



NOVEMBER MINUTES
NOVEMBER 18, 2024
Approved on December 16, 2024

Members of the Northampton Housing Authority met via “Zoom” on Monday, November 18, 2024 at 5:30 p.m.

The Chairperson called the meeting to order at 5:30 P.M.
Upon Roll Call, those present and absent were as follows:

PRESENT: Chairperson Carney; Vice-Chairperson Richards; Commissioner Brooks; Commissioner Jones & Commissioner Tarbutton-Springfield.

ABSENT: Commissioner Cancel.

ALSO PRESENT: Cara Leiper; Sharon Kimble; Attorney Tom O'Connor; Stephen Dupont; Danielle McColgan; Jose Cruz & Gary DePace.

BOARD REVIEW OF M. PUNCH GRIEVANCE

Vice-Chairperson Richards is the hearing panel Chair. The resident is not present; we will ask our Attorney as how to proceed.

Attorney O'Connor – I reviewed the language and it doesn't require his presence, I think we need to go forward with the review of the decision even though he is not here.

Chairperson Richards – if we are on the grievance panel do we also participate as Board members?

Attorney O'Connor – there is nothing that says you don't. I have been around for over 20 years and we have never had one of these, this is the first one. I don't see any reason why not.

Commissioner Tarbutton-Springfield – I request we wait until after public comment.

Agreed upon by the Board.

PUBLIC COMMENT

MCDONALD RESIDENT – people came and checked to see if everything was working, there were things that didn't work and I had notes for them. No one has gotten back to me and none of the issues were addressed. Pest control came and the first thing I know the property manager helped herself to my apartment, it was just weird. I did what the letter said, made the counters accessible, then she writes a letter citing codes, she did it for several people and it caused undue stress and anxiety, it could have been handled differently. I am curious as to what kind of human rights training the employees have? Sometimes I feel like we are treated less than. I would like to know at the next meeting. The woman's last name is Sanchez. She threatened people and it is not cool.

SALVO RESIDENT – at the last meeting issues were raised about having an investigation come in. I think our Board needs to listen to our tenants and follow through on that. Many tenants have psychiatric issues and some addictions. If someone says there is bullying it warrants an independent investigation because NHA is responsible for the lives and well-being of our tenants. I urge my fellow equal Board members to initiate an independent investigator to come in and examine these very serious allegations. Salem brought in a law firm –Discrimination and Harassment Solutions, LLC. headed by Regina M. Ryan. The main complaint was staff against a particular commissioner who also served as Chair, a tenant commissioner. I think it is something that needs to be looked into. Are we adhering to that legal term concept of clean hands? Hopefully those who are bringing charges are doing so without incentives, rewards, prompts. Tenants have a lot of issues here and many are vulnerable to be preyed upon.

49 Old South Street, Suite 1 • Northampton, MA • 01060



exploited, groomed, we need to look into that because that is beyond an ethics violation and possible even legal issues here. My concern is when one party is glorified or defied in some way and another party is vilified, that is a red flag. I have been on the Board for four years and I have never filed a legal complaint against NHA. I have believed in mediations and trainings that we have gone to.

MEMBER OF THE PUBLIC – on behalf of residents and in general statewide residents in public housing not just state, but federal housing and their right to organize. All tenant organizing comes from the bottom up, it doesn't come from the top down and that is just the way it is. If there are LTO events or meetings that happen in the City all should be welcome, those are public meetings. There are never, ever any private executive meetings between the ED and the LTO officers without members knowing about it and being told about it in an emergency 48 hours in advance and it is the obligation of the ED to always be redirecting members, the officers, back to their people. I want to stress the arrangement that happened with Hatfield was done incorrectly and the LTO at Salvo has hinted at this but I think they feel responsible, but it is ultimately the responsibility of the ED to say you have to give your people a 48-hour notice because this is an emergency to take a vote and that did not happen. It was one of the first PHN's that went out early in the year. Code of conduct for State and Federal officials under 268A, a code of conduct in terms of relationships, the appropriateness of relationships, conflicts of interest. The State has lots of training for that and I think that needs to be considered. Absence of a discussion on the PMR during the annual plan for 2025, which is to be included and there would have been no confusion with Hatfield, they would have known ahead of time about this PMR that still has not been made public and still has not been addressed by the Board. It is the bare minimum, it has nothing to do with operations, what I see and hear are staff shortages, people not wanting to stay because they find it a difficult work environment and I am greatly concerned about residents and the safety of women in public housing.

MCDONALD RESIDENT- I thank her for speaking on our behalf.

MEMBER OF THE PUBLIC – a resident called me today and said children were starting fires behind the buildings and right now we are having brush fires all over the state.

EXECUTIVE DIRECTORS REPORT

Cara read the report with updates.

Commissioner Tarbutton-Springfield – it is the October NHA meeting, not November.

APPROVAL OF THE OCTOBER 2024 REGULAR MINUTES

Commissioner Jones put forth the motion to approve, seconded by **Vice-Chairperson Richards**.

