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LOWELL HOUSING AUTHORITY  
BOARD OF COMMISSIONERS MEETING  
June 8, 2022

Mercier House  
21 Salem Street  
Lowell, Massachusetts

--- Reported by Jacqueline P. Travis ---

1 Board of Commissioners:

2 Philip L. Shea, Chairman

3 Mony Var, Vice Chairman

4 Joanie L. Bernes, Commissioner

5 Matt Marr, Commissioner

6 Rodney Elliott, Commissioner

7

8 Lowell Housing Committee:

9 Gary K. Wallace, Executive Director

10 Adam J. Garvey, Assistant Executive Director,

11 Chief Operating Officer

12 Sherry Giblin, Chief Financial Officer

13 Kevin J. Murphy, General Counsel

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Mr. Shea: The meeting will come to order.  
Thank you.

Welcome to the Lowell Housing Authority Board of  
Commissioners meeting which is, as you know, being  
held today on June 8th. And with that being the  
case, I will ask the clerk to call the roll of the  
commissioners.

Mr. Wallace: Commissioner Marr.

Mr. Marr: Here.

Mr. Wallace: Chairman Shea.

Mr. Shea: Present.

Mr. Wallace: Vice chairman Var.

Mr. Var: Yes.

Mr. Wallace: Commissioner Bernes.

Ms. Bernes: Yes.

Mr. Wallace: Commissioner Elliott.

Mr. Elliott: Here.

Mr. Wallace: Five present.

Mr. Shea: Thank you.

The next item on the agenda is Item Number  
2, resident correspondence.

Mr. Wallace: I have none, Mr. Chairman.

1 Mr. Shea: Thank you.

2 Item Number 3 is resident organization.

3 Mr. Wallace: None present.

4 Mr. Shea: Thank you. Before we go to Item  
5 Number 4, I want to also recognize the general  
6 counsel of the Lowell Housing Authority, Attorney  
7 Kevin Murphy is present, here with us. I'd like that  
8 to be stated into the record.

9 With respect to subcommittee reports, I  
10 understand that Attorney Murphy has something to say  
11 about subcommittees.

12 Mr. Murphy: Yes. Thank you very much,  
13 Mr. Chairman and the commissioners of the Board.  
14 Apparently an issue has arisen last -- arose last  
15 week relative to subcommittee meetings and necessity  
16 to post those subcommittees just --

17 Mr. Shea: You have to speak up, Kevin.

18 Mr. Murphy: I'm sorry. The issue is  
19 relative to subcommittees and the necessity to  
20 advertise those subcommittees, just like we advertise  
21 the regular minutes of the Board of Commissioners.

22 First of all, it's an Open Meeting Law in  
23 the Commonwealth of Massachusetts. And that law is  
24 designed to make sure that boards such as this one

1 publically advertise their meetings, allow the public  
2 to attend those meetings and participate in those  
3 meetings, to take minutes of those meetings, and to  
4 approve those minutes after they are presented to the  
5 full board for consideration.

6 The real question is when it comes to subcommittees.  
7 And it's always been my opinion that the  
8 subcommittees of the Lowell Housing Authority were  
9 not subject to the Open Meeting Law. And the reason  
10 I said that is that the subcommittees of the Lowell  
11 Housing Authority are comprised of two members. If  
12 you read the definitions of the Open Meeting Law,  
13 they talk about a meeting of a public body that is  
14 subject to a deliberation by a quorum of that body.  
15 So from my reading of this law, and what has been my  
16 advice for years, is that a quorum of this board is  
17 --

18 Mr. Shea: First of all, you're going down  
19 the road too quickly. Why don't you tell the -- why  
20 don't you tell us how this all came about and why are  
21 you telling us about the Open Meeting Law.

22 Mr. Murphy: Sure. I believe it was last  
23 Thursday I received an email from Adam Garvey asking  
24 me if the capital planning subcommittee, which was

1 meeting, needed to be publicly advertised according  
2 to the Open Meeting Law. I told him, I said you  
3 know, it's always been my opinion that it didn't.  
4 But to tell you truth, my job is to protect the Board  
5 of Commissioners. And what I think doesn't matter.  
6 What the attorney general thinks is what matters.

7           So I suggested to Adam that I would contact  
8 the attorney general and receive her office's opinion  
9 relative to subcommittees. That's how it came about.  
10 So I did contact the Attorney General's Office and I  
11 did receive an opinion from the attorney general  
12 relative to subcommittees of two members and whether  
13 they were subject to the Open Meeting Law.  
14 As I said, on the definition of the Open Meeting Law  
15 is a public body must, in my opinion the definition  
16 says it should be a quorum that are going to  
17 deliberate on an issue. That meant to me that since  
18 there were five members of this Board, you had to  
19 have a meeting of three members to be subject to the  
20 Open Meeting Law because that's a quorum of this  
21 Board.

