in00118_ **Housing Authority of the City of Perth Amboy**

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EDNA DOROTHY CARTY-DANIEL, Chairperson DOUGLAS G. DZEMA, P.H.M.

DAVID BENYOLA, Vice-Chairman Executive Director

MIGUEL A. AROCHO

FERNANDO A. GONZALEZ EDWARD TESTINO

GREGORY PABON Counsel

WILFREDO SOTO

DIANE CRAWFORD

**THE MINUTES OF THE REGULAR MONTHLY MEETING**

**OF**

**THE BOARD OF COMMISSIONERS**

**OF**

**THE HOUSING AUTHORITY OF THE CITY OF PERTH AMBOY**

**WEDNESDAY, MAY 17th, 2023 - 5:15 PM**

**Virtual ZOOM and In-Person Board Meeting**

The Board of Commissioners of the Housing Authority of the City of Perth Amboy met for the Regular Monthly meeting on Wednesday, May 17th, 2023 @ 5:15 pm through a virtual ZOOM conference and in-person at the Housing Authority’s main office conference room located at 881 Amboy Avenue, Perth Amboy, New Jersey.

<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 and with State and HUD mandated COVID-19 statements and in conformation with the emergency guidelines under the Department of Community Affairs, 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

Vice-Chairman David Benyola

Commissioner Miguel A. Arocho

Commissioner Fernando A. Gonzalez

Commissioner Gregory Pabon

Commissioner Wilfredo Soto

Commissioner Diane Crawford

The Chairperson declared said quorum present.

On the motion of Commissioner Arocho, which motion was seconded by Vice-Chairman Benyola, the Board concurred to approve the Minutes of the Regular Monthly Board Meeting of March 15th, 2023, as presented. Upon roll call, the following vote was carried:

VOTE:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Board Member | Yes | No | Abstain | Absent |
| Chairperson Edna Dorothy Carty-Daniel | X |  |  |  |
| Vice Chairperson David Benyola | X |  |  |  |
| Commissioner Miguel A. Arocho | X |  |  |  |
| Commissioner Fernando A. Gonzalez | X |  |  |  |
| Commissioner Gregory Pabon | X |  |  |  |
| Commissioner Wilfredo Soto | X |  |  |  |
| Commissioner Diane Crawford | X |  |  |  |

Reports of Committee – None reported.

Discussion of Agenda Topics.

Resolutions:

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

**RESOLUTION NO. 3443-23**

**TO RATIFY THE AWARD, THE CONTRACT FOR FLOORING REPAIR AND REPLACEMENT SERVICES**

**TO JMD COMMERCIAL FLOORING**

**WHEREAS,** the Housing Authority of the City of Perth Amboy (the “Authority”) requires flooring repairs and/or replacement services for its various housing development sites; and

**WHEREAS,** the Contract was 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 through public advertisement in The Home News Tribune on 2/22/23 and 3/1/23, posted the same on the Authority’s website and received such proposals until March 7, 2023; and

**WHEREAS,** JMD Commercial Flooring of Toms River, New Jersey submitted the proposal which price was the most advantageous to the Authority, and which bid conformed to all requirements; and

**WHEREAS,** the contractor has performed satisfactorily over the past two years and has proven to be a competent and reliable contractor; and

**WHEREAS,** sufficient funds are available from the Authority’s operating funds to pay for the required services for an additional two years.

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

The Authority ratifies the award of contract to JMD Commercial Flooring for the as-needed flooring repair and replacement services the Authority requires from time to time at the proposed rates of $5.25 / sf for vinyl composition tile flooring, $3.75 / lf for cove base and $51.00 / sy for carpeting from March 1, 2023 through February 28, 2025.

***MOVED/SECONDED:***

**Resolution moved by \_\_\_\_\_\_\_Commissioner Soto\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Resolution seconded by \_\_\_\_\_Commissioner Gonzalez\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

VOTE:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Board Member | Yes | No | Abstain | Absent |
| Chairperson Edna Dorothy Carty-Daniel | X |  |  |  |
| Vice Chairperson David Benyola | X |  |  |  |
| Commissioner Miguel A. Arocho | X |  |  |  |
| Commissioner Fernando A. Gonzalez | X |  |  |  |
| Commissioner Gregory Pabon | X |  |  |  |
| Commissioner Wilfredo Soto | X |  |  |  |
| Commissioner Diane Crawford | X |  |  |  |

The Chairperson thereupon declared such resolution has been approved.

