

**NEEDHAM HOUSING AUTHORITY**

**BOARD OF COMMISSIONERS**

**MINUTES**

**REGULAR MEETING  
HIGH ROCK HOMES LLC MEETING  
Thursday, October 21, 2021, 7:30 PM**

**ROLL CALL BY CHAIR FOSTER TO CONVENE THE REGULAR MEETINGS**

**COMMISSIONERS PRESENT:**

Chair Reg Foster  
Vice-Chair Eleanor Evans  
Treasurer Ed Scheideler  
Commissioner Penny Kirk  
Commissioner Janice Bennett

**NHA STAFF PRESENT:**

Angie Medeiros, Executive Director

**GUESTS:** Sue Biasizzo, Ross Donald, Richard Dey, Kalpana Shaw

Chair Foster called the meeting to order at 7:39 PM. The Secretary of the Needham Housing Authority (NHA) provided adequate notice of this meeting by preparing a Public Notice dated October 18, 2021, setting forth the meeting's date, time, and place. Said notice was filed with the Clerk of the Town of Needham and provided to persons requesting it.

**AGENDA – REGULAR NHA BOARD & HRH LLC MEETINGS**

**CHAIR'S ANNOUNCEMENTS:**

Chair Foster stated that there are no Chair's Announcements.

**RESIDENT/TENANT INPUT:**

Chair Foster opened this item to resident input and recognized Sue Biasizzio. Ms. Biasizzio stated that she is speaking on behalf of the Cook's Bridge Tenant Association (CBTA). A couple of months ago, she noted that the CBTA re-partnered with the Massachusetts Union of Public Housing Tenants. She stated that on October 29, members of the CBTA will attend the Mass Union of Public Housing Tenants 50<sup>th</sup> Annual Fall Convention at the Four Point Sheraton Hotel in Norwood. She stated that she has been to the conventions before, and they are incredibly informative. She said that there would be updates on new State and Federal policies that will be presented by government officials, along with representatives from Citizens' Housing and Planning Association (CHAPA), Massachusetts NAHRO, Representatives, from the National Alliance of Resident Services in Affordable and Assisted Housing (NARSAAH), representatives as well as workshops for state and federal resident groups. Ms. Biasizzio stated that new faces are in the office and asked if the Executive Director could elaborate on who the new faces are. Chair Foster stated that this would be discussed later in the evening during the Executive Director Report.

Chair Foster recognized Ronald Ross.

Mr. Ross stated that he would like to know what happens to the recording and transcripts of the NHA meetings. He said that he has been to other commissioner meetings, and they seem to be able to provide a voice to text for their meetings in the chat section, and you leave the meeting with a file of the transcript. He stated that he does not understand why the NHA cannot do that. Chair Foster responded that Mr. Ross has raised this point last month. Chair Foster stated that the recordings are available on the NHA website. Chair Foster reminded Mr. Ross that meeting minutes are available on the NHA website. Mr. Ross asked for a recording from the past six months. Chair Foster replied that it would not happen.

Mr. Ross asked about the discussions with Cambridge Housing Authority, strategies, and resident input. Chair Foster replied that when there is something to discuss, residents will be included. Mr. Ross commented that the meeting minutes are not accurate; he had made comments about the annual plan that were not included. Chair Foster responded to Mr. Ross's inquiry on attendees and noted Richard Dey, Jessica Reese, Kalpana Shaw, Sue Biasizzo, David S, and Rosemary.

#### **A. Old Business**

##### **1. Discussion: Constraints of the Open Meeting Law**

Chair Foster opened this item for discussion. Chair Foster provided background information that led to this agenda item. Chair Foster reminded the Board of Commissioner Scheideler's email request to the Attorney General on September 27, 2021, requesting an opinion on his request to send a policy proposal in advance of an open and public meeting to the Commissioners of NHA via email. Chair Foster stated that Commissioner Scheideler received a prompt reply from the Asst. Attorney General. Chair Foster read aloud the response from the Asst. Attorney General. Chair Foster noted that last Friday, Commissioner Scheideler emailed the Asst. Attorney General's opinion to the Commissioners. Chair Foster read aloud the email. He also stated that last Friday, Vice-Chair Evans responded to Commissioner Scheideler's email. She emphasized that it was only because of the open meeting issues that she was responding. Chair Foster read aloud Vice-Chair Evans's response. Chair Foster noted that twenty minutes later, Commissioner Scheideler replied to both he and Vice-Chair Evans. Chair Foster noted that on Saturday morning, he responded to Commissioner Scheideler stated that his communication is a violation of the Open Meeting Law but that he would add his proposal to the Board Packet so that it could be discussed in an open and public meeting.