22           The attorney general disagrees with me. The  
23 attorney general's opinion is that any subcommittee  
24 meeting is a public body and subject to the Open

1 Meeting Law.

2           So now I must advise this Board that any  
3 subcommittees, whether -- no matter how many members  
4 are on the subcommittee, must publicly advertise that  
5 meeting. They must allow the public to participate  
6 in that meeting, unless it's subject to an exemption  
7 under the executive session aspect.

8           So an executive session aspect to exclude  
9 the public would be like, you know, collective body  
10 negotiations, litigation. We've gone into executive  
11 session about litigation.

12           So if it doesn't follow one these exemptions  
13 then the board, that subcommittee must -- not should,  
14 but must publically advertise the meeting. They must  
15 allow the public to attend. They must take minutes  
16 of the meeting. And those minutes should be  
17 subsequently approved by the full Board of  
18 Commissioners of the Housing Authority.

19           So it's something that's different from what  
20 we've been doing in the past. I don't necessarily  
21 agree with it, but like I say, what I think doesn't  
22 matter. But according to the attorney general,  
23 that's what we're going to have to do in the future.

24           So it is going to be time consuming, and



1 we're going -- I mean I think as far as taking  
2 minutes, we're going to have to get an employee of  
3 the Housing Authority to attend the meeting to take  
4 minutes. And then publish those minutes and have  
5 them approved by the Board.

6 I hope that addresses the issue. Is there  
7 any questions?

8 Mr. Shea: I would open up any questions of  
9 the members of the Board that have any question for  
10 Attorney Murphy with respect to his explanation.  
11 I have a question. How long has this rule been on  
12 the books?

13 Mr. Murphy: For what, the Open Meeting Law?

14 Mr. Shea: Right.

15 Mr. Murphy: Has to be 25 years.

16 Mr. Shea: And you never heard of it before?

17 Mr. Murphy: I never heard of -- no, I heard  
18 of the opening meeting.

19 Mr. Shea: But you never heard of this rule?

20 Mr. Murphy: Right. I never heard of this  
21 rule.

22 Mr. Shea: So Mr. Director, did you know  
23 anything about this?

24 Mr. Wallace: Yeah, I knew the Open Meeting

1 Law and as Attorney Murphy said, we operated under  
2 the advice and opinion at that time that we didn't  
3 have a quorum so that it wasn't necessary to have a  
4 public meeting.

5 Mr. Shea: Okay. So if you -- first of all,  
6 thank you for letting me know over the weekend about  
7 what transpired in the background, but let's just put  
8 that aside.

9 If you go into a subcommittee meeting and can't have  
10 three members, as you said, because that's a  
11 violation, but you have two members of the  
12 subcommittee, and that's why we have two member  
13 subcommittees, because we can't have three.

14 To have three -- that's what you've been  
15 telling us for the last three years, and everything  
16 we're done has been under your guidance and approval.

17 Mr. Murphy: Yup.

18 Mr. Shea: And all of the sudden, out of the  
19 blue Friday, and I didn't know about it until  
20 Saturday night, which is okay, now we can't do it the  
21 way we used to do it because it's been suggested that  
22 we're in violation of the Open Meeting Law, which is  
23 okay. However, let's just work through the process.

24 The subcommittee of two meets to discuss

1 capital planning. And they can't discuss capital  
2 planning unless it's been posted for how many -- how  
3 many days? You have not told us.

4 Mr. Murphy: 48 hours.

5 Mr. Shea: And so if we post -- you have to  
6 just work through that. Tell us how that happens,  
7 posting.

8 Mr. Murphy: Well --

9 Mr. Shea: Give a little more explanation as  
10 to the process. Because we have five subcommittees,  
11 which is part of our bylaws, and so explain to us,  
12 for the record, what to do.

13 So when the executive committee meets we  
14 know what to do. When the capital planning committee  
15 meets, they know what to do. When the residential  
16 committee meets, they know what to do. So you have  
17 to explain to us how do you do what you do?

18 Mr. Murphy: So when the subcommittee  
19 decides that they're going to schedule a meeting,  
20 they would pick a date and time for that meeting.

21 Mr. Shea: Right.

22 Mr. Murphy: And 48 hours before that  
23 meeting is -- it will be publicly advertised as a  
24 meeting of the subcommittee.