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

**RESOLUTION NO. 3444-23**

**RESOLUTION OF THE HOUSING AUTHORITY OF THE CITY OF PERTH AMBOY APPROVING THE ADOPTION OF THE PUBLIC AGENCIES POST-RETIREMENT HEALTH CARE PLAN TRUST ADMINISTERED BY PUBLIC AGENCY RETIREMENT SERVICES (PARS), AUTHORIZING A DEPOSIT THERETO, AND AUTHORIZING ADDITIONAL ACTIONS IN CONNECTION THEREWITH**

**WHEREAS,** the Housing Authority of the City of Perth Amboy (the “Authority”) is a public body corporate and politic duly and an agency and instrumentality of the City of Perth Amboy, created or continued pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the “LRHL”); and

**WHEREAS,** the Authority has heretofore determined to provide certain post-employment employee welfare benefits (“OPEB”), such as health insurance, to certain of its former employees, and may determine to provide post-employment benefits, of a similar or dissimilar nature, to its current and/or future employees, all as may be determined from time to time by the Authority; and

**WHEREAS,** the Authority currently provides such post-employment OPEB benefits through the periodic, pay-as-you-go payment of health insurance premiums, which payments are currently funded by periodic, voluntary, pay-as-you-go payments made by the Authority to the State of New Jersey, Division of Pension and Benefits (the “Division”) through the State Health Benefit Local Government Retired Employees Plan, a cost-sharing multiple-employer defined benefit OPEB plan administered by the Division (the “State OPEB Fund”); and

**WHEREAS,** the Authority presently intends to continue funding post-employment OPEB benefits for its former employees as aforesaid, and may from time to time determine to provide additional OPEB benefits, of a similar or dissimilar nature, to its former, current and/or future employees; and

**WHEREAS,** by resolution adopted on December 12, 2022, the Authority, as Grantor, has heretofore authorized the establishment of a trust (the “OPEB Trust”) to be used solely for the payment of OPEB expenses (including, but not limited to, payments to the Division under the State OPEB Fund), including life, accident, medical, sickness, disability or other types of employee welfare benefits permitted under Section 501(c)(9) of the Internal Revenue Code of 1986, as amended, and the Regulations issued thereunder (the “Code”), and authorized an initial deposit to the OPEB Trust of the sum of $2,500,000; and

**WHEREAS,** although funds representing the authorized initial deposit were set aside by the Authority in a segregated bank account prior to January 1, 2023, the OPEB Trust was not established; and

**WHEREAS,** pursuant to N.J.S.A. 40A:3C-24(a), the Authority is authorized to fund and pay OPEB expenses by means of contributions to a separate trust fund; and

**WHEREAS,** pursuant to the LRHL, specifically N.J.S.A. 40A:12A-22, the Authority is authorized to make and execute contracts and other instruments necessary and convenient to the exercise of the powers of the Authority; and

**WHEREAS,** the Authority now wishes to authorize the establishment of a trust for the payment of OPEB expenses, provide for the appointment of a Plan Administrator for said trust, authorize the execution and delivery of all necessary documents, authorize an initial deposit of Authority funds into said trust, and authorize additional actions in connection therewith; and

**WHEREAS,** Phase II Systems, a corporation organized and existing under the laws of the State of California, doing business as Public Agency Retirement Services and PARS (hereinafter “PARS”), has made available the Public Agencies Post-Retirement Health Care Plan Trust (the “Program”) for the purpose of prefunding OPEB obligations; and

**WHEREAS,** under the Program there shall be established a separate account (the “Authority Account”) to hold and invest all contributions that may be made, from time to time, by the Authority, pending application thereof for the purposes identified by the Authority; and

**WHEREAS,** the Authority is eligible to participate in the Program, a tax-exempt trust performing an essential governmental function within the meaning of Section 115 of the Code, and is a tax-exempt trust under the relevant statutory provisions of the State of New Jersey; and

**WHEREAS,** the Authority’s adoption and operation of the Program has no effect on any current or former employee’s entitlement to post-employment benefits; and

**WHEREAS,** the terms and conditions of post-employment benefit entitlement, if any, are governed by contracts separate from and independent of the Program; and

