

The Caucus of the Housing Authority of the City of Bayonne was scheduled to be held on Thursday, February 9, 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.

The monthly caucus was cancelled due to inclement weather.

Honorable Ludovico Nolfo  
87 Trask Avenue  
Bayonne, New Jersey 07002

Honorable Timothy J. Moriarty  
88 West 31<sup>st</sup> Street  
Bayonne, New Jersey 07002

Honorable Rev. H. Sykes  
28 West 20<sup>th</sup> Street  
Bayonne, New Jersey 07002

Honorable Edward Kaczka  
10 Latourette Place  
Bayonne, New Jersey 07002

Honorable Maria Karczewski  
95 West 39<sup>th</sup> 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, February 14, 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 January 17, 2017 in view of the fact that each Commissioner received a copy of these minutes. Motion made by Vice Chairman Sykes and seconded by Commissioner Karczewski.

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

NAYS: None.

**Members of the Board:**

A Resolution entering into an interlocal agreement with the City of Bayonne to transfer obsolete vehicles to the City of Bayonne.

\* \* \* \* \*

On Tuesday, February 14, 2017 at 11:00 AM bids were received and opened for **MODERNIZATION OF ELEVATORS AT CONSTABLE HOOK VILLAGE 24 & 50 EAST 21<sup>ST</sup> STREET** from the following:

<u>BIDDER</u>	<u>BID AMOUNT</u>
DTM Cesco	\$768,498.00
Standard Elevators	\$861,397.00

A Resolution awarding a contract to DTM Cesco for the modernization of elevators at Constable Hook Village at 24 & 50 East 21<sup>st</sup> Street is being prepared for your consideration.

\* \* \* \* \*

On Tuesday, February 14, 2017 at 11:00 AM bids were received and opened for **INSTALLATION OF STANDBY GENERATORS AT KILL VAN KULL GARDENS AND CENTERVILLE GARDENS** from the following:

<u>BIDDER</u>	<u>BID AMOUNT</u>
Peninsula Electric	\$135,000
ACI Electric	\$146,000
Manor Electric Inc.	\$120,500
Envirocon	\$143,216
DEE-EN Electrical Contracting	\$160,000
SRA	\$115,950

A Resolution awarding a contract to SRA for the installation of standby generators at Kill Van Kull Gardens and Centerville Gardens.

\* \* \* \* \*

Respectfully submitted,

John T. Mahon  
Executive Director

**The following Resolutions were introduced, and considered:**

- (6379) **WHEREAS**, the Bayonne Housing Authority may periodically review its automotive fleet to determine the viability of vehicles and
- WHEREAS**, after a review, it has been determined that five vehicles should be declared and
- WHEREAS**, the Bayonne Housing Authority will seek to dispose of these vehicles and
- WHEREAS**, the Bayonne Housing Authority cooperates with the City of Bayonne on numerous matters and the City has expressed interest in acquiring the obsolete vehicles for their purposes,

**NOW THEREFORE BE IT RESOLVED** that the Executive Director is authorized and directed to execute an interlocal agreement with the City of Bayonne to transfer the obsolete vehicles to the City of Bayonne.

**(6380) WHEREAS**, the Housing Authority of the City of Bayonne (the “Authority”) publicly advertised an Invitation for Bids (the “Invitation”) in THE JERSEY JOURNAL on January 24, 2017 for **MODERNIZATION OF ELEVATORS AT CONSTABLE HOOK VILLAGE 24 & 50 EAST 21<sup>ST</sup> STREET** the (“Project”) and **WHEREAS**, the Invitation for Bids provided interested parties with information on how to acquire plans and specifications (the “Specifications”) for the Project and indicated that the bids would be received and opened at 11:00 A.M. on Tuesday, February 14, 2017 whereupon the bids were opened at the Authority’s office and read aloud as follows:

<u>BIDDER</u>	<u>BID AMOUNT</u>
DTM Cesco	\$768,498.00
Standard Elevators	\$861,397.00

**WHEREAS**, by letter to the Authority’s Executive Director, Mr. John T. Mahon, DTM Inc. of College Point, New York, the Authority’s Architect for the project, stated that his review of DTM Cesco’s bid, indicated that the bidder was a responsible contractor and recommended that the Authority award a contract for the referenced project to this Contractor,

**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

**BE IT FURTHER RESOLVED BY THE COMMISSIONERS OF THE AUTHORITY** that its appropriate officers are hereby authorized and directed to enter into a contract with DTM Cesco to perform the Project in the amount of **\$768,498.00**.