1           Mr. Shea: Explain to us what publicly  
2 advertised means. You got to get down --

3           Mr. Wallace: Posting in city hall.

4           Mr. Murphy: You have your posting at city  
5 hall. If you go out to city hall, there's a big  
6 board there and there's all these postings of  
7 meetings.

8           Mr. Shea: So we have to -- on a Friday we  
9 have to notify city hall, the clerk's office that  
10 there's going to be a public meeting on the finance  
11 subcommittee, and it's going to take place on Monday  
12 at such and such a time.

13           Mr. Murphy: Right. And he'll post it.

14           Mr. Shea: So that's clear. Okay. If you  
15 tell them on Friday it's going to be a public hearing  
16 on Monday at 6 o'clock in the morning or 7 o'clock at  
17 night, that's all you have to do?

18           Mr. Murphy: Yup.

19           Mr. Shea: Okay. So now you have the  
20 hearing, and this is hypothetical, I think it's  
21 important that we understand, now you have this  
22 public hearing, you notify -- you notified city hall  
23 on a Friday and you tell them we're going to have a  
24 public meeting on the finance committee on Monday.

1 Does Saturday and Sunday count for those three days?

2 Mr. Murphy: Yes.

3 Mr. Shea: Okay. So now you have a meeting,  
4 and how does myself and Mony Var, as we have  
5 executive hearing -- executive committee meeting and  
6 we want to talk to the director about a subject  
7 matter. We go to the meeting and the meeting starts  
8 at 9 o'clock. The public's been notified, they  
9 didn't show up. So one person can show up at that  
10 conference room or they can, I suppose, or 45 times  
11 five is 225 people can show up. Then we have to  
12 change the meeting over to here.

13 Mr. Murphy: Right.

14 Mr. Shea: So now you open up the meeting at  
15 9 o'clock, and this is important because I have a  
16 feeling that this may happen. Now you have a meeting  
17 and since the executive committee is going to meet  
18 with the director, Mony Var and the chairman, because  
19 under our bylaws the chairman names the committees,  
20 ten minutes into the meeting, Attorney Murphy, we're  
21 going to be talking about personalities. Johnny  
22 Jones versus Mary Smith.

23 Mr. Murphy: Right.

24 Mr. Shea: We can't talk about personalities

1 at the public hearing. Now we have to go into  
2 executive session.

3 Mr. Murphy: Correct.

4 Mr. Shea: So the meeting opens up at  
5 9 o'clock and 10 after 9 we're going to talk about  
6 personalities. We've got to go into executive  
7 session. The committee then votes to go into  
8 executive session, but the meeting's still open.  
9 It's been gaveled on, hasn't been adjourned yet. So  
10 the meeting is still open, and Mony and I decide  
11 yeah, let's go for breakfast out to IHOP and after  
12 that we'll go to lunch. Let's discuss this thing.  
13 And we're going to meet back sometime this afternoon.  
14 And at 4 o'clock we decide to meet back and we get  
15 back to the meeting and we decide, you know, we're  
16 not too sure where the -- he's right or she's right.  
17 We're going to take it under advisement. We're going  
18 to keep the meeting open. If that be the case, and  
19 you're nodding your head, that's the way it goes, and  
20 I don't know if that's the way it goes, I never knew  
21 of this rule, and unfortunately I only started the  
22 job 52 years ago and I never heard of such a rule.  
23 But that is the rule. And I saw the report from the  
24 attorney general. And it's very nice to get back to

1 us, but under that hypothetical situation, what have  
2 you really accomplished?

3 Mr. Murphy: Nothing.

4 Mr. Shea: Thank you. And but you know what  
5 that would do, that hypothetical situation that I  
6 gave? It really violates the spirit of the law.  
7 That's why you don't do something like that. I would  
8 never do anything like that. Because you don't want  
9 to violate the spirit of the law. An open meeting is  
10 to have an open discussion pertaining to a subject  
11 matter. And I was just surprised, we had a  
12 conversation, and I'm sure that the people were  
13 surprised, that that's the law. But, you know, we  
14 want to be open. There's no reason not to be open.

15 Everything we discuss primarily is really  
16 discussed here. But I do think that you could open  
17 the meeting and then guess what, you can adjourn it.  
18 We're not going to adjourn. We're going to go in  
19 recess.

20 Mr. Murphy: I would continue it for next  
21 week.

22 Mr. Shea: No. No, no. You can't. You got  
23 to go in recess. We're going to meet back -- we're  
24 going to meet back next Saturday night at 2 o'clock

1 in the morning. Whatever it may be. That's a  
2 foolish thought, but that's a violation. But you  
3 were really shocked to hear that.

