



Housing Authority of the City of Perth Amboy

881 AMBOY AVENUE, P.O. BOX 390, PERTH AMBOY, NJ 08862

TELEPHONE: (732) 826-3110

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EDNA DOROTHY CARTY-DANIEL, Chairperson
MIGUEL A. AROCHO, Vice-Chairman
FERNANDO A. GONZALEZ
SHIRLEY JONES
REVEREND H. WAYNE BRADY
REVEREND GREGORY PABON
PASTOR BERNADETTE FALCON-LOPEZ

DOUGLAS G. DZEMA, P.H.M.
Executive Director

EDWARD TESTINO
Counsel

**THE MINUTES OF THE REGULAR MONTHLY MEETING
OF
THE BOARD OF COMMISSIONERS
OF
THE HOUSING AUTHORITY OF THE CITY OF PERTH AMBOY**

**Tuesday, July 1, 2014
5:00 p.m.**

The Board of Commissioners of the Housing Authority of the City of Perth Amboy met for the Regular Monthly meeting on Tuesday, July 1, 2014 at Dunlap Homes complex, Ed Scott Resource Center located at 881 Amboy Avenue, Perth Amboy, New Jersey 08861.

<Moment of Silence.>

<Pledge of Allegiance.>

The meeting was called to order by Chairperson Carty-Daniel and statement read as to proper notification of the meeting given in accordance with the Open Public Meeting Act Law as follows:

“Adequate Notice has been made as to the time, place, and date of the meeting and as to the nature of business to be discussed being the general business of the Authority.”

Upon roll call, those present and absent were as follows:

Present:	Chairperson	Edna Dorothy Carty-Daniel
	Commissioner	Fernando A. Gonzalez
	Commissioner	Shirley Jones
	Commissioner	Reverend Gregory Pabon
	Commissioner	Pastor Bernadette Falcon-Lopez
Absent:	Vice-Chairman	Miguel A. Arocho
	Commissioner	Reverend H. Wayne Brady

The Chairperson declared said quorum present.

On the motion of Commissioner Gonzalez, which motion was seconded by Commissioner Pabon, the Board concurred to approve the Minutes of the Regular Monthly Board Meeting of June 9, 2014. Upon roll call, the following vote was carried:

Aye: Edna Dorothy Carty-Daniel, Fernando A. Gonzalez, Reverend Gregory Pabon and Pastor Bernadette Falcon-Lopez.

Nay: None

Abstain: Shirley Jones

No approval of Executive Session.

Reports of Committee

<None reported.>

No public discussion of Agenda topics.

The following resolution was introduced by Commissioner Gonzalez, read in full and considered:

RESOLUTION # 3089-A

AUTHORIZING AWARD OF CONTRACT FOR EMERGENCY GENERATOR MAINTENANCE AND REPAIR SERVICES.

WHEREAS, the Housing Authority of the City of Perth Amboy (the "Authority") requires emergency electrical generator maintenance and repair services for two generators at its various public housing project sites in Perth Amboy, NJ; and

WHEREAS, the Contract is to be awarded through a "fair and open process" pursuant to N.J.S.A. 19:44A-20.4 et seq.; and

WHEREAS, the Authority solicited proposals for a two-year service contract, renewable for two additional one-year periods or one additional two-year period, for such services through public advertisement in The Home News Tribune on 5/21/14 and 5/22/14 and posted the same on the Authority's website and opened proposals on June 19, 2014; and

WHEREAS, FM Generator, Inc. of Clinton, MA submitted the proposal which proposed price was the most advantageous to the Authority, and which proposal conformed to all requirements; and

WHEREAS, FM Generator, Inc. was the Authority's previous contractor for these services and performed the services reliably and competently; and

WHEREAS, sufficient funds are available from the Authority's operating funds to pay for the required services;

NOW THEREFORE BE IT RESOLVED by the Board of the Authority as follows:

The Authority approves an award of a two year contract, renewable at the option of the Authority for two additional one year periods, to FM Generator, Inc. for the emergency electrical generator maintenance and repair services for two generators at its various public housing sites with an annual periodic maintenance price of \$1,300.00, and labor rates (standard/premium) for possible repair services of \$88.00/132.00 for repair technician commencing July 1, 2014 through June 30, 2016.

Commissioner Pabon moved that the foregoing resolution be adopted as presented, which motion was seconded by Commissioner Falcon-Lopez. Upon roll call, the following vote was carried:

Aye: Edna Dorothy Carty-Daniel, Fernando A. Gonzalez, Shirley Jones, Reverend Gregory Pabon and Reverend Bernadette Falcon-Lopez.

Nay: None

The Chairperson thereupon declared said motion was carried and said resolution was adopted.

The following resolution was introduced by Commissioner Gonzalez, read in full and considered:

RESOLUTION # 3090-A

AUTHORIZING AWARD OF CONTRACT FOR FIRE AND SECURITY ALARM SYSTEMS INSPECTION, MAINTENANCE AND REPAIR SERVICES.

