

The Caucus of the Housing Authority of the City of Bayonne was held on Thursday, May 11, 2017 at Noon in the Conference Room located at 549 Avenue A, Bayonne, NJ 07002.

The following letter was received from the Executive Director, John T. Mahon.

Absent: Commissioners Nardini and Karczewski.

Honorable Ludovico Nolfo
87 Trask Avenue
Bayonne, New Jersey 07002

Honorable Timothy J. Moriarty
88 West 31st Street
Bayonne, New Jersey 07002

Honorable Rev. H. Sykes
28 West 20th Street
Bayonne, New Jersey 07002

Honorable Edward Kaczka
10 Latourette Place
Bayonne, New Jersey 07002

Honorable Maria Karczewski
95 West 39th Street
Bayonne, New Jersey 07002

Honorable Antonio Nardini
109 Avenue A
Bayonne, New Jersey 07002

Honorable Chris Patella
868 Broadway
Bayonne, New Jersey 07002

Kathleen A. Walrod, Counsel
700 Plaza Drive Suite 212
Secaucus, N.J. 07096

Members of the Board:

In accordance with the By-laws of the Housing Authority of the City of Bayonne, after consulting with the other Commissioners of the Authority, I have determined to call Caucus Meetings of the Authority, as additional special meetings of the Authority, generally to be held on the Thursday Noon prior to the second Tuesday of the month.

Very truly yours,

Ludovico Nolfo
Chairman

The Regular Meeting of the Housing Authority of the City of Bayonne was held on **Tuesday, May 16, 2017 at 1:00 P.M.** in the Thomas Wojslawowicz Room located at 549 Avenue A, Bayonne, N.J. 07002.

Executive Director John Mahon called the roll and the following were present: Chairman Nolfo, Vice Chairman Sykes, Commissioners Kaczka, Moriarty, Karczewski, Nardini and Patella. Also in attendance was Kathleen A. Walrod, Esq.

Executive Director moved to dispense with the reading of the minutes of the previous full Agenda Meeting of April 11, 2017 in view of the fact that each Commissioner received a copy of these minutes. Motion made by Commissioner Moriarty and seconded by Commissioner Kaczka.

AYES: Chairman Nolfo, Vice Chairman Sykes, Commissioners Kaczka, Moriarty, Karczewski, Nardini, and Patella.

NAYS: None.

Members of the Board:

A Resolution authorizing to advertise and solicit for proposals for Elevator Maintenance Servicing is being prepared for your consideration.

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A Resolution authorizing to advertise and solicit for proposals and qualifications for Planning Services is being prepared for your consideration.

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On Wednesday, May 10, 2017 at 10:30 AM proposals were received and opened for General Legal Counsel from the following:

PROPOSER

Kathleen A. Walrod, Esq. of Secaucus, NJ
Raff & Massone, P.A. of Bayonne, NJ

A Resolution awarding a contract for General Legal Counsel to Kathleen A. Walrod, Esq. of Secaucus, NJ is being prepared for your consideration.

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On Wednesday, May 10, 2017 at 10:15 AM proposals were received and opened for Auditing Services from the following:

PROPOSER

Polcari & Co. of Wayne, NJ

A Resolution awarding a contract for Auditing Services to Polcari & Co. of Wayne, NJ is being prepared for your consideration.

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A Resolution authorizing revisions and amendments to the Personnel Policy is being prepared for your consideration.

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A Resolution to adopt the 2017 EZ-RRD Policy and Procedures.

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A Resolution authorizing to readvertise and solicit proposals to conduct a market survey in Bayonne, NJ.

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A Resolution approving the proposal with Rullo & Juillet Associates, Inc. of Cedar Grove, NJ to file the Authority's 2017 Right to Know Surveys with the State of New Jersey is being prepared for your consideration.

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Respectfully submitted,

John T. Mahon
Executive Director

The following Resolutions were introduced, and considered:

(6408) WHEREAS, the Executive Director of the Housing Authority of the City of Bayonne (the “Authority”) has prepared the attached list of claims and payments (the “List”) for consideration by the Authority Board of Commissioners, and
WHEREAS, the List has been reviewed by the Commissioners,
NOW THEREFORE BE IT RESOLVED that the Chairman or Vice Chairman and the Executive Director be authorized and directed to execute checks for and make the payments hereby approved.

VOTE ON RESOLUTION: 6408.

AYES: Chairman Nolfo, Vice Chairman Sykes, Commissioners Kaczka, and Moriarty.

NAYS: Commissioner Patella, Nardini, and Karczewski.

CARRIED.

Executive Director: Commissioner Patella, you indicated...

Commissioner Patella: At this point, I’d like to propose a resolution that we scrap the request for proposals for General Legal Counsel Services that were previously advertised and go back out to the market after the request for proposals is amended. There seems to be some problems with this document that could lead to litigation. In an effort to try and keep our legal cost down, I think that we can redo the proposals in a fashion that would reduce the possibility, you can never eliminate the possibility, but reduce the possibility of litigation because as it is presently written, as I indicated at caucus, it is problematic. It would just require us to redo the request for proposals, go back out to advertise, and maybe we can also do this online. It’s my understanding that we don’t do these online. And possibly get a better pool of submission than we’ve had this go-round.