4 Mr. Murphy: Yes. Because I represented the  
5 Dracut School Committee for probably 15 years, and  
6 that was always our opinion. It was my opinion  
7 because they have subcommittees too. And especially  
8 going to collective bargaining, each union that they  
9 have at the Dracut School Department, they assign two  
10 members of the board to that subcommittee to  
11 negotiate.

12 Mr. Shea: Exactly.

13 Mr. Murphy: So I would be -- they say we  
14 have to -- do we have to have an open meeting when we  
15 do these collective bargaining? I say absolutely  
16 not. You only have two members and you have -- they  
17 have five members of the board and it's no quorum  
18 there.

19 Mr. Shea: Okay. Well I guess that -- I  
20 just really wanted to walk through that hypothetical  
21 with you. I don't know what you're -- I don't know,  
22 I'm not going to question the law that's been on the  
23 books for 37 years I guess, but it's just -- it's --  
24 I'm just going to let it go like that.



1           But you can open the meeting and close it.  
2 Not close it, just going to take -- because  
3 unfortunately sometimes -- I think Commissioner Mony  
4 Var will agree, you know, sometimes you do get into  
5 conversations that you -- that you have to have a --  
6 you're dealing with people's lives and futures and  
7 that's all.

8           I mean, I just wanted to put that -- I  
9 wanted to put the process out there. And I would  
10 assume that everybody's heard the process. And  
11 that's basically it. It's kind of -- it was just a  
12 surprising point. But when you get to be my age, let  
13 me tell you, life continues to be a learning process.

14           Mr. Murphy: And mine.

15           Let me give another example. Say you had a  
16 subcommittee that was dealing with collective  
17 bargaining issues. You post the meeting for say  
18 10 o'clock on Monday. And then the public shows up  
19 and you're about to go into executive session  
20 immediately, because that subject we went into  
21 executive section, collective bargaining, and the  
22 public has to go away and nothing's done.

23           Mr. Shea: Just one final question. For the  
24 record, you're going to a finance committee meeting

1 and you have before you a pay raise for Jonny Jones.  
2 And the administration wants to keep Jonny Jones at a  
3 \$3,000 pay raise, and the executive committee or the  
4 finance committee wants to give Jonny Jones a \$4,000  
5 pay raise. So they have to state why he should get  
6 the three and we have to state why he gets the four.  
7 Is that subject to the Open Meeting Law? Because at  
8 that point they'd be talking about Jonny Jones.

9 Mr. Murphy: No. I think it's subject to an  
10 executive session. You're talking about the  
11 character and the experience and the performance of  
12 the individual.

13 Mr. Shea: And that's -- I thought that was  
14 the answer because, you know, you could get into what  
15 they call reputation mode pretty easily. And you've  
16 got Jonny Jones' next door neighbor who don't like  
17 him because he marks his car and his strike wheel at  
18 times goes up. I don't want to hurt anybody. I'm  
19 not here to hurt anybody. But it's kind of delicate,  
20 Kevin.

21 Mr. Murphy: Yeah.

22 Mr. Shea: I think that's the way I look at  
23 it.

24 Mr. Var: Don't the subcommittee, it has to

1 be approved by the attorney general anyway, right?  
2 By law.

3 Mr. Murphy: Yes.

4 Mr. Var: I don't know why. That's like  
5 double work.

6 Mr. Murphy: I know. If you look at the  
7 definitions of a public body in the law, it  
8 specifically states a quorum of the full board, which  
9 means three members. That's what I commonly had  
10 thought for all these years. But they disagree with  
11 me. And like I say, my job is to protect you. And  
12 it's the attorney general that enforces this law.  
13 And if anybody complained to the attorney general  
14 about it, then it would be an issue.

15 Mr. Shea: With that being the case, I think  
16 we have a pretty good idea of how to proceed and I  
17 don't have any problem at all with respect to  
18 proceeding that way. I don't except -- I was really  
19 surprised. That's all. I don't have any problem  
20 with it because what the heck, except sometimes I  
21 think in the executive session we talk to the  
22 director about personalities. And the finance  
23 committee, we talk about how you grade the efficiency  
24 of employee X and, you know, we don't always agree.

1           Mr. Murphy: And not only can you not talk  
2 about the reputation, the character of the  
3 individual, but if you do that individual has the  
4 right to be at the meeting when you're doing it. So  
5 if you all of the sudden came up with that issue that  
6 you feel that -- did you have to call that guy in or  
7 that woman in and we're discussing your reputation,  
8 your character, you have the right to be here for the  
9 meeting.