WHEREAS, the Housing Authority of the City of Perth Amboy (the "Authority") requires fire and security alarm systems inspection, maintenance and repair services at its various public housing project sites in Perth Amboy, NJ; and

WHEREAS, the Contract is to be awarded through a "fair and open process" pursuant to N.J.S.A. 19:44A-20.4 et seq.; and

WHEREAS, the Authority solicited proposals for a two-year service contract, renewable for two additional one-year periods or one additional two-year period, for such services through public advertisement in The Home News Tribune on 5/26/14 and 5/27/14 and posted the same on the Authority's website and opened proposals on June 19, 2014; and

WHEREAS, Silent Companion Corporation (Silent) of Fords, New Jersey submitted the proposal which proposed price was the most advantageous to the Authority, and which proposal conformed to all requirements; and

WHEREAS, Silent Companion was the Authority's previous contractor for these services and performed the services reliably and competently; and

WHEREAS, sufficient funds are available from the Authority's operating funds to pay for the required services;

NOW THEREFORE BE IT RESOLVED by the Board of the Authority as follows:

The Authority approves an award of a two year contract, renewable at the option of the Authority for two additional one year periods, to Silent Companion Corporation for the alarm system maintenance and as needed repair services at its various public housing sites with an annual periodic maintenance price of \$1,500.00, and labor rates (standard/premium) for possible repair services of \$45.00/85.00 for repair technician commencing July 1, 2014 through June 30, 2016.

Commissioner Jones moved that the foregoing resolution be adopted as presented, which motion was seconded by Commissioner Pabon. Upon roll call, the following vote was carried and said resolution was adopted.

Aye: Edna Dorothy Carty-Daniel, Fernando A. Gonzalez, Shirley Jones, Reverend Gregory Pabon and Reverend Bernadette Falcon-Lopez.

Nay: None

The Chairperson thereupon declared said motion was carried and said resolution was adopted.

The following resolution was introduced by Commissioner Pabon, read in full and considered:

RESOLUTION # 3091-A

TO APPROVE CONTRACT AMENDMENT FOR GAS LINE INSTALLATIONS IN WILLIAM A. DUNLAP HOMES.

WHEREAS, the Board has reviewed in connection with the Contract for Construction from K&D Contractors, LLC dated for February 27, 2014 for Gas Line Installations in William A. Dunlap Homes, Perth Amboy, NJ, the following change (decommissioning of existing gas main) is ordered in connection with Article 5 of the Contract for Construction:

ADDITIONS:

Excavate gas main at both ends, purge lines, cut and cap	\$2,176.95
Excavate & plug gas shuts offs @ 17 locations	\$3,988.20

DEDUCTIONS: None

NET ADDITIONS:

Subject to conditions hereinafter set forth, an equitable adjustment to the contract price and time of completion is established as follows:

The original contract price:	\$63,200.00
The contract price will be increased by this amendment the amount of:	\$6,165.15
The new contract price will be:	\$73,353.35

WHEREAS, the contract amendment as presented has been found to be necessary and reasonable and is recommended for approval;

NOW, THEREFORE BE IT RESOLVED, the Board of Commissioners of the Housing Authority of the City of Perth Amboy approve the contract amendment for Gas Line Installations in William A. Dunlap Homes to K&D Contractors for a new contract amount of \$73,353.15, as presented.

Commissioner Gonzalez moved that the foregoing resolution be adopted as presented, which motion was seconded by Commissioner Jones. Upon roll call, the following vote was carried:

Aye: Edna Dorothy Carty-Daniel, Fernando A. Gonzalez, Shirley Jones, Reverend Gregory Pabon and Reverend Bernadette Falcon-Lopez.

Nay: None

The Chairperson thereupon declared said motion was carried and said resolution was adopted.

On the motion of Commissioner Gonzalez which motion was seconded by Commissioner Pabon, the Board concurred to approve the July Bill List and communications, as presented. Upon roll call, the following vote was carried:

Aye: Edna Dorothy Carty-Daniel, Fernando A. Gonzalez, Shirley Jones, Reverend Gregory Pabon and Pastor Bernadette Falcon-Lopez.

Nay: None

On the motion of Commissioner Jones, which motion was seconded by Commissioner Gonzalez, the Board concurred to approve the change of date of the August Board Meeting to Tuesday, August 19, 2014 at 12:30 p.m. from the originally scheduled date of August 12, 2014. Upon roll call, the following vote was carried:

Aye: Edna Dorothy Carty-Daniel, Fernando A. Gonzalez, Shirley Jones, Reverend Gregory Pabon and Pastor Bernadette Falcon-Lopez.

Nay: None

Update on Redevelopment Activities.

- Awaiting for HUD approvals with the financial syndicators. Goal is to achieve this by end of August.
- Working on a Federal Home Bank Loan with our sponsor Investor Savings,

Report on PARTNER.

- PARTNER Board Meeting is scheduled this evening to include distribution of the ASK Scholarship awards.
- Gateway Neighborhood Collaborative Strategic Plan has been provided to the Wells Fargo Foundation and is currently being reviewed.
- Habitat for Humanity project is underway.

