

MINUTES OF REGULAR CAUCUS MEETING – April 16, 2018

Minutes of Scheduled Caucus Meetings of the Board of Commissioners of the Housing Authority of the Town of West New York, in the County of Hudson, State of New Jersey held in the office of the Housing Authority at 6100 Adams Street, West New York, New Jersey 07093 on December 18, 2017.

Secretary Robert DiVincent called the scheduled meeting to order at 7:30 p.m.

ADEQUATE NOTICE OF THIS SCHEDULED MEETING HAS BEEN PROVIDED BY WAY OF THE SCHEDULED CAUCUS MEETINGS, SCHEDULED REGULAR MEETING, AND THE ANNUAL RE-ORGANIZATIONS MEETINGS DATED DECEMBER 18, 2017 POSTED ON THE BULLETIN BOARD, FORWARDED TO THE JERSEY JOURNAL, THE BERGEN RECORD, EL ESPECIALITO, AND THE CLERK OF THE TOWN OF WEST NEW YORK.

All Commissioners were present with the exception of Chairman Parkinson and Commissioner Alcantara.

Mr. DiVincent referred to item #3 – Minutes of previous schedule meeting dated March 19, 2018 asking if there were any corrections, additions, comments or questions.

Mr. DiVincent then referred to items #4 through #6 – Claims–General Fund Program, Capital Fund Program and Section 8/WTW Program, asking if there were any corrections, additions, comments or questions. There were none.

With regard to Item # 7 New Business

Resolution No. 2018-013- Resolution of the Housing Authority authorizing agreement for employment of Robert DiVincent as executive director.

Resolution No. 2018-019- Award Fee Accounting Services Contract to William Katchen, CPA.

Resolution No. 2018-020- Approval of Union Contract Negotiations (October 1, to September 30, 2018).

Resolution No. 2018-021- Approval of audit for the Housing Authority of the West New York FYE- 9/30/2017

Resolution No. 2018-022- Authorizing and approving amendment to the April 17, 2006 lease with West New York Housing Corporation Urban Renewal Associates II, L.P.

Resolution No. 2018-023- Resolution to continue Special Legal Services for specified labor matters.

At this time Vice-Chairperson Roque made a motion to adjourn and Commissioner Rueda seconded.

Meeting adjourned at 7:37 p.m.

Respectfully Submitted,

Robert A. DiVincent,
Secretary

MINUTES OF REGULAR MEETING APRIL 16, 2018

Minutes of Scheduled Regular Meeting of the Board of Commissioners of the Housing Authority of the Town of West New York, in the County of Hudson, State of New Jersey held in the office of the Housing Authority at 6100 Adams Street, West New York, New Jersey 07093 on December 18, 2017.

Secretary Robert DiVincent called the meeting to order at 8:00 p.m.

ADEQUATE NOTICE OF THIS SCHEDULED MEETING HAS BEEN PROVIDED BY WAY OF THE SCHEDULED CAUCUS MEETING, SCHEDULED REGULAR MEETING AND THE ANNUAL RE-ORGANIZATION MEETING DATED DECEMBER 19, 2016 POSTED ON THE BULLETIN BOARD, FORWARDED TO THE JERSEY JOURNAL, THE BERGEN RECORD, EL ESPECIALITO, THE CLERK OF THE TOWN OF WEST NEW YORK

Saluted the Flag

The roll was called as follows:

PRESENT: Vice-Chairperson Roque, Commissioner Fernandez, Commissioner Fuentes, Commissioner Scheurle, Commissioner Rueda and Frank Leanza.

ABSENT: Chairman Parkinson and Commissioner Alcantara

At this time Mr. DiVincent referred to item # 3 - Minutes of Previous schedule meeting dated March 19, 2018.