10           Mr. Shea: Well Commissioner Marr took care  
11 of that situation a few months ago when he called me  
12 and said do we have insurance? Do members of the  
13 Board have insurance? Have an insurance policy to  
14 protect us for defamation. And I said gees, that's  
15 news to me. And I called the director and everybody  
16 ensured -- you know, it's kind of crazy out there at  
17 times. There's a way of --

18           Mr. Murphy: Massachusetts General Law  
19 Chapter 258 protects you in cases like that. The  
20 statutory protections also.

21           Mr. Shea: But there's a way on every  
22 corner.

23           Mr. Murphy: The real thing is look at the  
24 exceptions of the insurance policy. They always

1 exclude such things, coverage wise, exclusions in the  
2 real world.

3 Mr. Shea: I thank you for your explanation.  
4 It's for the record. I think it's pretty much, I'm  
5 sure, planning to do with this, we have to cover as  
6 you get into the weeds of this stuff. But I think  
7 basically speaking, we have a committee meeting, the  
8 chairman of the committee should notify the director  
9 of the meeting, the date, and the place. And we  
10 should notify -- probably have in these cases, we  
11 could probably have Andrew come in and keep the  
12 minutes of the meeting. And that meeting record is  
13 part of the next meeting as part of our workday.

14 Mr. Murphy: Okay.

15 Mr. Shea: Okay. Everybody get that?

16 Mr. Var: Yeah.

17 Mr. Shea: Okay. Rodney, go ahead.

18 Mr. Elliott: Yeah, thank you. So for the  
19 record, I'm the individual, so everyone knows, it  
20 will be part of the record, that when Commissioner  
21 Marr contacted me, let's have a meeting, I requested  
22 that the meeting be posted. I think the guidance is  
23 pretty clear.

24 For 24 years I served as a member of the

1 Lowell City Council. When the Open Meeting Law was  
2 adopted by the attorney general, we're all required  
3 on a two-year annual basis the Open Meeting Law  
4 training and get certified.

5 I was aware of it, anytime there's public  
6 deliberation regarding recent public dollars and  
7 public affairs, you have to post the meeting. I'm  
8 not really sure -- and it takes minutes. It's a  
9 public record. So people can come and participate  
10 should they want to.

11 So I appreciate the fact that you got an  
12 opinion, I was not aware of that. That's great.  
13 Because I did -- I have read on more than one  
14 occasion the citation, and the language that is very  
15 clear that any time there is a public body and a  
16 subcommittee, it's a public body. Whether it's two,  
17 three, five, it doesn't matter. I think it's good.  
18 I think it's open. The committee is open to  
19 transparency, which is good.

20 That's all. I just thought it was important  
21 we post it when we have a meeting and it was a good  
22 meeting and the Authority is protected. Thank you.

23 Mr. Shea: Commissioner Marr.

24 Mr. Marr: We had a good meeting with Adam,

1 Sherry, Jonathan, Laura and Karen. The minutes were  
2 held and recorded, along with a good amount of  
3 information was explained to us that otherwise would  
4 have been maybe a different language to us if not.

5 We touched on a project on Grant Street. At  
6 a different time we can all go over and really get in  
7 to meet. Me and Commissioner Elliot reported to and  
8 took a look at the property and we have some views on  
9 the project that differ from what we have on paper  
10 here. I mean at another time we really can get into  
11 it and go over it. But otherwise it was a very, very  
12 good meeting. We had some good information out of it  
13 and I was very happy with it. Commissioner Elliott,  
14 were you?

15 Mr. Elliott: Yes. Thank you, Mr. Chair.  
16 Now I appreciate the time and effort that the staff  
17 took, Sherry and Adam, our COO, CFO, as well the  
18 planing staff and Commissioner Marr. We had a lot of  
19 questions, and it was well worth the time, in my  
20 opinion.

21 A lot more money came in this year, that's  
22 the good news. That's the good message. Than in  
23 prior years. And I believe that the capital  
24 planning, the five-year plan lays out in great detail

1 the use of these funds. And Mr. Marr, we had a lot  
2 of questions. Particularly we came to the executive  
3 director for some records earlier. When it comes to  
4 the federalization program, I was not aware of it.  
5 It's a very good thing you've been working on, for  
6 quite some time, on Dublin Street. And the bond  
7 funding, income used to fund the capital projects.

8 I'm not going to go into all the details,  
9 but motions were made, commissioner will -- the  
10 Chairman will bring them forward to recommend both of  
11 these. Both the capital improvement plan for the  
12 state as well as the Housing Authority capital fund  
13 program that was presented with the amount of  
14 6.152879. I thought what was interesting was, I  
15 think Jonathan indicated, you know, I did ask what is  
16 the -- what is it for abatements. State wide it's  
17 about 3.5 billion dollars.