**WHEREAS,** the Authority’s funding of the Program does not, and is not intended to, create any new vested right to any benefit nor strengthen any existing vested right; and

**WHEREAS,** the Authority reserves the right to make contributions, if any, to the Program;

**NOW, THEREFORE, BE IT RESOLVED BY THE HOUSING AUTHORITY OF THE CITY OF PERTH AMBOY, as** follows:

Section 1. The Authority hereby adopts the PARS Public Agencies Post-Retirement Health Care Plan Trust, including the PARS Public Agencies Post-Retirement Health Care Plan, as reflected in that certain Public Agencies Post-Retirement Health Plan Trust Agreement (as amended and restated from time to time) between U.S. Bank National Association (as successor to Union Bank of California, N.A.) (hereinafter the “Bank”) and PARS, as amended and restated, and as supplemented by the Public Agencies Post-Retirement Health Care Plan Master Plan Document (as amended and restated from time to time) (collectively, the “Master Plan Documents”). The Authority’s participation in the Program shall begin on such date (the “Effective Date”) on which the hereinafter-defined Adoption Agreement and Administrative Services Agreement are executed and delivered by all parties thereto, or such later date as may be referenced therein.

Section 2. The Authority shall pay all legal and other expenses associated with the establishment and initial funding of the Authority Account. All other expenses of the Program, including but not limited to the fees and expenses of PARS and the hereinafter-defined Bank, shall be payable solely from funds in the Authority Account, unless the Authority in its discretion determines, from time to time, to pay all or any portion of such expenses.

Section 3. The Authority hereby authorizes an initial deposit to the Authority Account of the sum of Two Million Five Hundred Thousand Dollars ($2,500,000). The hereinafter-defined Authorized Officers are hereby directed to cause such amount to be transferred to the Authority Account as directed by PARS and/or the Bank.

Section 4. The Authority hereby appoints the Executive Director, or his/her successor or his/her designee, as the Authority’s Plan Administrator for the Program.

Section 5. The Adoption Agreement for the PRHCP Section 115 Trust (the “Adoption Agreement”), substantially in the form attached hereto as Exhibit A and which by this reference is made a part hereof as if set forth in full herein, is hereby approved. The Executive Director and the Director of Financial Operations, or either of them (each, an “Authorized Officer”), are hereby authorized and directed to execute and deliver the Adoption Agreement on behalf of the Authority in substantially such form. The Secretary or any Assistant Secretary is hereby authorized to attest to same and to affix the official seal of the Authority thereto.

Section 6. The Agreement for Administrative Services (the “Administrative Services Agreement”) among the Authority and PARS, substantially in the form attached hereto as Exhibit B and which by this reference is made a part hereof as if set forth in full herein, is hereby approved. The Authorized Officers, or either of them, are hereby authorized and directed to execute and deliver the Administrative Services Agreement on behalf of the Authority in substantially such form, with such changes as such officer may approve (such approval to be

conclusively evidenced by such officer’s execution thereof). The Secretary or any Assistant Secretary is hereby authorized to attest to same and to affix the official seal of the Authority thereto.

Section 7. The Plan Administrator is hereby directed to elect a “discretionary” investment approach (rather than a “directed” investment approach) under the Master Plan Documents. The Plan Administrator is hereby delegated the authority, from time to time, to select from among the various investment strategies offered by the Bank under the Master Plan Documents, such strategy or strategies as the Plan Administrator, in his/her judgement, determines that a prudent investor would pursue in fulfillment of the objectives of the Program, giving due consideration to such factors (including, but not limited to, the times at which plan assets may be required for the payment of benefits) as he/she may deem relevant.

Section 8. The Authorized Officers, or either of them, are hereby authorized to execute such additional PARS legal and administrative documents on behalf of the Authority and to take whatever additional actions are necessary to maintain the Authority’s participation in the Program and to maintain compliance of any relevant regulation issued or as may be issued, and to take whatever additional actions are required to administer the Authority’s participation in the Program.

Section 9. This resolution shall take effect immediately.