VOTING YAY: Chairperson Carney; Vice-Chairperson Richards; Commissioner Brooks & Commissioner Jones.

VOTING NAY: Commissioner Tarbutton-Springfield.

ABSENT: Commissioner Cancel.

Therefore, Chairperson Carney approved the October 2024 minutes.

UNFINISHED BUSINESS

FY2023 AUP CORRECTIVE ACTION PLAN – COMPLETED ITEM CLOSED.

Cara Leiper – on 10/24/24 I received an email from EOHLIC, Carolina Gonzalez, informing me that the AUP has been completed and is closed.

NEW BUSINESS



RESOLUTION 2024-8 - FY25 BUDGET AS PREPARED BY FEE ACCOUNTANT GARY DEPACE.

There were questions asked by Commissioner Tarbutton-Springfield that were answered by Gary DePace and Cara.

Commissioner Brooks put forth the motion to approve, seconded by Vice-Chairperson Richards.

VOTING YAY: Chairperson Carney; Vice-Chairperson Richards; Commissioner Brooks & Commissioner Jones.

VOTING NAY: NONE

ABSTAIN: Commissioner Tarbutton-Springfield.

ABSENT: Commissioner Cancel.

Therefore, Chairperson Carney approved the Resolution.

MOTION

ACCEPT FIRST QUARTER (SEPTEMBER) FINANCIALS AS PREPARED BY FEE ACCOUNT GARY DEPACE.

Commissioner Brooks put forth the motion to approve, seconded by Vice-Chairperson Richards.

VOTING YAY: Chairperson Carney; Vice-Chairperson Richards; Commissioner Brooks & Commissioner Jones.

VOTING NAY: Commissioner Tarbutton-Springfield.

ABSENT: Commissioner Cancel.

Therefore, Chairperson Carney approved the Motion.

MOTION

APPROVE FY25 FEDERAL PUBLIC HOUSING FLAT RENT

Commissioner Brooks put forth the motion to approve, seconded by Vice-Chairperson Richards.

VOTING YAY: Chairperson Carney; Vice-Chairperson Richards; Commissioner Brooks & Commissioner Jones.

VOTING NAY: Commissioner Tarbutton-Springfield.

ABSENT: Commissioner Cancel.

Therefore, Chairperson Carney approved the Motion.

Commissioner Tarbutton-Springfield – I have a question on Florence Heights being family housing. Cara Leiper – Florence Heights is federal housing.

PRESENTATION – PERFORMANCE MANAGEMENT REVIEW (PMR) RESULTS

Cara Leiper – on 11/12/24 I received our results and we received very high marks. On the State side there were no findings – all programs 667, 705 and 200 and cumulative. The occupancy rate was reviewed. Chad Howard went and chose a percentage of units to physically inspect and there were no findings. CFA – no findings. CHAMP criteria – there is operational guidance on vacancies being put into EOHLC housing system within 30 days of vacancy rate. No findings on physical conditions report or work order turnovers. There were a couple of health and safety issues, a resident took the batteries out of a smoke detector, we were required to fix it within 24 to 48 hours, we fixed those during the inspection and completed the work orders. I thank and congratulate the staff for all of the hard work it took to make sure that happened. It is hard work that they do every single day, and it is hard work that they do to scramble around to get the work done just to pass this. So thank you staff, I appreciate it.

Chairperson Carney – I also want to thank the staff and the Executive Director.

Vice-Chairperson Richards – I read the report and it was amazing. It is a very complicated and hard thing. I want to thank Cara and the staff, quite amazing team work by everyone. Thank you so much.



Cara Leiper – this is a biannual review now; it doesn't happen every year. This is published when it is done.

BOARD REVIEW OF MELVIN PUNCH GRIEVANCE

Vice-Chairperson Richards – on September 19, 2024 at 1:00 p.m. we met in the McDonald House Conference room and it was also a zoom meeting. Present were Dr. Jessica Bossie an impartial member, myself, Commissioner Brooks, tenant, elderly and disabled Commissioner.

We met with Mr. Punch and ruled in favor of our understanding of the regulation and the law which was in favor of the Housing Authority and it was unanimous. Mr. Punch has decided to bring it forward for more discussion to the Board which is absolutely his right. I would turn it over to Director Leiper and Attorney O'Connor on what our role is and how we should conduct ourselves.

Cara Leiper – I think the letter of November 12, 2024 did a good job summarizing it but in case some of you didn't get a chance to read it because it is a public hearing, I think Attorney O'Connor will agree that I should probably read it into the record.

Attorney O'Connor – yes, just so there is some factual basis for what the Board is considering because as it stands right now there is nothing on the record regarding what the Board is actually considering.

Chairperson Carney – once we have heard this letter read into the record, it will be upon the Board then to either uphold the grievance committee or not.

Cara Leiper – your options are: to uphold, set aside, or modify the grievance panel's decision.

Chairperson Carney – I will ask for a motion and then turn it over to the Board for a vote.

Cara Leiper then read the letter.