Chair Foster stated that a supplementary Board Packet was distributed, including Commissioner Scheideler's proposal and Frequently Asked Questions (FAQ) about the Open Meeting Law.

Commissioner Scheideler referred to the FAQs and questioned, "may a public body member communicate with other public body members over email?" Commissioner Scheideler read aloud the following response to this question, "A public body member may lawfully email a quorum of the public body only to discuss scheduling a meeting, distribute a meeting agenda, or to distribute reports or documents to be discussed at a meeting, provided that no opinion of a member of the public body is expressed. See GL c. 30A, § 18." Commissioner Scheideler stated that his position was that he wanted to submit a document that would be discussed when the meeting convenes, not asking for any opinion at the time. Commissioner Scheideler asked Vice-Chair Evans if he was wrong. Vice-Chair Evans explained that sending the Board information, in advance of the meeting addressed as "my proposal" infers his opinion. Vice-Chair Evans provided additional guidance on the Open Meeting Law. A discussion followed on the process of requesting agenda items and including reports in the Board Packet. Ms. Medeiros

suggested that both she and Chair Foster be listed on communications to the Board for agenda items and reports. Chair Foster stated that he will continue to email the Board regarding the agenda and meeting materials and will include the Executive Director on the emails as well on the Monday before Board Packet distribution.

Chair Foster asked about communication among spouses who are serving on the same Board. Vice-Chair Evans replied that the Board might take a conservative view and assume that communication among spouses is a serial conversation if opinions are expressed or seek an opinion as to what our obligations as a Board are in light of the situation. Vice-Chair Evans commented that she would consult a colleague who has knowledge on this matter or reach out to the Attorney General's office for guidance on spouses serving on the same Board.

**2. Approval: Certificate of Final Completion**

This item is tabled until the next NHA monthly meeting.

**3. Review & Approval**

Chair Foster opened this item for discussion. He noted that the meeting minutes for 9/16/2021 are in the Board Packet but not the minutes of 9/29/21 and 9/30/21. Chair Foster stated that the Executive Director had hired Cheryl Gosmon, former NHA Commissioner, and is also the note taker for the Needham School Committee to transcribe NHA Board meeting minutes. Chair Foster stated that he had started the 9/29/21 meeting minutes, and Ms. Gosmon would complete the 9/30/21 meeting minutes.

**RESOLUTION #2021-183**

9/16/2021 Minutes of Public Hearing and NHA & HRH LLC Board Meetings

**Motion and Vote**

Chair Foster moved, and Janice Bennett seconded the motion to approve the meeting minutes of September 16, 2021, as submitted.

**The motion carried. The vote was unanimous.**

**4. Status Update: Needham Housing Plan Group**

Chair Foster stated that Commissioner Scheideler is the NHA representative to the Needham Housing Plan Group. Chair Foster noted that their first meeting is Friday, October 22, 2021, at 9 AM.

**5. Status Update & Discussion: 2020 NHA Audit**

Chair Foster opened this item for discussion. He stated that Board members had received the 2020 NHA Audit Report. Chair Foster stated that he reviewed the report, and it is a clean audit with no exceptions. He stated there is no approval for the Board. Chair Foster asked if the Board would like to meet with the auditor regarding the report.

