

ITEM D

**HOUSING AUTHORITY OF THE CITY OF PASSAIC
BOARD OF COMMISSIONERS' SPECIAL MEETING
MARCH 4, 2020**

PLACE: Community Room
299 Gregory Avenue
Passaic, New Jersey 07055

READING OF THE OPEN PUBLIC MEETINGS ACT:

As required by NJSA 10:4-6 et seq. known as the Open Public Meetings Act, notice of this meeting was provided in the following manner: On February 28, 2020 notice of this meeting specifying the date, time and location was sent for publishing to the Herald News and The Record. Notice was also posted at all HACP sites.

COMMISSIONERS - PRESENT: Delmis Fernandez
Alan Juszcyk
Beatrice Johnson
Henry Navarro
Majin Zuniga
L. Daniel Rodriguez
Ronald Van Rensalier

ABSENT:

STAFF MEMBERS PRESENT: Glenny Candelaria
Nataly Hernandez
Pamela Mitchell
Vincent Wynter

Meeting opened at 6:05 p.m.

ROLL CALL:

Commissioner Juszcyk: Present; Commissioner Johnson: Present; Commissioner Fernandez: Present; Commissioner Navarro: Present; Commissioner Van Rensalier: Present; Commissioner Zuniga: Present; Chairman Rodriguez: Present.

RESOLUTIONS

THE FOLLOWING ITEMS WILL BE CONSIDERED BY THE BOARD OF COMMISSIONERS OF THE HOUSING AUTHORITY OF THE CITY OF PASSAIC AS CONSENT AGENDA ITEMS. ANY MEMBER OF THE BOARD MAY REQUEST THAT ANY ITEM BE REMOVED FROM THE CONSENT AGENDA AND BE CONSIDERED SEPARATELY. ALL REMAINING ITEMS WILL BE CONSIDERED TOGETHER.

CHAIRMAN RODRIGUEZ ASKS IF THERE ARE ANY RESOLUTIONS ANY COMMISSIONER WOULD LIKE TO CONSIDER SEPARATELY.

Commissioner Juszcyk asked that Resolution 2020-24 and 2020-25 be considered separately.

2020-24 RESOLUTION AUTHORIZING AN AWARD OF A CONTRACT TO ROGUT MCCARTHY, LLC FOR LEGAL SERVICES FOR LANDLORD/TENANT MATTERS FOR A PERIOD OF ONE (1) YEAR AT AN ANNUAL FEE OF TWENTY-FIVE THOUSAND DOLLARS (\$25, 000) AND SERVICES OUTSIDE THE SCOPE OF WORK WILL BE BILLED THE HOURLY RATE OF ONE HUNDRED FIFTY DOLLARS (\$150) PER HOUR.

A motion was made by Commissioner Navarro, seconded by Commissioner Johnson, to approve Resolution 2020-24.

- Commissioner Juszcyk: I'm hoping that all the commissioners are aware of the process when we take requests for proposals. After they're received, there's an evaluation system to evaluate all the proposals. One hundred (100) points would be the maximum. It covers a lot of things. Fifteen points is the price of the proposal in this case. Familiarity with programs within the Housing Authority, including the Section 8 program, etc. In looking over the resolution, I see that for the landlord/tenant matters the legal firm that's listed in the resolution did not achieve the highest rating. They only received a seventy-nine (79) rating vs 93.67 for Breslin & Breslin, which was the highest one. I was wondering why the second was chosen rather than the first one. The first one had the highest total. Since these evaluations are done by professionals who work daily in Housing, and they should know what to look for on the proposals on who to choose. Is there any type of answer on why the one who finished second was chosen over the one who finished first?
- Chairman Rodriguez: From what I know, Breslin & Breslin's contract was terminated. So we were going into a different direction. It wouldn't make any sense for us to go back to Breslin & Breslin if we terminated them. They had a right to put in a proposal, but we were going in a different direction than that.
- Commissioner Juszcyk; Since you said at the last meeting that you were going to conduct business in an open and transparent way, what were the problems with the last counsel for landlord/tenant matters?
- Chairman Rodriguez: Like I said, we were going in a different direction. I wanted to have new attorneys here. We've had an attorney here for a number of years and nothing to compare it to base if it is a good job or not a good job happening. So as Chairman, I wanted to, and this Board voted on it, on having the termination of the contract. We want to give somebody else a shot to see what exactly we're getting from the landlord/tenant.

