

R E C E I V E D
JUL 5 2013

ACTON HOUSING AUTHORITY
BOARD OF COMMISSIONERS MEETING
68 WINDSOR AVENUE, ACTON MA 01720
MINUTES
APRIL 23, 2013

TOWN CLERK, ACTON

- Present: Bernice Baran, Ken Sghia-Hughes, Dennis Sullivan and Robert Whittlesey
- Absent: Nancy Kolb
- Also Present: Kelley Cronin
- Attending: Janet Adachi

Mr. Whittlesey called the meeting to order at 4:15 p.m.

1. Ms. Baran made a motion which was seconded by Mr. Sghia-Hughes and unanimously voted in the affirmative to:

Approve the minutes of the March 26, 2013 meeting.

2. Ms. Cronin went over the Contract for Financial Assistance (CFA) with the Department of Housing and Community Development (DHCD) for the Chapter 705 State Aided Housing Program for the period of June 30, 2013 through June 30, 2014. Mr. Sullivan made a motion which was seconded by Mr. Sghia-Hughes and unanimously voted in the affirmative to:

To approve the resolution authorizing the CFA (a copy of which is attached to the minutes).

Ms. Cronin let the Board know that a resident passed away in a unit at Windsor Green. The staff discovered her and a hazardous waste company needed to be used to remove the flooring and plumbing fixtures in the bathroom. The cost for the unit turnover will be high. Ms. Cronin let the Board know that the Town social worker and public health nursing have been very helpful in providing services to one of the Housing Choice Voucher participants who is very sick. Ms. Cronin updated the Board on the Windsor Green neighbor meetings. Ms. Cronin let the Board know that the maintenance staff was back at capacity.

3. Ms. Cronin let the Board know that the Vinyl Composition Tile (VCT) Replacement Project at Windsor Green was advertised for bids. Ms. Baran made a motion which was seconded by Mr. Sullivan and unanimously voted in the affirmative to:

Authorize the Executive Director to enter into a contract with the lowest qualified bidder for the VCT Replacement of the common hallways at Windsor Green.

Ms. Cronin let the Board know she would also be advertising the Furnace and Sump Pump Replacement Project at 27 Concord Road. Mr. Sullivan made a motion which was seconded by Ms. Baran and unanimously voted in the affirmative to:

Authorize the Executive Director to enter into a contract with the lowest qualified bidder for the Furnace and Sump Pump Replacement at 27 Concord Road.

Ms. Cronin presented the quotes for real estate services from Acton Real Estate, Coldwell Banker and Colonial Homes. All proposed a commission of 5% of the sale of the units at 48 Great Road. Mr. Sullivan made a motion which was seconded by Ms. Baran and unanimously voted in the affirmative to:

Authorize the Executive Director to hire Acton Real Estate for real estate services in the sale 48 Great Road, units 11 and 12.

Ms. Cronin updated the Board on the proposed development at 62 Windsor Avenue. Ms. Cronin let the Board know that residents and neighbors had called and wanted to know the Board's position on the development. The Board decided that since the development did not require any variances and was "as of right" there was not a role for them to play in the process.

4. Ms. Cronin discussed the process for Grievance Hearings. The AHA currently has a grievance panel, an Acton Housing Authority tenant, Acton resident and Housing Authority Director. Ms. Cronin reviewed the DHCD regulations and recommended policies. Ms. Cronin recommended changing the process to a one person Hearing Officer as opposed to a panel in order to maintain the confidentiality of housing authority residents. Mr. Sullivan made a motion which was seconded by Ms. Baran and unanimously voted in the affirmative to:

Approve the attached Grievance Hearing Policy and appoint Judi Lincicum as the Hearing Officer for the Acton Housing Authority with Julie Torres and Robert Larkin as alternate hearing officer.

5. Ms. Cronin reviewed the construction schedule for Sachem Way with the Board. Mr. Sghia-Hughes let the Board know that the Community Preservation Act Funding letters would be going out soon. He said the funding would be restricted to the siding only. Ms. Baran updated the Board on Acton Community Housing Committee issues.
6. Ms. Baran made a motion which was seconded by Mr. Sullivan and unanimously voted in the affirmative to:

Approve the March voucher (monthly list of accounts payable) as presented.

The meeting was adjourned.

Respectfully submitted,


Kelley A. Cronin
Executive Director

Attachments for the April 23, 2013 meeting:

Minutes of the March 26, 2013 meeting, List of Commission quotes from realtors, Real Estate Contract for 48 Great Road, units 11 and 12, Copy of Architect Drawings for Siding and Roof Replacement at Sachem Way, Existing Grievance Panel Policy and Recommended New Policy (from DHCD), Sachem Way Construction Schedule, Acton Beacon article on Sachem Way LEED for Homes, DHCD Memo on 705 CFA extension, CFA for 705 units, Board Resolution for 705 CFA Extension, March voucher

The following resolution was introduced by Robert Whittlesey, read in full and considered:

1396.

RESOLUTION AUTHORIZING CONTRACT FOR FINANCIAL
ASSISTANCE FOR DEVELOPMENT 705-1 FOR
FOR STATE-AIDED HOUSING PROGRAM

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE MEMBERS
OF THE ACTON HOUSING AUTHORITY, AS FOLLOWS,

Section 1. The Authority shall enter into a contract with the Commonwealth of Massachusetts in the form submitted at this meeting and contract in the name of Acton Housing Authority under its corporate seal, and the Secretary is hereby authorized to attest to the same.

Section 2. The Authority hereby requests the Director of the Department of Housing and Community Development (Commissioner of the Department of Community Affairs) enter into such contract with the Authority and the Commonwealth of Massachusetts to approve such contract.