Commissioner Tarbutton-Springfield – when was the case filed with MCAD?

Attorney O'Connor – late October 2024.

Commissioner Tarbutton-Springfield – I assume he is elderly – was he eligible for an elderly income exclusion?

Cara Leiper – this has nothing to do with his elderly exclusion.

Commissioner Tarbutton-Springfield – I am no so in cahoots, I guess in agreement that the grievance panel is fair, impartial, independent, etc. One thing I do remember seeing according to law PHN and EOHLC that notices of grievance flyers should be available in all common areas on all properties. I have never seen that in the 10 years that I have been here. I asked about this, got an email in 2023 that the flyers were being pulled down, she put them in her office, I assume for safe keeping. At Salvo we have billboards with plexiglass with a key. Notices should be readily available, my part is I am wondering about that, it doesn't surprise me as a tenant that notification may be an issue with that and when you go to court we can say we covered our bases and with complying with rules. I am going to set aside this because I think this is an inherent deficit with tenants in dealing with grievance and the grievance panel. I don't think this is fair to him.

Cara Leiper – in every document sent to him the grievance procedures were written.

Commissioner Tarbutton-Springfield – overall you don't keep grievance policies, you don't have that available. From a tenants' standpoint it doesn't seem fair.

Chairperson Carney – your disagreement with upholding this is your general disagreement with the way that this agency let's tenants know about the grievance policy.

Vice-Chairperson Richards – In all fairness that is why this is coming before the Board tonight because it is the tenants' right to disagree with the grievance committee and therefore bring it to the Board as a whole. The grievance committee did their best in considering the law. I think part of us always sympathizes with people's grievances, but we must go by the law and regulation. This is his right and it is being heard tonight. Depending on our decision he can take it further if he wants, that is his right and I respect that.



Commissioner Jones – I read and studied all the materials. The strength of the decision is that the committee sent it back to EOHLC and asked for an opinion. This is a decision that wasn't made solely by the grievance committee of NHA, they asked for outside support and legal interpretation.

The decision was so clearly spelled out in some of the correspondence that they actually color coded it and anybody on the Board could read that. I think it is pretty clear that the way the law is currently structured and one can debate the law, this is for an interpretation of a ruling based on the existing law. I basically support the decision of the grievance committee and I will leave it there.

Attorney O'Connor – the issue on the grievance policy and notice to tenants, it is clear as a bell that Mr. Punch knew the grievance process and fully exercised his rights to a grievance hearing and continues to exercise his rights under the lease with respect to a hearing here, he clearly knew his rights that he had under the grievance policy. The second point I am going to use the word clear. The issue here is applying the facts of this case to the regulation. The facts being Mr. Punch gets a monthly annuity that was triggered as a result of a disability he received at work and the question is – is that annuity includable in the terms of the rent calculation. The regulation couldn't be more clear, it uses the word annuity, but we reached out to EOHLC just to make sure before we made that decision, literally everybody that has looked at this – the senior property manager, my opinion, the Executive Director, Carolina Gonzalez from EOHLC and the grievance panel, it should be included. In my opinion it couldn't be more clear, this income is includable with respect to his income calculation. I fully understand he doesn't want it included, that makes perfect sense to me but by applying the facts to the regulation there is really only one answer- it has to be included, it would be unfair to anyone who has other various types of income that gets included because the regulation requires it. The regulation requires that this income be included. The fact that it wasn't in the past, that was a mistake on our part, it doesn't mean that it shouldn't be going forward. The way it was handled by the ED was incredibly fair to Mr. Punch by not pursuing a retroactive payment. I would suggest we would have been on very good legal footing to do that, but it was our mistake. I suggest to the Board this is a clear one, this income should absolutely be included under the regulation, it uses the exact language of what the payment is – a monthly annuity payment.

Commissioner Tarbutton-Springfield – why couldn't we have tabled this? I like the part about exhausting all possibilities and tried once again. I don't feel comfortable doing that because he is not here and I do understand the legal ramifications. I want it all to be above board, above reproach and that concept of clean hands. I want that to feel comfortable voting so that is why I am firmly setting this aside.

MOTION

UPHOLD, SET ASIDE OR MODIFY GRIEVANCE PANEL DECISION

Commissioner Brooks put forth the motion to approve, seconded by **Commissioner Jones**.

VOTING YAY: Chairperson Carney; Vice-Chairperson Richards; Commissioner Brooks & Commissioner Jones.

VOTING NAY: Commissioner Tarbutton-Springfield.

ABSENT: Commissioner Cancel.

Therefore, Chairperson Carney approved the Motion.

NOTE – Commissioner Cancel joined the meeting at 7:08 p.m.

Chairperson Carney – Manna Kitchen is offering meals to folks at Edwards Church from 12-3 on Thanksgiving Day. I wish everyone a happy holiday.



**NORTHAMPTON
HOUSING AUTHORITY**

Commissioner Tarbutton-Springfield put forth the motion to adjourn the November 18th meeting at 7:09 p.m. seconded by Vice-Chairperson Richards. All were in favor.