18 So while this is -- this is a good amount of  
19 money, it's just a drop in the bucket. But I think  
20 they -- I feel the plan and the expenditures are very  
21 efficient and we're going to accomplish a lot of  
22 improvements given the money that we have. And of  
23 course we can see on page 4, page 5, you know, the  
24 funding that we have to invest just to the scattered



1 sites. And it's significant. So hopefully that  
2 program will be funded and the state will adopt it  
3 and approve what we approved here.

4 But those are my comments, Mr. Chair. I  
5 appreciate your time and effort and all the answers  
6 that were given to the questions, because there were  
7 a lot of them. We met for an hour and a half. It  
8 was a good plan and we support it.

9 Mr. Shea: Okay. I guess we got that pretty  
10 much under control. So the subcommittee argument  
11 before I guess the report was basically what you  
12 heard and what Attorney Murphy has advised us to do.  
13 And so I -- I thank you for the report. So with  
14 respect to that report, I guess a motion is in order  
15 to accept the statements made thus far to change Item  
16 Number 4. And with that being the case it would be a  
17 motion made by Commissioner Mony Var, seconded by  
18 Commissioner Rodney Elliott to accept the comments  
19 being made with respect to the item that we just  
20 discussed for 27 minutes.

21 The clerk will call the roll.

22 Mr. Wallace: Commissioner Marr.

23 Mr. Marr: Yes.

24 Mr. Wallace: Chairman Shea.

1 Mr. Shea: Yes.

2 Mr. Wallace: Vice Chairman Var.

3 Mr. Var: Yes.

4 Mr. Wallace: Commissioner Bernes.

5 Ms. Bernes: Yes.

6 Mr. Wallace: Commissioner Elliott.

7 Mr. Elliott: Yes.

8 Mr. Wallace: That's five yeas.

9 Mr. Shea: Thank you. Next item on the  
10 agenda is finance report, and once again we have our  
11 chief financial officer, Ms. Giblin is here. And she  
12 will run through the financial report, which is the  
13 period ending April 30th. And we look forward to  
14 hearing your report. Thank you.

15 Ms. Giblin: Thank you Mr. Chair.

16 The Authority's operating statement for the  
17 period ending April 30th, 2022 were provided to the  
18 Board for their review. To date most programs remain  
19 revenue producing and are exceeding budget estimates.

20 For the month of April our federal AMPs saw  
21 a \$530,000 increase in operating gains resulting from  
22 the receipt of deferred 2021 capital fund operation  
23 revenue.

24 Our HUD multi-family development saw an

1 increase of 24,000, and our state portfolio saw an  
2 increase of 18,000.

3 Our Housing Choice Voucher Program saw a  
4 decrease of 67,000 for the month of April. Rent and  
5 subsidy amounts across the four AMPs are within  
6 budget following with three out of federal -- three  
7 out of four federal AMPs exceeding budget estimates.  
8 This is due mainly to HUD estimating operating fund  
9 eligibility through April.

10 Proration levels remain at 95 percent  
11 through April, which is in line with our budget  
12 estimates. Proration levels are on the rise. May  
13 and June proration is estimated at 105 percent.  
14 Again, we budgeted at 95 percent. So what that means  
15 is credit revenue remains under budget due to the  
16 reversal of prior year accruals, which is entirely a  
17 timing issue.

18 The net meter credit rate remains at  
19 23 percent exceeding budget estimate of 18 percent.  
20 \$0.18, sorry.

21 Most expenses across all AMPs are within budget  
22 tolerance through April. Admin expenses remain under  
23 budget, and legal, eviction, and IT expenses.

24 Utilities remain under budget, but we

1 anticipate this will change as the year progresses.  
2 Maintenance expenses remain at or below budget  
3 tolerance in our federal programs through April. Our  
4 state portfolio has seen significant budget overages  
5 in maintenance, materials, and contracts. We are  
6 seeing agency wide a significant increase in material  
7 costs such as plumbing, electrical, and cabinets.  
8 Insurance and benefits are in line with budgeted  
9 estimates.

10 Our other general expense category is also  
11 under budget in three out of four AMPs due to  
12 collection deferral until our year end.

13 The Authority audited its financial  
14 statements for the fiscal year end ending 9/30/2021  
15 were provided to the Board for their review. I am  
16 pleased to report to the Board that we received an  
17 unqualified opinion on our audit with no material or  
18 significant deficiencies noted. This is a true  
19 indicator of the hard work and dedication of all of  
20 our staff throughout the year.

21 Just a quick summary of our yearend  
22 financial. The Authority changed net position for  
23 the fiscal year ending 9/30/21 with 6.7 million. It  
24 is important to note that this change includes a gain

1 of 5.4 million from the sales of scattered site  
2 properties, and capital fund grants totaling  
3 2.2 million. After detecting these items, the actual  
4 operating loss for the year totals at 971,000.