**(6381) WHEREAS**, the Housing Authority of the City of Bayonne (the “Authority”) publicly advertised an Invitation for Bids (the “Invitation”) in THE JERSEY JOURNAL on January 23, 2017 for **INSTALLATION OF STANDBY GENERATORS AT KILL VAN KULL GARDENS AND CENTERVILLE GARDENS** the (“Project”) and **WHEREAS**, the Invitation for Bids provided interested parties with information on how to acquire plans and specifications (the “Specifications”) for the Project and indicated that the bids would be received and opened at 11:00 A.M. on Tuesday, February 14, 2017 whereupon the bids were opened at the Authority’s office and read aloud as follows:

<u>BIDDER</u>	<u>BID AMOUNT</u>
Peninsula Electric	\$135,000
ACI Electric	\$146,000
Manor Electric Inc.	\$120,500
Envirocon	\$143,216
DEE-EN Electrical Contracting	\$160,000
SRA	\$115,950

**WHEREAS**, by letter to the Authority’s Executive Director, Mr. John T. Mahon, Arris Engineering Group of Plains, PA, the Authority’s Architect for the project, stated that his

review of SRA's bid, indicated that the bidder was a responsible contractor and recommended that the Authority award a contract for the referenced project to this Contractor,

**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

**BE IT FURTHER RESOLVED BY THE COMMISSIONERS OF THE AUTHORITY** that its appropriate officers are hereby authorized and directed to enter into a contract with SRA to perform the Project in the amount of **\$115,950**.

**(6382) 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.

**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, (except resolutions numbered **6382**) 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 **6379, 6380, 6381** are hereby adopted, effective immediately, based upon the single vote of the Commissioners.

**Commissioner Patella:** Chairman, I'm going to ask that item number 4 be pulled from the consent agenda.

**Executive Director:** So items 1-3... Are there any questions, Public or Commissioners? All in favor of the consent agenda?

**VOTE ON RESOLUTIONS: 6379, 6380, 6381.**

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

**NAYS:** None.

**CARRIED.**

**Executive Director:** Motion by Commissioner Kaczka to vote on resolution 4. Do I hear a second?

**Commissioner Karczewski:** Second.

**Executive Director:** Second by Commissioner Karczewski. Questions, discussion?

**Commissioner Patella:** Chairman, with regards to the Claims, or the Check Register Report, it appears that if I didn't ask a question, no one would have brought it to my attention that I have a different check register report than the rest of the commissioners. Specifically, page 2 dealing with items 5300 to 5309. All of them have been voided with the exception of 5309. There's been an arbitrary decision, I guess by counsel, to determine that I may have a conflict with regard to voting on a McManimon, Scotland & Baumann bills which I disagree with and I express my objection to not being allowed to see those bills. They're simply bills, I don't know the dollar amount, so I certainly can't vote on those, and with regard to 5309, which is the bill from Kathleen Walrod, Esq. in the amount of \$87,962.02, there's been no backup provided to me and it's also my understanding that none of the other commissioners have that backup. I don't know how anyone can quite frankly vote on a line item in the amount of almost \$88,000 without seeing backup. We don't know if, I don't know, maybe other people do, what the time period is for that invoice, or the services that were rendered included. It's just a simple line item for \$87,962.02 that this board is being asked to vote on without anybody seeing any type of justification. It doesn't make sense, how anybody can expend that type of public funds without knowing exactly what the line items are. So that is why I asked that the Claims List be pulled from the consent agenda.

**Chairman Nolfo:** The objection is recorded. As far as the bills from our attorney is concerned, those are available for review by anyone of us. The backup is available anytime you want to review them.

**Commissioner Patella:** We don't get the claims list, Ludo, until today. So, how do you know what to ask for in advance before you come here for the meeting. With an expenditure of that amount, I think it would be prudent that the commissioners get a backup with regard to that kind of expenditure of public funds.

**Commissioner Nolfo:** As far as the backup, as I mentioned, it can be reviewed by us at any time. We can even ask before we vote on it.