Board was asked to approve as presented. Said motion was made by Vice-Chairperson Roque and seconded by Commissioner Rueda. The roll was called as follows:

YEAS Vice-Chairperson Roque, Commissioner Fernandez, Commissioner Fuentes, Commissioner Scheurle, Commissioner Rueda

NAYS: None

At this time Mr. DiVincent referred to items #4- Claims – General Fund, #5- Claims – Capital Fund Program #6 – Claims – Section 8 Voucher Program. Asking for a motion to accept as presented. Said motion was made by Commissioner Fuentes and seconded Commissioner Fernandez. The roll was called as follows:

YEAS: Vice-Chairperson Roque, Commissioner Fernandez, Commissioner Fuentes, Commissioner Scheurle and Commissioner Rueda

NAYS: None

At this time Mr. DiVincent referred to Item #7

At this time Resolution No. 2018-013

WHEREAS, THE WEST NEW YORK HOUSING AUTHORITY (hereinafter ‘Authority’) is a public body, duly formed under the LOCAL REDEVELOPMENT AND HOUSING LAW, L. 1992, C. 79 as amended (Chapter 12A-1 of Title 40A of the New Jersey Statutes Annotated) and possesses the power set forth therein; and

WHEREAS, pursuant to N.J.S.A. 40A-12A-18, and as approved by the Department of Community Affairs, Division of Housing and Community Resources, the Authority has had a renewing five (5) year employment contract with its Executive Director, Robert A. DiVincent since October 14, 1999; and

WHEREAS, the Authority’s Chairman has completed the Performance Evaluation as required by the existing employment contract.

NOW, THEREFORE, BE IT RESOLVED that the Authority’s Chairman and its assistant secretary, are authorized to execute, on behalf of the Authority, an Agreement of the form attached hereto, with the Authority’s Executive Director, Robert A. DiVincent.

Mr. DiVincent asked if there were any questions, there were none. Since there were none, he asked for a motion to approve. Said motion was made by Commissioner Fuentes and seconded by Fernandez. The roll was called as follows:

YEAS: Vice-Chairperson Roque, Commissioner Fernandez, Commissioner Fuentes, Commissioner Scheurle and Commissioner Rueda

NAYS: None

At this time Resolution No. 2018-019 was read as follows:

WHEREAS, THE WEST NEW YORK HOUSING AUTHORITY (hereinafter ‘Authority’) is a public body, duly formed under the LOCAL REDEVELOPMENT AND HOUSING LAW, L. 1992, C. 79 as amended (Chapter 12A-1 of Title 40A of the New Jersey Statutes Annotated) and possesses the power set forth therein; and

WHEREAS, the Authority caused to be published a Request for Proposals for Fee Accountant Services, in compliance with HUD procurement regulations; and

WHEREAS, on March 27, 2017 the Authority received a proposal from **William Katchen, CPA**,

WHEREAS, the Authority accepted a bid from:

	Annual Fee	Principal Hourly Rate
William Katchen	\$65,400.00	\$175.00 per hour

WHEREAS, pursuant to the Request for Proposals and HUD procurement regulations, the proposal was received and scored by the Authority’s Review and Evaluation Committee, consisting of Executive Director Robert A. DiVincent, Consultant Richard Keefe with the William Katchen, CPA being the only bidder

NOW, THEREFORE, BE IT RESOLVED that the Authority hereby awards a contract for Fee Accounting Services to **William Katchen, CPA** for an amount not to exceed \$65,400 in accordance with HUD regulations, the Request for Proposals and for a period of one (1) year, August 1, 2018 to July 31, 2019.

BE IT FURTHER RESOLVED that the Authority Chairman and Executive Director are hereby authorized and empowered to take whatever action may be necessary and execute any documents that may be required, on behalf of the Authority, after consultation with legal counsel, to effectuate the purposes of this Resolution.

Mr. DiVincent asked if there were any questions, there were none. Since there were none, he asked for a motion to approve. Said motion was made by Vice-Chairperson Roque and seconded by Commissioner Rueda. The roll was called as follows:

YEAS: Vice-Chairperson Roque, Commissioner Fernandez, Commissioner Fuentes, Commissioner Scheurle and Commissioner Rueda

NAYS: None

At this time Resolution No. 2018-020 was read as follows:

WHEREAS, THE WEST NEW YORK HOUSING AUTHORITY (hereinafter ‘Authority’) is a public body, duly formed under the LOCAL REDEVELOPMENT AND HOUSING LAW, L. 1992, C. 79 as amended (Chapter 12A-1 of Title 40A of the New Jersey Statutes Annotated) and possesses the power set forth therein; and

WHEREAS, Agreement between the West New York Housing Authority and Communications of America – 10/1/2017 – 9/30/2020 has been negotiated and approved by the membership; and

WHEREAS, The West New York Housing Authority has budgeted in accordance with the propose agreement

Therefore be it resolved, that the agreement as attached be and hereby is approved and that the Director be authorized to sign such agreement.