PUBLIC SESSION

<No comment from the public.>

UNFINISHED BUSINESS

- No unfinished business reported.

NEW BUSINESS

- No new business presented.

REPORT OF THE EXECUTIVE DIRECTOR

Douglas Dzema, Executive Director updated the Board on the following:

- Housing Counseling program grant award received.
- RAD voucher application with HUD – did not make the cut for the first go around, but are in consideration should \$ budget increase.
- Senior July 4th BBQ is scheduled for Thursday, July 3, 2014 at the Wesley T. Hansen Apartments.

CHAIRPERSON'S REPORT

- Maria Maio has been appointed as the HUD State Director, effective as of June 15, 2014.
(Replaced Diane Johnson)

EXECUTIVE SESSION

- No Executive Session.

On the motion of Commissioner Gonzalez, which motion was seconded by Commissioner Falcon-Lopez, the Board concurred to adjourn the meeting.

Respectfully submitted by:

A handwritten signature in black ink, appearing to be 'Dzema', written over a vertical line.

Douglas G. Dzema, PHM
Executive Director and Secretary

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CHAIRPERSON'S REPORT

- Fellow Commissioners, I feel it necessary to revisit the federal laws that dictate our political involvement and or behavior.
- Given that the form of government in the City of Perth Amboy is Faulkner Plan "B", non-partisan, the waters can get very muddy on how we as Commissioners are to conduct ourselves.
- Last month when I requested an explanation of the Hatch Act from our attorney, my concern was for the well-being of the Authority given that our City would be involved in a municipal election again this year.
- During the last municipal election rumors were flying around about how our residents were being manipulated by different candidates and their supporters.
- Normally, I would not be concerned about rumors as an individual, but as Chairperson of this Housing Authority, it is my duty to obey our local State and Federal laws and always present a professional image to uplift this Authority and to provide for and serve the needs of our clients.
- As members of this Board of Commissioners, we are considered "Quasi-Employees" because we are covered by the Authorities "Errors and Omissions" insurance policy. There is a responsibility that goes with that provision. We must always carry ourselves in an appropriate manner and avoid even the perception of impropriety. The Errors and Omissions Policy will not protect any of us from a lawsuit if we are deemed guilty of an infraction.
- In conclusion, the members of the Housing Authority of the City of Perth Amboy being duly appointed and having to take an oath to serve shall and must operate within the structure of the laws and not behave in a manner that would or could be perceived as being in violation of the Hatch Act or the Byrd Act.
- Always remember that no political activity can take place on any our properties, including Section 8 housing, except if sanctioned by the Resident's Council.
- As we are covered by Federal law, this must be strictly enforced.

MEMORANDUM

TO: Douglas Dzema, Director
and Board of Commissioners

FROM: Edward Testino, Esq.

DATE: June 4, 2014

RE: Political Activity of Employees
and Commissioners and Limitations Thereon

I have been asked to review the HATCH Act and applicable limitations on employees' and/or commissioners' activities with regard to politics. In that regard, I would start out by noting that each citizen has a First Amendment Right to participate in political activities. However, such a right can be restricted or constrained by applicable laws. In particular, the federal government has seen fit that such a right can be restricted or constrained by federal laws. In particular, the federal government has seen fit to pass the HATCH Act. This federal act limits the political activities of individuals whose principal employment is funded by federal loans or grants. Pursuant to the ACC HUD agreement, the Housing Authority and its employees are governed by the HATCH Act as a result of our funding source. According to the Act such individuals may not participate in any partisan political activities, at any level, whether local, state or federal, in connection with their employment. This is a broad ban on such partisan political activities. However, the HATCH Act will generally not affect commissioners in their capacity as commissioners, because they are not employees of the local housing authority. Notwithstanding, commissioners should be aware that the HATCH Act does apply to most or all employees of the local housing agency and they should not direct or permit any activities by the employees of the local housing agency that would violate the HATCH Act.

There are other federal laws that prohibit lobbying and/or influencing or attempting to influence a federal agency employees, member of congress or congressional staff in connection with awarding a federal contract, making a federal grant or loan, entering into a cooperative agreement or extension, continuing a renewal, amendment or modification of any federal contract, grant or loan or cooperative agreement. Specifically, the Byrd Act would prohibit such activities. Also, see 31 U.S.C. 1350, 42 U.S.C. 1990, Reg 24 CRF Part 87.

In addition, the Housing Authority of the City of Perth

Amboy an autonomous body pursuant to resolution of the Board of Commissioners has resolved to prevent the Authority from becoming implicated or involved in any prohibited activity or prohibited political action. Further, the Authority has resolved that the housing authority shall remain autonomous and not encourage or entrench any political action, political party or political candidate. In addition, the Authority has extended a forty-five day black-out period in advance of any election, during which time the Authority, its employees and administrative staff is prohibited from participating in or supporting any such political activities of the residence association so to keep and retain an autonomous and non-political position, vis-a-vis partisan politics or politics in general.