Commissioner Bennett expressed concern that the auditors did not audit or review the interim financial statements, nor were they required to perform any procedures to verify the accuracy or completeness of the information provided by management. Chair Foster responded that Commissioner Bennett is referring to the cover letter, which contains standard language. He added that it is ultimately the responsibility of Milne, Shaw & Robillard, P.C. to detect things going wrong. Chair Foster noted that from 2016-2019 there were management exceptions and that Ms. Medeiros inherited those when she came on board as the Executive Director. Chair Foster stated that this was the first audit in three or four years with no management exceptions. He commended Ms. Medeiros for the NHA's first truly clean audit report over two or three other supposedly more

experienced Executive Directors in several years. Commissioner Bennett commented that the financials can't be confirmed, and it troubles her. Chair Foster stated that most new commissioners are troubled by that language, and he will schedule a time for the auditors to come in and meet with the Board. Ms. Medeiros stated that she appreciates Chair Foster's acknowledgment of her excellent work in helping the NHA get to a clean audit, the first in several years.

**6. Status Update: Modernization/Redevelopment Initiative (MRI.)**

Chair Foster opened this item for discussion. He stated that the status report is in the Board Packet. He mentioned that the Board participated in training with CHA on October 2, and staff participated in training on October 14. He stated that he and Commissioner Bennett met with the Planning Board on Tuesday, October 19, and he met with the Community Preservation Committee (CPC) on October 20. Chair Foster noted that the Needham League of Women Voters are hosting a Housing Forum on October 28. Chair Foster stated that CHA requests that a meeting with the Board be scheduled in November to discuss deliverables. Chair Foster stated he received the Draft Repositioning Analysis for Federal Properties in his email earlier today. He stated that the Repositioning Analysis will present all records, the condition of the NHA properties, and financial analysis. He also referred to significant modernization and funding.

Commissioner Bennett reported that the Planning Board meeting went well and that everything is very formative right now. The conversation veered to discuss the CHA plans and ensure residents have the information they need for informed input. The Board took a moment to schedule November 3 and 9 to meet with CHA.

**7. Status Update & Discussion: After School Program Reboot**

Chair Foster opened this item for discussion. He stated that Vice-Chair Evans did a great deal of research on Dept. of Early Education and Care (EEC) certification and exemption requirements. Chair Foster stated that Ms. Medeiros also researched offsite locations for the NHA staff to restore the office to the community.

- **Report on EEC Requirement**

Vice-Chair Evans stated that she contacted both an attorney from EEC and a representative from the regional office, which for Needham is in Worcester. Vice-Chair Evans stated that NHA had been issued an exemption from licensure in 2010 for the afterschool program for the exemption criteria for open-door policy. Vice-Chair Evans noted that given the fact that the program had been shut down for a number of years, a new exemption is not required. She stressed that EEC is changing its criteria for their open-door policy that will allow children ages nine and up only to participate in the open-door approach. She read aloud the exemption requirements as outlined in the exemption letter. Vice-Chair Evans confirmed that NHA has an exemption on file with the EEC and does not need to reapply as long as the program is being operated as outlined in the exemption letter. Vice-Chair Evans read aloud the guidelines and shared information on requirements for background checks for volunteers. The Board expressed their appreciation to Vice-Chair Evans. Members of the Board commented on addressing the needs of younger students in light of new guidelines.

- **Report on Off-Campus Office Space for NHA Staff**

Ms. Medeiros reported that she spoke with Rick Shaw regarding budgetary guidance on lease/rental options. Ms. Medeiros stated that she looked at one space and has appointments next week to look at additional areas. Ms. Medeiros

noted that her goal is to obtain rental space and put #42 Captain Robert Cook Drive back on the market. Ms. Medeiros pointed out that she asked the commercial broker to look for space by Central Avenue, Gould Street, and Oak Street. She noted that she has given the commercial broker specs on parking space, accessibility, and how much square footage is needed. A general discussion followed on locations, accessibility, and accessibility to public transportation.

Chair Foster continued the conversation on the Cooks Afterschool Program with Next Steps. Chair Foster yielded the floor to Commissioner Scheideler.

### **Motion and Vote**

Commissioner Scheideler moved, and Janice Bennett seconded the motion for the reopening of the Cooks After School Program. This is a process that should begin immediately, so the Manager/Director position (superseding the current Director position) can be posted, and the candidate hired, availability of student tutors can be determined, donations can be solicited, equipment and supplies can be purchased and paid for by NHA (per a statement from ED to Commissioner Kirk), and a start date of January 2022 can be planned.