***MOVED/SECONDED:***

**Resolution moved by \_\_\_\_\_\_\_Vice-Chairman Benyola\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Resolution seconded by \_\_\_\_ Commissioner Pabon\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

VOTE:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Board Member | Yes | No | Abstain | Absent |
| Chairperson Edna Dorothy Carty-Daniel | X |  |  |  |
| Vice Chairperson David Benyola | X |  |  |  |
| Commissioner Miguel A. Arocho | X |  |  |  |
| Commissioner Fernando A. Gonzalez | X |  |  |  |
| Commissioner Gregory Pabon | X |  |  |  |
| Commissioner Wilfredo Soto | X |  |  |  |
| Commissioner Diane Crawford |  |  | X |  |

The Chairperson thereupon declared such resolution has been approved.

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

**RESOLUTION NO. 3445-23**

**FOR SEMAP CERTIFCIATON TO HUD FYE 3/31/23**

**WHEREAS,** the Board of Commissioners has reviewed the SEMAP Certification to HUD for its fiscal year ending March 31, 2023; and found this information to be accurate;

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

The Board of Commissioners of the Housing Authority approves this certification, as presented through this Board resolution.

***MOVED/SECONDED:***

**Resolution moved by \_\_\_\_\_\_\_Commissioner Crawford\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Resolution seconded by \_\_\_\_\_Vice-Chairman Benyola\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

VOTE:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Board Member | Yes | No | Abstain | Absent |
| Chairperson Edna Dorothy Carty-Daniel | X |  |  |  |
| Vice Chairperson David Benyola | X |  |  |  |
| Commissioner Miguel A. Arocho | X |  |  |  |
| Commissioner Fernando A. Gonzalez | X |  |  |  |
| Commissioner Gregory Pabon | X |  |  |  |
| Commissioner Wilfredo Soto | X |  |  |  |
| Commissioner Diane Crawford | X |  |  |  |

The Chairperson thereupon declared such resolution has been approved.

On the motion of Commissioner Crawford, which motion was seconded by Commissioner Pabon, the Board concurred to ratify the April 2023 Bill List and Communications and approve the May 2023 Bill List and Communications, as presented. Upon roll call, the following vote was carried:

VOTE:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Board Member | Yes | No | Abstain | Absent |
| Chairperson Edna Dorothy Carty-Daniel | X |  |  |  |
| Vice Chairperson David Benyola | X |  |  |  |
| Commissioner Miguel A. Arocho | X |  |  |  |
| Commissioner Fernando A. Gonzalez | X |  |  |  |
| Commissioner Gregory Pabon | X |  |  |  |
| Commissioner Wilfredo Soto | X |  |  |  |
| Commissioner Diane Crawford | X |  |  |  |

On the motion of Commissioner Crawford, which motion was seconded by Commissioner Soto, the Board concurred to ratify the April 2023 PARTNER payment of expenses incurred through Dunlap RAD and Hansen RAD and approve the May 2023 PARTNER payment of expenses incurred through Dunlap RAD and Hansen RAD, as presented. Upon roll call, the following vote was carried:

VOTE:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Board Member | Yes | No | Abstain | Absent |
| Chairperson Edna Dorothy Carty-Daniel | X |  |  |  |
| Vice Chairperson David Benyola | X |  |  |  |
| Commissioner Miguel A. Arocho | X |  |  |  |
| Commissioner Fernando A. Gonzalez | X |  |  |  |
| Commissioner Gregory Pabon | X |  |  |  |
| Commissioner Wilfredo Soto | X |  |  |  |
| Commissioner Diane Crawford | X |  |  |  |

The Board was updated on the PARTNER/Property Acquisitions and Groundbreaking Ceremony for the Habitat for Humanity projects and the Gateway Neighborhood Collaboration.

PUBLIC SESSION

* No comment from the public.

UNFINISHED BUSINESS – None reported.

NEW BUSINESS – None reported.

REPORT OF THE ATTORNEY

Tenancy matters have returned to in-person court.

REPORT OF THE SECRETARY-TREASURER (Executive Director)

Douglas Dzema, Executive Director informed the Board of the following:

* Supervisors and staff are in the process of taking virtual courses on “Preventing Workplace Violence” and Cybersecurity.

REPORT OF THE CHAIRPERSON – None reported.

On the motion of Vice-Chairman Benyola, which motion was seconded by Commissioner Gonzalez, the Board concurred to adjourn.

Respectfully submitted by,

Douglas G. Dzema

Executive Director/Secretary