- Commissioner Juszcyk: In this case, we gave four attorneys a shot. They were all evaluated, and the attorney that's in the resolution was only the second highest. There's nothing that precludes we can't pick the same attorney we just terminated if there's no specific problems, that you state, with the last attorney. You haven't convinced me that there's a problem with the last attorney.
- Chairman Rodriguez: Like I said, it was brought before and we decided to go in a different direction with our attorneys. Any other questions?
- Commissioner Navarro: Being that the scoring system isn't based on the cheapest, as Juszcyk said it's only 15 percent of the score, correct?
- Commissioner Juszcyk: Did you ever see an evaluation sheet before?
- Commissioner Navarro: I've seen them before, yes. I'm familiar with it. I don't know what was used for this particular scoring. I'm just asking. But the contract, the annual retainer, what is that? Is that just a contract not to exceed? From what I see, we picked cheapest on both ends. Not that cheap service is what we want.
- Chairman Rodriguez: There's a couple things within the policy. It's not just based on price. It's based on quality and value of what you're getting.
- Commissioner Johnson: Since the agenda was moved around and I'm the Resident Commissioner, I just wanted to make it aware that a lot of residents have reached out about this particular resolution and losing Terry as the representative for the Housing. Because when he goes to court he represents the Housing well, but he's also compassionate. He's built a professional, and sometimes personal, relationship with our residents and they feel very comfortable with keeping Breslin & Breslin as the landlord/tenant and they have reminded me on this issue.
- Chairman Rodriguez: Change is never easy, especially when you've had someone in a position for a very long time. You don't know if you'll have something better, until you try something different. This is the direction that I brought before the Board. The contract is just for a year, just to see what's out there. I'm not saying that Breslin & Breslin was not a good attorney or didn't do what they had to do with the residents.

On roll call vote: Commissioner Juszcyk: Nay; Commissioner Johnson: Nay; Commissioner Fernandez: Aye; Commissioner Navarro: Aye; Commissioner Van Rensalier: Aye; Commissioner Zuniga: Aye; Chairman Rodriguez: Aye.

MOTION: RESOLUTION 2020-24 APPROVED.

2020-25 RESOLUTION AUTHORIZING AN AWARD OF A CONTRACT TO ERIC M. BERNSTEIN & ASSOCIATES, LLC FOR ORDINARY LEGAL SERVICES FOR A PERIOD OF ONE (1) YEAR AT AN ANNUAL FEE OF FORTY-FIVE THOUSAND SIX HUNDRED DOLLARS (\$45,600) AND SERVICES OUTSIDE THE SCOPE OF WORK WILL BE BILLED AT ONE HUNDRED TWENTY DOLLARS (\$120) PER HOUR.

A motion was made by Commissioner Van Rensalier, seconded by Commissioner Fernandez, to approve Resolution 2020-25.

- Commissioner Juszcyk: On this resolution for ordinary legal services, it's even more glaring of the score. The law firm mentioned in this resolution actually had the lowest score. Again, Breslin & Breslin was number one. The one mentioned in this

resolution was last. Why are we using the time of the professionals to do the evaluation system, if we're not listening to the professionals who work Monday through Friday in Housing? Why are we not listening to them on their scoring before we choose an attorney? None of us Commissioners work five days a week in Housing like the people who did the evaluation. Wouldn't they have daily interaction and daily reasons for doing the scoring? Why are we saying to them that their evaluations don't count and we're just going to pick whoever for whatever? Again I ask, what was the problem with the last counsel for ordinary legal services?

- Chairman Rodriguez: In this case, I believe that it's about value. Bernstein & Bernstein is our labor counsel. I've dealt with him in the past. He's always been responsive to what our needs are. I believe he brings the most value already having the labor component of labor attorney.
- Commissioner Juszcyk: Terry wasn't responsive to you?
- Chairman Rodriguez: From my dealings, I think we need to go in a different direction.
- Commissioner Johnson: I see that the prices are different. What's that rationale if this is something that's going to be flagged by HUD? Do we have something to justify why we're going with Bernstein?
- Chairman Rodriguez: According to HUD's handbook, awarding doesn't necessarily have to be solely on the lowest price.