1. Considering the success of the program before the Pandemic, this proposal will reopen with the same format.
2. The manager/director will be an employee of NHA and will be paid for hours worked.
3. Per Angie, the initial setup fixtures and supplies, which were discarded, will be replaced by NHA.
4. Reconnect the stove so cooking projects can resume.
5. If parent input is available from the parent meeting, it will be included in this proposal.
6. The afterschool program will maintain its current location, at #42, until it is able to move into the current office location, under the sponsorship of the Cooks Community Room.

### **AFTER SCHOOL PROGRAM**

#### **Manager/Director Responsibilities:**

Establish a relationship with community representatives at local schools and colleges in order to locate student tutors (particularly Babson, Noble and Greenough and Olin).

Solicit donations from local businesses, NHA, and non-profits such as Needham Community Council, local banks, service clubs as the Exchange Club, etc.

Develop a plan for needed equipment and supplies, procure, and put in place for all after school program rooms in the community room for Captain Robert Cook Drive.

Develop a program of study and a variety of extra-curricular activities such as field trips and enrichment visitors like storytellers, artists, musicians, poets, writers, chefs, science programs.

Produce an orientation booklet for incoming tutors.

Direct the orientation and introduction of expectations with incoming tutors.

Procure consumable supplies and equipment as needed on an ongoing basis.

Work with student tutors to coordinate programs of study on an ongoing basis.

Participate as a tutor when school tutors are in short supply.

When college tutors are on an extended break, reach out to the community for short-term tutors among adults in the community. Sources would be church volunteer groups and Senior Center volunteers.

**Discussion:**

The ensuing discussion focused on the job description and the program details within Commissioner Scheideler's motion.

Vice-Chair Evans stated that she is on board with the process of reopening the afterschool program, and although Commissioner Scheideler's proposal sounds like a good idea, she doesn't want to tie the Board's hands in terms of getting too specific, particularly about the job description. She expressed concern on the level of detail in the motion and asked if the motion could be simplified.

Chair Foster noted that the job description outlined in Commissioner Scheideler's motion is not in the standard job description format. Chair Foster asked Commissioner Scheideler if he intended the job description as outlined in his motion to be guidance serving primary responsibilities that would be in a job description that would be posted. Commissioner Scheideler responded, right. The Board continued their discussion on the job description, responsibilities, and abridging the motion.

**Motion to Amend**

Chair Foster moved, and Vice-Chair Evans seconded the motion to amend Commissioner Scheideler's motion to read: A motion to reopen the Cook's Bridge Afterschool Program with a proposed target start date of January 2022; the creation and posting a job description to proceeding to hire thereof; the program to have the elements/guidelines of the previous afterschool program as approved for license exemption by EEC in their 2010 letter, which has the additional elements described below in the following attachment.

**Discussion:**

Chair Foster stated that the motion to amend includes all discussion points and will give the Board something it can work with between now and the end of the year.

Roll call vote:

Eleanor Evans, aye; Janice Bennett, aye; Penny Kirk, aye; Ed Scheideler, aye; and Reg Foster, aye.

**The motion to amend carried. The vote was unanimous.**

Chair Foster asked if there were any discussion of the main motion as amended. Hearing no objection, Chair Foster called for a roll call vote of the main motion as amended.

Roll call vote:

Ed Scheideler, aye; Penny Kirk, aye; Janice Bennett, aye; Eleanor Evans, aye; and Reg Foster, aye.

**The motion carried. The vote was unanimous**

**Motion and Vote**

Commissioner Scheideler moved, and Janice Bennett seconded the motion to place Unit 42, Captain Robert Cook Drive back online for rental purposes, with the following requirements:

1. The Needham Housing Authority administration staff will seek a new location vacating 28 Captain Robert Cook Drive, with the new location to be approved by the NHA Board of Commissioners
2. The Captain Cook Community Room will be moved from the current location, at #42, into the space currently occupied by the NHA administration staff, at 28 Captain Robert Cook Drive.
3. The Captain Cook Community Room will continue to host the Cook's Bridge After School Program within the new location at 28 Captain Robert Cook Drive.
4. All necessary improvements will be completed before the Community Room is determined ready for occupancy by the NHA Board of Commissioners.
5. Unit #42 will not be placed online for rental until the Captain Cook Community Room, with the Cook's Bridge After School Program, is moved into the new location at 28 Captain Robert Drive.