Executive Director: That is a motion by Commissioner Patella. Is there a second?

Commissioner Karczewski: Second.

Executive Director: Being a motion and a second, we will call a vote.

AYES: Commissioner Patella, Nardini, and Karczewski.

NAYS: Chairman Nolfo, Vice Chairman Sykes, Commissioners Kaczka, and Moriarty.

MOTION FAILS.

(6402) WHEREAS, the Housing Authority of the City of Bayonne (the “Authority”) published a notice in The Jersey Journal on Saturday, April 22, 2017 and Friday, April 28, 2017 requesting attorneys and law firms to submit proposals to serve as General Legal Counsel to the Authority (“RFP”); and

WHEREAS, at **10:30 AM on Wednesday, May 10, 2017** proposals were received and the Authority’s Executive Director opened the proposals from the following:

PROPOSER

Kathleen Walrod, Esq. of Secaucus, NJ
Raff & Massone of Bayonne, NJ

WHEREAS, the Authority’s Executive Director, Chairman, & Vice Chairman evaluated the proposals received based on evaluation criteria included in the RFP, which included, but not limited to price, and recommends that the Authority accept the proposal of Kathleen Walrod, Esq. of Secaucus NJ, based upon its receiving the highest evaluation score; and **WHEREAS**, it is the conclusion of the Commissioners of the Authority that based upon the proposal submitted by Kathleen Walrod, Esq. of Secaucus, NJ to be the Authority’s General Legal Counsel the selection of Kathleen Walrod, Esq. of Secaucus, NJ is in the best interest of the Authority; and **WHEREAS**, the award of this contract has complied with the fair and open process, established and further defined by N.J.S.A. 19:44A-20.7. Consequently, the provisions of N.J.S.A. 19:44A-20.5 and N.J.S.A. 19:44A 20.26, as to campaign contributions, do not apply to the contract, and **WHEREAS**, the Local Public Contracts Law of the State of New Jersey, N.J.S.A. 40A:11-1 et seq., requires that the resolution authorizing the award of a contract for “Professional Services” without competitive bids and the contract itself must be available for public inspections; **NOW THEREFORE BE IT RESOLVED**, that the appropriate officers of the Authority are authorized and directed to execute the form of contract providing for a one year contract for General Legal & Redevelopment Counsel with Kathleen Walrod, Esq. of Secaucus, NJ as Counsel for the Authority at a base fee for **\$160,000**; and extraordinary rate of \$ 160/hr. for the period from June 1, 2017 to May 31, 2016 and, be it further **RESOLVED**, that this contract has been awarded under competitive proposal procurement procedures, as more fully described at 24 CFR 83.36 and PIH Notice 2003-24, and as a “Professional Services” was not required to be bid under New Jersey Local Public Contract Law” and that a notice of this action shall be published once in an appropriate newspaper of general circulation.

VOTE ON RESOLUTION: 6402.

AYES: Chairman Nolfo, Vice Chairman Sykes, Commissioners Kaczka, and Moriarty.

NAYS: Commissioner Patella, Nardini, and Karczewski.

Commissioner Patella: For the reasons that I set forth with regard to my original request for a motion to pull this, I’m going to vote no. Also, I believe it is an excessive amount for a yearly contract for legal services for a housing authority. There are authorities with many many more units than we have that are paying substantially lower. It’s not... Especially the landlord/tenant area of this contract, it should be sent out for a request for proposals for a flat rate rather than an hourly rate. You’re not splitting the atom with landlord/tenant by any stretch of the imagination. It’s certainly not the most complicated area of practice. And with that in mind, I vote no.

Executive Director: Motion carries.

(6399) **WHEREAS**, the Housing Authority of the City of Bayonne (the “Authority”) has determined that, given the nature and extent of the items discussed and voted upon at its regular meetings, it would be in the Authority’s best interests to adopt a consent agenda format for the purpose of conducting one vote on all routine and un-debated matters; **WHEREAS**, the Authority’s Commissioners have reviewed the items listed on the printed agenda, and determined that all shall be voted on together with one vote, and

WHEREAS, all Commissioners in attendance at this Regular Meeting of the Authority are in agreement with this determination,
NOW THEREFORE BE IT RESOLVED, that the resolutions numbered **6399, 6400, 6401, 6403, 6404, 6405, 6406, and 6407** are hereby adopted, effective immediately, based upon the single vote of the Commissioners.

(6400) RESOLVED, that the Executive Director of the Housing Authority of the City of Bayonne be authorized to advertise and solicit proposals for: **ELEVATOR MAINTENANCE SERVICING**.