5 The Authority's total net position as of  
6 9/30/21 was at 26 million. The net position is made  
7 up of three categories: Net investments and capital  
8 assets totaling 32 million, restricted net position  
9 totaling 7 million, and unrestricted net position  
10 totaling a negative 13 million.

11 At this time I'll open up to the Board for any  
12 questions.

13 Mr. Shea: Thank you very much, Mrs. Giblin,  
14 for those comments. I open it up to any member of  
15 the Board of Commissioners to ask our chief financial  
16 officer questions. Hearing none, I have a question.  
17 Would you just explain in general terms for the  
18 record, we have a surplus in the capital -- in the  
19 operating account. The administration account. We  
20 have a surplus in the account. I talked a little bit  
21 about this out in the hallway about the hypothetical  
22 about, you know, an employee is paid overtime. Would  
23 you please explain to us how you transferred money  
24 from one account to another account to pay overtime?

1 Ms. Giblin: So our budgets are fully  
2 fundable. Meaning if there's a line item that is  
3 under budget and a line item that's over budget, I  
4 can take funds from one line item and move it to  
5 another.

6 As far as surpluses at the end of the year,  
7 our surpluses roll into our reserves. So we are --  
8 we have a surplus at the end of the year, we keep  
9 that. And it rolls into the next year and we can use  
10 that for a future year.

11 Mr. Shea: We set up an account last year  
12 voted on by the -- what we anticipated, or even  
13 better put, what I anticipated with the director,  
14 what I anticipated the court finding against us. It  
15 was \$150,000. And I owe the director a steak dinner.  
16 To spend that money and the case -- okay.

17 So let's just take that item of \$150,000  
18 that is in that account. Can that money be spent to  
19 pay -- to pay for -- can you transfer that money, any  
20 of that money to pay for overtime?

21 Ms. Giblin: Yes. Provided it's a surplus.

22 Mr. Shea: So when someone says that there's  
23 no money for overtime, that's just a disgruntled  
24 person not knowing what they're talking about?

1           Ms. Giblin: Yeah, I mean, no one's brought  
2 overtime need to Adam, to our knowledge, so I don't  
3 know the context of it.

4           Mr. Shea: I just want that for the record.  
5 I knew the answer. Some answers I do know, most of  
6 the time I don't know. But in that particular case  
7 there's \$150,000 that we voted on to spend. That we  
8 can transfer that to -- well we can't get involved in  
9 the capital budget. But so we are -- we're allowed,  
10 particularly in that account, we're allowed a lot of  
11 flexibility. If by chance we want to think about  
12 giving our employees a cost of living increase  
13 adjustment in the fall, if we have surplus in that  
14 account, we can transfer it to the payroll account.

15           Ms. Giblin: Correct.

16           Mr. Shea: That's correct. Did you say  
17 that's correct?

18           Ms. Giblin: Well there's program  
19 constraints as well. But in general, yes.

20           Mr. Shea: That's all. Because -- okay.  
21 I'm going to end there. I just wanted something on  
22 the record. I thought I knew the answer. There's a  
23 reason for everything. Let's just end it there.

24           Okay. Thank you. Any other comment? Okay.

1 Thank you for your report and there's a motion made  
2 by Counselor Mony Var, seconded by -- counselor.  
3 Commissioner, sorry. Seconded by Commissioner Matt  
4 Marr to accept the finance report by chief financial  
5 officer, and the clerk will call the roll.

6 Mr. Wallace: Commissioner Marr.

7 Mr. Marr: Yes.

8 Mr. Wallace: Chairman Shea.

9 Mr. Shea: Yes.

10 Mr. Wallace: Vice Chairman Var.

11 Mr. Var: Yes.

12 Mr. Wallace: Commissioner Bernes.

13 Ms. Bernes: Yes.

14 Mr. Wallace: Commissioner Elliott.

15 Mr. Elliott: Yes.

16 Mr. Wallace: Five yeas.

17 Mr. Shea: Thank you. Next item is the  
18 report of the chair.

19 Nothing.

20 The next item is the report of the executive  
21 director.

22 Mr. Wallace: Medium rare.

23 Mr. Chairman, tonight just a couple --

24 Mr. Shea: Well I'm waiting for an



1 adjustment in my Social Security checks to take you  
2 out to McDonalds.