Section 3. The Officers of this Authority shall be, and they are hereby authorized and directed, on and after the execution of said contract by the respective parties thereto, to do and perform on behalf of the Authority all acts and the things required of the Authority to perform fully all of its obligations there under.

Section 4. This resolution shall be effective immediately. Dennis Sullivan moved that the foregoing resolutions be adopted as introduced and read, which motion was seconded by Ken Sghia-Hughes, and upon roll call the "Ayes" and "Nays" were as follows:

4 Ayes

0 Nays

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

Grievance Procedure Provisions for a Single Hearing Officer

(1) Appointment of Hearing Officers and Jurisdiction. This grievance procedure adopted by Acton Housing Authority (LHA) requires a hearing and determination of a matter subject to the procedure by a single hearing officer. The hearing officer shall be appointed to serve for a term not to exceed seven years and shall serve all residents of state-aided public housing in the city or town and participants in the Massachusetts Rental Voucher Program (MRVP) and the Alternative Housing Voucher Program (AHVP) who hold vouchers administered by the LHA, except for those persons who are subject to an different grievance procedure.

Under this procedure the LHA shall from time to time nominate one or more persons to serve as hearing officer(s) to preside at and conduct hearings and to render prompt and reliable written determinations of matters at issue. The LHA shall submit its written nomination(s) for hearing officer(s) to each affected Local Tenant Organization (LTO). Each nomination shall include a resume of the nominee and the length of the term for which he or she is nominated. Within five days of receipt of a nomination any affected LTO may make a written request to the LHA to interview the nominee. Following such a request for an interview by an affected LTO, the LHA shall make prompt arrangements for an interview between the nominee and the LTO(s) which made the request. Within thirty days after the receipt of a nomination or within five days after its interview of a nominee, whichever is later, any affected LTO may approve or disapprove the nominee by giving written notice to the LHA. A notice of disapproval shall include the specific reason(s) why the LTO disapproved the nominee. If all affected LTO(s) shall approve a nominee or if no affected LTO shall disapprove a nominee within the requisite time, the nominee shall thereupon become a hearing officer upon written acceptance mailed or delivered to the LHA which shall notify the LTO(s).

Each hearing officer shall annually certify to the LHA that he or she is ready, willing and able to serve; failure to so certify within ten (10) days of receipt of a written request by the LHA shall render the hearing officer's position vacant.

(2) Impartiality of the Hearing Officer. A hearing officer or a member of his or her family shall not have and shall not appear to have any direct personal or financial interest in the outcome of any matter before him or her. No hearing officer shall be related by blood or marriage to any party or to any person who gives evidence as to facts which are disputed by the parties. No hearing officer may determine matters which directly concern his or her own housing or the housing of a family member or his or her own status or the status

of a family member in that housing. Each hearing officer shall determine any matter at issue impartially and objectively on the basis of the evidence and applicable law. Any hearing officer, who shall be or shall appear to be unable to determine any matter impartially and objectively shall remove himself or herself as hearing officer, whether or not he has been requested to do so.

(3) Removal of the Hearing Officer. A hearing officer may be permanently removed from office at any time for inefficiency, neglect of duty, willful and material delay of proceedings, bias or partiality. The LHA and the affected LTO(s) may agree on removal after notice to the hearing officer and the opportunity for him or her to be heard. In the absence of agreement, the Department may remove a hearing officer for cause upon a request by the LHA or the LTO. Prior to removing a hearing officer, the Department shall require a detailed written specification of the reason(s) for removal and, if it finds the specification to set out good and sufficient cause, shall give the hearing officer, the LHA and the LTO(s) the opportunity to be heard. The Department's decision whether to remove a hearing officer shall be in writing mailed to the hearing officer, the LHA, and the LTO(s). If a written specification fails to detail good and sufficient cause for removal, the Department shall deny a request for removal without a hearing.

(4) Appointments of Interim Hearing Officers. If there shall not be a hearing officer able and willing to serve for one or more pending matters and if use of the appointment process in section (1) of this grievance procedure would likely cause significant delay with potential adverse consequences to either the LHA or the grievant, the LHA with notice to the affected LTO(s) may request that an interim hearing officer be named by the Department. Such a request shall be in writing and shall specify the reason for the request. The affected LTO(s) shall be given a reasonable opportunity to comment on the request. If the Department finds there to be a reasonable need for an interim hearing officer, the Department shall name an interim hearing officer. The Department may name a previously disapproved nominee to serve as interim hearing officer if it finds that the LTO's stated reasons for disapproval did not constitute good and sufficient cause for disapproving the nominee.

An interim hearing officer shall have all the powers and duties of a hearing officer and shall serve in the pending matters for which he or she was appointed. An interim hearing officer may be nominated by an LHA to be hearing officer in the manner set out herein.

(5) Scheduling. The LHA shall be responsible for scheduling and other administrative matters, including all necessary notices.

(6) Procedural Provisions. The provisions of 760 CMR 6.08 (4) are incorporated by reference into this grievance procedure. These provisions include: (a) the provisions regarding the time and method for initiating a grievance; (b) the requirement of a pre-hearing informal settlement conference between grievant and the LHA about the grievance; (c) the provisions regarding the LHA's setting a hearing date and giving notice to grievant; (d) the grievant's right to inspect relevant documents and to secure copies before the grievance hearing; (e) the provisions regarding who may be present at the grievance hearing; (f) the procedural requirements for the conduct of grievance hearings; and (g) the requirements regarding a written decision following the grievance hearing.

1399.

Approved April 23, 2013