**Discussion**

Chair Foster stated that this item is new business and that the Board can discuss but cannot vote on the motion because the item is not an agenda item. Chair Foster stated that the Board does not have enough

information on options, particularly in terms of costs, to vote on this item. He added that this item could be voted on at the next meeting.

**8. Discussion & Next Steps: Board Training Session #2**

Chair Foster opened this item for discussion. He stated that he has been developing strategies to get this done and has come up with a list of possible facilitators. Chair Foster read aloud a list of names of persons who were former Needham Housing Authority Commissioners. He stated that he has not contacted anyone but wanted to share this work in progress with the Board. A brief discussion followed.

**9. Heads-Up: Q4 '21 Matters Requiring Board Attention**

Chair Foster opened this item for discussion.

- MRI. Issues and Decisions – This item was discussed earlier, and the Board has scheduled two meetings with the CHA.
- 2022 Budget Approval Process – A special Board meeting is needed. Ms. Medeiros will contact Rick Shaw to schedule this meeting.
- 2021 Executive Director Personnel Evaluation – This process will begin in November. Chair Foster would send the special forms for this process to the Board, which are due in December. At the December meeting, a public process on the Evaluation of the Executive Director will take place.

**10. Information & Discussion: Executive Director's Report, Financial Report, Vacancy Report, Work order Report.**

Ms. Medeiros reported that three new staff had been hired: two principal Clerks and a Bookkeeper. She stated that the principal Clerks would execute recertifications, housekeeping inspections, respond to tenant complaints, and other duties. She noted that the two clerks are still in training. She stated that the Bookkeeper has accounting experience and is in training as well. Ms. Medeiros stated that she interviewed three applicants for the Assistant Executive Director position but that the candidates did not have enough public housing administration experience and she will continue her search. She noted that she is actively looking for office space. Ms. Medeiros stated that she has two maintenance persons on staff currently.

**11. Approval: N.H.A. Bill/Check Warrant**

**RESOLUTION #2021-185**

Chair Foster moved, and Ed Scheideler seconded the motion to approve the N.H.A. Bill/Check Warrant dated October 21, 2021, in the amount of \$325,605.05

**The motion carried. The vote was unanimous.**

**12. Approval: HRH LLC Bill/Check Warrant**

**RESOLUTION #2021-39**

Chair Foster moved, and Penny Kirk seconded the motion to approve the N.H.A. Bill/Check Warrant dated October 21, 2021, in the amount of \$26,787.39

**The motion carried. The vote was unanimous**

**13. New Business**

Chair Foster opened this item for discussion and yielded the floor to Commissioner Scheideler. Commissioner Scheideler read aloud the following statement "The purpose of this motion is to restore the responsibility, and the authority to implement that responsibility, to the NHA Board of Commissioners, as authorized by the MGL, Chapter

121B." Commissioner Scheideler read aloud the MGL 121B, language from the DHCD Board Member manual, language from the NHA Human Resource Policy on the Board's direction to hire an Executive Director, and language on the NHA Human Resource Policy that gives direction to the Executive Director to hire all other personnel.

**Motion and Vote**

Chair Foster moved and (?) seconded the motion to defer new business from Commissioner Scheideler, which is not an agenda item and not available to members of the public or the Board of Commissioners to allow time for thoughtful deliberation on the matter as well as time for legal counsel to advise the Board. Commissioners will discuss this item at the next NHA Board meeting.

**The vote was 1 aye and 4 nays. The motion to defer did not carry.**

**Motion and Vote**

Commissioner Scheideler moved, and Janice Bennett seconded the motion to change Board of Commissioners oversight responsibility for hiring responsibility of "other personnel."