- Commissioner Juszcyk: The Chairman wasn't persuasive enough to convince me to vote yes on this. He gave no valid reason for me to vote yes. He stated he wanted to be open and fair during his tenure, but I don't see any open and fairness with this so I'm going to vote no.

On roll call vote: Commissioner Juszcyk: Nay; Commissioner Johnson: Aye; Commissioner Fernandez: Aye; Commissioner Navarro: Aye; Commissioner Van Rensalier: Aye; Commissioner Zuniga: Aye; Chairman Rodriguez: Aye.

MOTION: RESOLUTION 2020-25 APPROVED.

REMARKS BY CITIZENS

The following was read: In accordance with the Open Public Meetings Act (N.J.S.A. 10:4-1 et seq.) The Housing Authority of the City of Passaic opens every public meeting for comments from the public. Each person choosing to speak at the meetings will be limited to five minutes, to speak on any subject, on or off the agenda. All speakers must state their name and address for the record. However, in accordance with N.J.S.A. 10:4-12 "nothing in this Act shall be construed to limit the discretion of a public body to permit, prohibit or regulate the active participation at any meeting"

Therefore, please be advised that the Housing Authority of the City of Passaic will not entertain any comments from persons who communicate obscene material, make statements which are considered bias intimidation in which a person intends to intimidate any individual or group because of race, color, religion, gender, handicap, sexual orientation or ethnicity or makes comments intending to harass or speak in any offensive language. The person who makes these statements will relinquish their allotted five minutes for public discussion. Any person who

persists in speaking out of turn, or interrupts the peace and order of the meeting will be escorted off the premises.

Evelyn T. Robinson – 222 Sixth St. Apt. 2D: There are two elected officials here. I've seen you run for office. When you talk about transparency, and to move to public portion after you've done your vote is disrespectful to us. Those of us who took the time to come here to not even hear what we have to say before you take your vote on a matter that is crucial to live here. It is disrespectful and I expected better from the Chairman, particularly when you took office and said there was going to be transparency and openness. The disrespect was transparent. You spoke about the quality of work. How would you know about the quality of work when you don't know what the person has done? Where is that experience as far as dealing with residents, legal services and they scored so low. Passaic has now gotten into this recycling of professional services. I remember what happened one year. A young lady that graduated from Passaic High School got her law degree. She was slated to become the lawyer for Passaic BOE. Her family was there that night and she was so excited. She wasn't even going to take a salary from the Board of Ed. She was very qualified. Who did they pick? The one who is sitting there right now, who's linked in with the City. You guys have got to be careful. You're not giving a good look as far as what you're supposed to be doing, as for as the Housing Authority is concerned and as an elected Board. I know you're recording; I'm recording, too. I will be recording from now on.

- *Chairman Rodriguez: We've done it in the past, where a commissioner may have asked that the resolutions be done first. We've always granted that in other meetings prior to this meeting. It was not meant in any disrespect.*

Rene Griggs – 23 Aspen Pl. Apt. 6C: I, too, am a little put off with this Board. Be very careful in your invocations what you pray for. You said in the prayer, I watched every one of you nod your head in agreeance with the prayer, that you will look out for my best interest. I will be looking out for my own best interest, also. I don't make threats. I just state cases. If I don't like what's going on, the IGs will be attending the next meeting. Mr. Juszcyk, I always have so much respect for you. You do ask questions. Thorough questions to let me know that you are really concerned. Beatrice, thank you because you did convey what we asked you to convey.

A motion was made by Commissioner Navarro, seconded by Commissioner Fernandez, to close the *Remarks by Citizens* portion of the meeting.

On roll call vote: Commissioner Juszcyk: Aye; Commissioner Johnson: Aye; Commissioner Fernandez: Aye; Commissioner Navarro: Aye; Commissioner Van Rensalier: Aye; Commissioner Zuniga: Aye; Chairman Rodriguez: Aye.

ADJOURNMENT

6:29 p.m.

Respectfully submitted,

Pamela Mitchell
Executive Director