**Kathy Walrod:** Yes, the bills are submitted on a monthly basis, and as the board is aware, there is a monthly amount in accordance with the contract and then there's any additional that is extraordinary amounts. Those bills come in on a monthly basis. In the past, I think four or five months, there has been some hold up in terms of payment, but the bills come in on a regular monthly basis. The amount that has not been included, and the only amount that has not been in Commissioner Patella's bill, or Claims List, is the amount that was expended in the litigation for the South Shore amount. Anything that was involved in either the negotiations of South Shore or the actual settlement negotiations is not included in Commissioner Patella's bill because there is a belief, and that is a belief, I believe, of the Board, that there is a conflict. Commissioner Patella says that he has a legal opinion to the contrary. I have invited him to submit his position to the Commissioner of the Department of Community Affairs. He's welcome to do that. The only two items missing from his claims list are the bills for special counsel from McManimon & Scotland, which are not on his bill, and my special counsel amount, which is under \$8000, which is for, approximately, 5 or 6 months worth of bills. All of the other bills that you have on today's are an accumulation I believe of 5 or 6, maybe 7 months, of bills that are on here today. The bills are all billed on a monthly basis, I don't know why they were accumulated on this bill but the backup is there and available to every commissioner. They come in on a monthly basis and are reviewed by Justin McClary who is the fiscal person in my office. If that clears that up for anyone.

**Executive Director:** I just want to add, in addition to Ms. Walrod, the accumulation that you're referring to, when the situation first came to discussion about any potential conflict, the chairman and I had spoken that we were just going to hold any of Kathy's bills at that point. So that's why they came to fruition now. We didn't address the situation at previous meetings by not putting them on the agenda. That's why. They were on the agenda for now. If that makes sense or if I need to explain it further.

**Commissioned Patella:** So are the other commissioners' claims lists... Do they indicate a payment to Ms. Walrod in excess of \$87,000?

**Kathy Walrod:** No.

**Commissioner Patella:** So everybody, so where is the extra \$8,000?

**Kathy Walrod:** There was a separate claim for any litigation that is pursuant to the South Shore litigation.

**Commissioned Patella:** And that would be ...

**Kathy Walrod:** It does not appear on your list.

**Commissioned Patella:** So in other words...

**Kathy Walrod:** It's a separate billing item. It does not get billed under the general litigation. It is a separate billing category.

**Commissioner Patella:** Okay, so these line items that are not included on mine would include, for example, the additional \$8,000 that your office is requesting?

**Kathy Walrod:** As I'm saying, it's under that amount. I could not tell you what the amount is. It's under that.

**Commissioner Patella:** It would have to be on somebody else's. What would that number be?

**Kathy Walrod:** I couldn't tell you, and nor would I tell you, because I don't believe it's relevant to this matter, nor do I believe it's proper in this setting. You have the right to believe differently, and as I say, you're welcome to seek an opinion from the DCA.

**Commissioner Patella:** Maybe I should just rephrase it. The commissioners other than myself then would be voting on a different number, would they not?

**Kathy Walrod:** They're voting on a claims list. You can vote or not vote. I think that you can call the vote at this point.

**Commissioner Patella:** If you could just answer my question. Are they voting on a different number than what I have in front of me?

**Kathy Walrod:** No.

**Commissioner Patella:** So their check register report does not include payments to McManimon & Scotland...

**Kathy Walrod:** They do.

**Commissioner Patella:** So they would be voting on a different number.

**Kathy Walrod:** They're voting on a different claims list.

**Commissioner Patella:** I was provided with a claims list, that, had I not objected, would have been on the consent agenda.

**Kathy Walrod:** Yes.

**Commissioner Patella:** And yet it wouldn't have been the... If I had voted yes, I would be voting on a different number.

**Kathy Walrod:** Yes. As you were told, the only two items that are not on your claims list are the bill from McManimon & Scotland and the litigation expense for me for the South Shore litigation, which you, as counsel for South Shore, during the period of time when those bills were incurred, since you represented South Shore until December the 7<sup>th</sup> of 2016, and these bills are from a period prior to December 7<sup>th</sup>, 2016 you were conflicted out of.