Giving absolute authority, without oversight, to one individual is not BEST MANAGEMENT PRACTICE. The proposed change to the Needham Housing Authority Human Resource Policy is as follows:

Remove the wording, "The authority to hire all other personnel shall rest with the Executive Director," and replace with the wording with. "Boards of Commissioners, "may employ counsel, an executive director who shall be ex officio secretary of the authority, a treasurer who may be a member of the authority and such other officers, agents and employees as it deems necessary or proper, and shall determine their qualifications, duties and compensation, and may delegate to one or more of its members, agents or employees such powers and duties as it deems necessary or proper for the carrying out of any action determined upon by it." MGL, c.121B. sec 7

The Board of Commissioners will delegate, to the Executive Director, (with the oversight authority and exit interview authority held by the Board) the responsibility to perform all duties with regard to hiring staff.

Thus, reinstating the responsibility and authority, originally intended, and authorized by MGL Chapter 121B, to the local housing authority's board of commissioners.

**Discussion:**

Vice-Chair Evans commented on the legal context of MGL, c. 121B, section 7. Vice-Chair Evans stated that the Board's responsibility is to set general parameters and not get involved in the specifics about job descriptions, evaluating, and monitoring individual employees. That is the role of the Executive Director. Vice-Chair Evans also stated that if the Board were to consider this change, the Chair's point is a good one about the Personnel Policy that it should be reviewed by legal counsel. Vice-Chair Evans stated that the Board supervises only one employee, the Executive Director and the Board delegates the authority to the Executive Director to set job descriptions, hire, evaluate and terminate other employees. She noted that if you take this authority away, we risk losing Ms. Medeiros, but it would be tough to hire other Executive Directors who expect to have that degree of autonomy in their roles.

Chair Foster stated that nobody changes their HR Policy without referring the proposed change for an opinion by their legal counsel. He noted that it is not a matter of copying or wording from the statute. There is an enormous amount of case law and employment law that is wrapped around all statutes. Chair Foster stated that the Board could not responsibly exercise its fiduciary duty to the housing authority to make any changes to the personnel manual without advice from legal counsel.

Commissioner Bennett stated that due to a lot of things happening today with social media it has become the new norm to change those policies just because of Facebook. She added that no one person can police themselves or their company.

Chair Foster stated that he cannot say that thing have not been changing because they certainly have but you still consult with your legal counsel to say we want to make this propose change to the policy we approve in 2018. Then the Board acts based on legal advice from counsel. Chair Foster stated that the Board can decide to refer Commissioner Scheideler proposed changes to legal counsel.

**Motion and Vote**

Chair Foster moved, and Vice-Chair Evans seconded the motion to refer Commissioner Scheideler's motion to legal counsel for comment and to the Executive Director for comment to report back at the next meeting.

**Discussion:**

Vice-Chair Evans asked Commissioner Scheideler to explain what the motion is doing. Commissioner Scheideler responded that the intent is to remove absolute power and authority from the Executive Director. He added that the Executive Director has no oversight in her duties and that he believes this to be bad business practice. Vice-Chair Evans asked how this motion would change that. Commissioner Scheideler responded that this motion would reinstate the legislature imposed on local housing authorities.

Roll call vote:

Eleanor Evans, aye; Janice Bennett, aye; Penny Kirk, aye; Ed Scheideler, aye; and Reg Foster, aye.

**The motion to defer carried. The vote was unanimous.**

**Motion and Vote**

**At approximately 11:00 PM, Chair Foster moved, and Commissioner Kirk seconded the motion to adjourn the NHA Board meeting of October 21, 2021.**

**The motion to carried. The vote was unanimous.**

**UPCOMING NEEDHAM HOUSING AUTHORITY BOARD MEETING DATES**

Thursday, November 18, 2021, 7:30 PM Regular Meetings Zoom Virtual Meetings

Thursday, December 16, 2021, 7:30 PM Regular Meetings Zoom Virtual Meetings

Thursday, January 20, 2022, 7:30 PM Regular Meetings Zoom Virtual Meetings

**Minutes Prepared by**

*Cheryl Gosmon*