Be it further resolved, that the attached agreement once executed be copied and distributed to the membership.

Mr. DiVincent asked if there were any questions, there were none. Since there were none, he asked for a motion to approve. Said motion was made by Commissioner Fuentes and seconded by Commissioner Scheurle. The roll was called as follows:

YEAS: Vice-Chairperson Roque, Commissioner Fernandez, Commissioner Fuentes, Commissioner Scheurle and Commissioner Rueda

NAYS: None

At this time Resolution No. 2018-021 was read as follows:

WHEREAS, THE WEST NEW YORK HOUSING AUTHORITY (hereinafter ‘Authority’) is a public body, duly formed under the LOCAL REDEVELOPMENT AND HOUSING LAW, L. 1992, C. 79 as amended (Chapter 12A-1 of Title 40A of the New Jersey Statutes Annotated) and possesses the power set forth therein; and

WHEREAS, N.J.S.A. 405A:5A-15 requires the governing body of each local authority to cause an annual audit of its accounts to be made, and

WHEREAS, the annual audit report for the fiscal year ended September 30, 2017 has been completed and filed with the Local Finance Board of the State of New Jersey pursuant to N.J.S.A. 40A:5A-15, and

WHEREAS, N.J.S.A. 40A:5A-17, requires the governing body of each Authority to, within 45 days of receipt of the annual audit, certify by resolution to the Local Finance Board that each member thereof has personally reviewed the annual audit report, and specifically the sections of the audit report entitled :General Comments” and by the Local Finance Board, and

NOW THEREFORE BE IT RESOLVED, that the governing body of the Housing Authority of West New York hereby certifies to the Local Finance Board of the State of New Jersey that each governing body member has personally reviewed the annual audit report for the fiscal year ended September 30, 2017 and specifically has reviewed the section of the audit report entitle “Notes to Financial Statements”, “Supplemental Information” and “Findings and Recommendations” and has evidenced same by group0 affidavit in the form prescribed by the Local Finance Board.

BE IT FURTHER RESOLVED, that the secretary of the Authority is hereby directed to promptly submit to the Local Finance Board the aforesaid group affidavit, accompanied by a certified copy of this Resolution.

Mr. DiVincent asked if there were any questions, there were none. Since there were none, he asked for a motion to approve. Said motion was made by Commissioner Rueda and seconded by Commissioner Fernandez. The roll was called as follows:

YEAS: Vice-Chairperson Roque, Commissioner Fernandez, Commissioner Fuentes, Commissioner Scheurle and Commissioner Rueda

NAYS: None

At this time Resolution No. 2018-022 was read as follows:

WHEREAS, THE WEST NEW YORK HOUSING AUTHORITY (hereinafter ‘Authority’) is a public body, duly formed under the LOCAL REDEVELOPMENT AND HOUSING LAW, L. 1992, C. 79 as amended (Chapter 12A-1 of Title 40A of the New Jersey Statutes Annotated) and possesses the power set forth therein; and

WHEREAS, Housing Authority of the Town of West New York, in the County of Hudson (the “**Authority**”) is a public body, duly formed under the Local Redevelopment and Housing Law, L. 1992 of Title 40A of the New Jersey Statutes Annotated and possesses the powers set forth therein; and

WHEREAS, the Authority is a party to a lease dated April 17, 2006 between the Authority as lessor and West New York Housing Corporation, a Not for Profit Corporation, (the “**Corporation**”) as lessee, (the “**Lease**”), for property owned by the Authority and currently known as Block 34, Lot 7.02 (the “**Demised Premises**”); and

WHEREAS, the Corporation’s rights and obligations under the Lease were assigned to and assumed by WNYHC Urban Renewal Associates II, L.P. (the “**LP**”) as authorized by Authority Resolution No. 2007-052 dated October 22, 2007; and

WHEREAS, the Lease was amended by Lease Amendment between the Authority and the LP, dated October, 2007 (the “**Amendment**”), which amendment, among other terms, authorized the construction by the LP of a portion of a low income senior citizen housing project and a portion of a parking deck on the Demised Premises and stated that a portion of the parking deck would be used by the residents of Kennedy Tower senior citizen housing project located on Lot 7.01, immediately adjacent to the Demised Premises; and

WHEREAS, the Authority and LP desire to clarify the number of parking spaces in the parking deck to be allotted to the residents of Kennedy Tower by way of a Second Amendment to the Lease, in the form attached hereto.

