position. The Board then left the Executive Director position unfilled, making Matthews effectively the Executive Director. This placed the entire operations of the housing authority in jeopardy.

I'd like to read from an email sent by Matthew Rudd, an attorney at the DCA.

"Arguably at this time Mr. Matthews is acting as the Brick Housing Authority (BHA) ED although he **not qualified and approved to do so**. Actions taken by Mr. Matthews could be considered *ultra vires* and unenforceable. The BHA could be held liable and the subject of a law suit to set aside actions taken because of this known lack of authority. There could be insurance concerns as well because the BHA is knowingly allowing Mr. Matthews to act in the capacity of the BHA ED." - Feb 6, 2014

Fortunately, our vote today to appoint Mr. Cirilo, who has been certified as fully qualified by the DCA, ends the unfortunate era of delay and political gamesmanship, and permits us to move forward. I look forward to working with him.