**Commissioner Patella:** Well, I don't agree with the conflict.

**Kathy Walrod:** You may not agree, but that's the position.

**Commissioner Patella:** I don't. But the question becomes, had I not objected to item number 4 being included in the consent agenda, and I voted yes, I would be voting on a-

**Kathy Walrod:** That's a question for the Chairman. I have explained the situation. That's a question for the chairman.

**Commissioner Patella:** Let's simplify it. Let's look at the... What is the bottom line number on your check register report?

**Kathy Walrod:** Just call the- We're getting into an area that's unnecessary. Just call the resolution.

**Commissioner Patella:** I'm asking a question. Why is it unnecessary?

**Chairman Nolfo:** It's a different claims list. This is strictly with you.

**Commissioner Patella:** I understand. All I'm asking for is, on page 3 of the check register report, at the very end, it says Total For This Report. What is your number, Ludo?

**Chairman Nolfo:** At this time, all I can say is that any specifics can be discussed at a later time.

**Commissioner Patella:** We're being asked to vote on something here today. I just want to know what the total for the-

**Kathy Walrod:** And everybody can register their vote.

**Chairman Nolfo:** The number that you have is the Attorney's service for the Housing. Nothing to do with Post Road. So whatever number you vote there is for whatever service she provided for the Housing.

**Commissioner Patella:** Still not answering my question.

**Chairman Nolfo:** Which is based on her contractual agreement with us.

**Commissioner Patella:** Still not answering my question. The total of the report that the rest of the commissioners are voting on. What is that total?

**Chairman Nolfo:** That's different.

**Commissioner Patella:** Different? What do you mean it's different?

**Chairman Nolfo:** What you have there is... What you vote on is going to be based upon what you have in front of you.

**Commissioner Patella:** That still doesn't answer my question. If the rest of the commissioners vote on-

**Vice Chairman Sykes:** The object of excluding those numbers from your report is to keep those numbers out of your general knowledge because we feel that there is a conflict. You say that there is no conflict. The claims list that you're voting on includes all payments submitted by the Housing Authority including those that went through McManimon & Baumann and those extra payments that went to our general counsel for helping us with Post Road Gardens. Now, what you're approving or disapproving is a claims list that you have excluding those two numbers. What we're approving or disapproving is the claims list we have including those two numbers. You've been excluded because we feel there's a conflict. Now, you can either accept that or reject it. You can vote for or against. You can abstain, or you can come back and argue it again, but at this point, that's how we have to do it. Until we get some clarity on it, we think that there's a conflict. Until someone tells us that there is no conflict, we have to go with that.

**Commissioner Patella:** Okay, but the number that you're voting on-

**Vice Chairman Sykes:** Is what we're voting on. What you're voting on is what you're voting on.

**Commissioner Patella:** Okay, but the number that you're voting on, why isn't that number public information?

**Vice Chairman Sykes:** It is public information.

**Commissioner Patella:** So if you're voting on it, why can't you tell me what that number is?

**Vice Chairman Sykes:** Because we feel that you have conflict.

**Commissioner Patella:** Everybody else in the City of Bayonne, if they were sitting in this audience-

**Vice Chairman Sykes:** Everybody in the City of Bayonne doesn't sit on the Housing Authority to approve a claims list.

**Commissioner Patella:** They also are entitled to know the amount of public funds-

**Vice Chairman Sykes:** That's public knowledge. If you wanna go back, and apply for that and get it, you can do that. As a private citizen. As a commissioner, we're gonna keep that out of your purview until someone tells us that we can give it to you. Till that happens, we're not gonna share that with you.

**Chairman Nolfo:** At this time, I'm going to call for a dysfunction[*inaudible*] and you may vote any way you wish to vote accordingly.

**Executive Director:** Individual vote.

**VOTE ON RESOLUTION: 6382.**

**Chairman Nolfo:** Yes.

**Vice Chairman Sykes:** Aye.

**Commissioner Kaczka:** Aye.

**Commissioner Moriarty:** Aye.

**Commissioner Karczewski:** Aye.

**Commissioner Nardini:** Aye.

**Commissioner Patella:** No. (Abstaining on the Bayonne Board of Education Check)

**Executive Director:** So moved. Vote recorded. Mr. Chairman, we're done with the regular order of business, I turn it over to you.

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

Motion made by Commissioner Karczewski 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 1:20 p.m.