NOW, THEREFORE BE IT RESOLVED by the Housing Authority of the Town of West New York, in the County of Hudson as follows:

1. The aforesaid recitals are incorporated herein as if set forth at length.
2. Consent, authorization and ratification are granted for the Second Amendment to the Lease, in the form attached hereto.
3. The Chairman and/or Executive Director are hereby authorized and directed on behalf of the Authority to execute such documents as may be required to effectuate the provisions of this Resolution, including the execution of the Second Amendment to the Lease, in the form attached hereto. Any actions taken by the Chairman and/or Executive Director in furtherance of the provisions of this Resolution are hereby ratified.
4. All previous Resolutions and/or orders and directives of the Authority which are contrary or inconsistent with the terms of this instant Resolution are hereby rescinded, repealed and otherwise deemed ineffectual to the extent of their inconsistency.
5. This Resolution shall take effect immediately.

Mr. DiVincent asked if there were any questions, there were none. Since there were none, he asked for a motion to approve. Said motion was made by Commissioner Rueda and seconded by Fuentes. The roll was called as follows:

YEAS: Vice-Chairperson Roque, Commissioner Fernandez, Commissioner Fuentes, Commissioner Scheurle and Commissioner Rueda

NAYS: None

At this time Resolution No. 2018-023 was read as follows:

WHEREAS, THE WEST NEW YORK HOUSING AUTHORITY (hereinafter ‘Authority’) is a public body, duly formed under the LOCAL REDEVELOPMENT AND HOUSING LAW, L. 1992, C. 79 as amended (Chapter 12A-1 of Title 40A of the New Jersey Statutes Annotated) and possesses the power set forth therein; and

WHEREAS, the West New York Housing Authority (hereinafter ‘Authority’) issued a Request For Proposal (“RFP”) to provide legal services for the period of October 1, 2016 through September 30, 2017; and

WHEREAS, Scarinci & Hollenbeck, LLC (hereinafter ‘Attorney’) submitted a proposal which was accepted by the Authority; and

WHEREAS, the Authority and Attorney entered into an Agreement which expired on September 30, 2017; and

WHEREAS, the Attorney has been substantially engaged in and developed significant knowledge of the factual and legal issues associated with the various matters set forth below and it would be economically inefficient to have the Authority’s labor counsel to start anew on those matters; and

WHEREAS, the Authority extended Attorney's contract, by Resolution adopted on October 16, 2017, to represent the Authority with regard to the following matters:

1. Active collective bargaining agreement negotiations;
2. Active personnel matters involving leaves of absences;
3. Pending request to the NJ Division on Pension and Benefits concerning retroactive pension contributions; and

WHEREAS, the Authority designated a not to exceed amount of \$10,000 for the above work; and

WHEREAS, the Authority desires to continue the Attorney's representation of the Authority with regard to the following matters:

1. Concluding Collective Bargaining Agreement negotiations and Memorandum of Agreement;
2. Drafting Collective Bargaining Agreement; and

WHEREAS, the legal fees, excluding costs, for the representation in the above preceding two matters shall not exceed \$4,000.

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Authority do hereby increase the not to exceed amount by an additional \$4,000 for Special Legal Services Labor Issues with the Attorney, for the express purpose of representing the Authority with regard to the above two designated matters.

Mr. DiVincent asked if there were any questions, there were none. Since there were none, he asked for a motion to approve. Said motion was made by Commissioner Fuentes and seconded by Fernandez. The roll was called as follows:

YEAS: Vice-Chairperson Roque, Commissioner Fernandez, Commissioner Fuentes, Commissioner Scheurle and Commissioner Rueda

NAYS: None

At this time Mr. DiVincent informed the Board that closing day for the RAD Program should be before next meeting.

At this time Mr. DiVincent asked if there were any corrections, additions, comments or questions. There were none.

At this time Vice-Chairperson Roque made a motion to adjourn and Commissioner Rueda seconded.

Meeting adjourned at 7:37 p.m.

Respectfully Submitted,

Robert A. DiVincent
Secretary