(6401) RESOLVED, that the Executive Director of the Housing Authority of the City of Bayonne be authorized to advertise and solicit proposals and qualifications for: **PLANNING SERVICES**.

(6403) WHEREAS, proposals for Fiscal Auditing Services by Independent Public accountants to be rendered to the Housing Authority of the City of Bayonne (the “Authority”) were received on Wednesday, May 10, 2017 at 10:15 AM from the following:

Proposer

Polcari & Co. of Wayne, NJ

WHEREAS, in order to comply with the professional procurement requirements of 24 CFR and HUD’s PIH Notice 90-47, the Authority published a notice in the Jersey Journal on Thursday, April 27, 2017 and Tuesday, May 2, 2017 requesting auditors to submit proposals to provide auditing services to the Authority (“RFP”); and

WHEREAS, the award of this contract has complied with the fair and open process, established and further defined by N.J.S.A. 19:44A-20.7. Consequently, the provisions of N.J.S.A. 19:44A-20.5 and N.J.S.A. 19:44A 20.26, as to campaign contributions, do not apply to the contract, and

WHEREAS, Polcari & Co. based on the evaluation criteria, as prepared by the Executive Director and on file at the Authority, has submitted the only proposal and,

WHEREAS, the Local Public Contracts Law of the State of New Jersey, N.J.S.A. 40A:11 et seq., requires that the resolution authorizing the award of a contract for “Professional Services” without competitive bids and the contract itself must be available for public inspections;

NOW THEREFORE BE IT RESOLVED that the proposal submitted by Polcari & Co. be accepted to conduct the fiscal Audit of the Housing Authority for twelve (12) month period ending June 30, 2017; and be it further

RESOLVED that this contract has been awarded under competitive proposal procurement procedures, as more fully described at 24 CFR 85.36 and PIH Notice 2003-24, and as a “Professional Service” was not required to be bid under New Jersey Local Public Contract Law, and that a notice of this action shall be published once in an appropriate newspaper of general circulation.

(6404) WHEREAS, the Board is of the opinion that the revisions to the Personnel Manual reflect accurately the needs of the Housing Authority;
NOW THEREFORE BE IT RESOLVED that the Board of Commissioners hereby authorizes the adoption of said revisions and amendments to the Personnel Manual; and
BE IT FURTHER RESOLVED that the Board of Commissioners hereby authorizes and directs the appropriate Housing Authority staff to enforce the Personnel Manual accordingly.

(6405) WHEREAS, The Department of Housing and Urban Development (HUD) has established regulations that require the Agency to adopt a written Administrative Plan that establishes local policies of the program in accordance with HUD requirements; and
WHEREAS, 24 CFR 982.54(d) 15 requires that the Agency Administrative Plan must cover PHA policies on the method of determining that rent to owner is a reasonable rent (initially and during the term of a HAP contract); and
WHEREAS, The Department of Housing and Urban Development has established the Section 8 Management Assessment Program (SEMAP) regulations that requires the Agency to demonstrate to HUD that the Agency has and implements a reasonable [24CFR985.3 (b) (3) (a) & (B)]; and
WHEREAS, It is the intent of the Board of Commissioners of the Agency to establish policy that will implement the rules and regulations provided by the Department of Housing and Urban Development with regard to management of a public housing agency; and
WHEREAS, At times amendments to the Plan are warranted; and
WHEREAS, Rent Readiness is a HUD requirement; and
WHEREAS, The Nelrod Company provides such Services and requires Board approval of their Services;
NOW THEREFORE BE IT RESOLVED that the Board of Commissioners hereby approves and adopts the Reasonable Rent Policy on the 16th day of May, 2017. This Policy will take effect immediately.

(6406) WHEREAS, the Housing Authority of the City of Bayonne is potentially looking for projects for redevelopment, and
WHEREAS, it is essential to fully understand markets available in the Bayonne area,
NOW THEREFORE BE IT RESOLVED that the Executive Director is authorized to readvertise and solicit proposals for a market survey.

(6407) WHEREAS, The BHA is required to submit certain information annually and, as required, to the State of New Jersey under the Right To Know Law, and
WHEREAS, Rullo & Juliet has performed such services for the BHA to satisfy all laws and requirements,
NOW THEREFORE BE IT RESOLVED, that the Executive Director enter into an agreement with Rullo & Juliet to perform such services for \$6,089.00.

VOTE ON RESOLUTIONS: 6399, 6400, 6401, 6403, 6404, 6405, 6406, 6407.

AYES: Chairman Nolfo, Vice Chairman Sykes, Commissioners Kaczka, Moriarty, Karczewski, and Patella.

NAYS: None.

CARRIED.

The Chairman opened the floor to anyone in the audience. No response.

Motion made by Commissioner Moriarty and seconded by Vice Chairman Sykes to adjourn.

AYES: Chairman Nolfo, Vice Chairman Sykes, Commissioners Kaczka, Moriarty, Karczewski, Nardini, and Patella.

NAYS: None.

The meeting was then adjourned at 1:10 PM.