3 Mr. Wallace: Happy to introduce two new  
4 employees to the Housing Authority tonight. Starting  
5 with a new employee that's going to be working in the  
6 JobsPLUS Program, her name is Lillian Kaitare.  
7 Lillian started in the JobsPLUS Program back in  
8 April. She comes to us with a BA in psychology from  
9 UMass Boston and she's a former resident services  
10 coordinator at a company in Boston prior to a  
11 promotion to a compliance specialist. She holds an  
12 occupancy specialist certification from Narrow and is  
13 fair housing certified. Lillian's experience in  
14 housing management, customer service, and resident  
15 service will be a great benefit to the JobsPLUS  
16 Program. So at this time would like to introduce  
17 Lillian Kaitare.

18 (Applause)

19 Mr. Wallace: And it's my pleasure to  
20 introduce to you the newest member of the capital  
21 team. This is Karen Patenaude who is the  
22 administrative assistant. Karen started with our  
23 capital team on May 23rd. She is a career  
24 administrative professional with extensive

1 experience. She comes to the LHA most recently from  
2 Metal Crafters in Methuen, Mass. And Karen also  
3 holds an associate's degree from Middlesex Community  
4 College. And I'm sure you will find that she will be  
5 an asset to the capital management team. And this is  
6 Karen Patenaude.

7 (Applause)

8 Mr. Wallace: Also, another one of the board  
9 initiatives over the years is to do more and more  
10 resident appreciation luncheons. Three of them have  
11 been scheduled beginning in June. I will get the  
12 dates to the Board members which will be invited, but  
13 the first one is June 15th at 1:00 p.m. It's a pizza  
14 party for the residents of Belvidere Heights to  
15 celebrate their new common space and of course  
16 commissioners will be invited to that and you're  
17 welcome to attend.

18 The following week there will be one on  
19 Wednesday on June 1st, and that will be at Concord  
20 River Mills on Stackpole Street, again celebrating  
21 their community room opening.

22 And lastly there will be on June 30th at  
23 4:00 p.m. at Cityview Towers, again, celebrating  
24 their community room opening. And these luncheons,

1 as the Board has indicated, are nice ways for our  
2 staff to interact with the residents and hear from  
3 them in a more relaxed and informal setting.

4 So we'll send out official notifications to  
5 the Board with invites to those pizza parties.

6 And the last item that I have tonight is  
7 just a reminder to the Board that on June 16th from  
8 5:00 to 7:00 p.m. is our scholarship night. I'm  
9 happy to report there will be ten recipients this  
10 year. And the event will be held at the Allen House  
11 at 1 Solomon Way at UMass Lowell. And we're looking  
12 forward to it.

13 We've had a lot of people step up, plus  
14 sponsorships, and ten really interesting kids, the  
15 majority which come from North Common Village, and  
16 they're going to Merrimack College, Northeastern,  
17 Middlesex Community College, UMass Lowell, Rivier.  
18 One of them is a track star who went to vocational  
19 school, comes out of the North Common Village, was a  
20 state champion, has a \$24,000 a year scholarship to  
21 Merrimack College coming out of the North Common.  
22 And you'll get a chance to meet them that night on  
23 June 16th I hope.

24 Mr. Shea: Thank you for that. I'd like to

1 just put something else on the record. I talked to  
2 the director about this. I think the Housing  
3 Authority has done a lot of good, positive things in  
4 the last 12 months. And a couple of it comes to mind  
5 is the recent opening of the new facilities for Tha  
6 Chhan's division over at the courthouse. Another  
7 item that comes to mind is the health fair that we  
8 had under the leadership of Paula Gouveia, and how  
9 well that was attended. And I said to the director  
10 that I think we're doing a lot of good things here at  
11 the Housing Authority, but we're not getting the  
12 message out to the public. And I happen to be on the  
13 LRTA board, so I shared -- and I'm on their finance  
14 committee and we have a person that works at the  
15 LRTA, we have that person and he does -- he does  
16 public function news reports. And I asked, I said  
17 what do we pay that person? And they pay the person  
18 like \$45 hour, which I thought was pretty cheap. I  
19 told that to Gary.

20 But it just seems that we're doing a lot of  
21 good work. The work that's being done at Cityview  
22 today, I was talking to Matt about it earlier, just a  
23 lot of good stuff happening. The million dollars we  
24 spent at the South Common fixing up those -- that

1 ground. So we're doing a lot of good stuff. Our  
2 capital management people are really working hard as  
3 we try to fix up, you know, properties that have been  
4 there for 75 years. However, I said to the director  
5 I'm not too sure that we're getting -- the public  
6 isn't knowing about that.

7 Now when I get an email showing nice  
8 pictures about the health fair that -- I don't know  
9 why -- I don't know how to do it, but I don't know  
10 why we don't have that down to The Lowell Sun so that  
11 when they're looking for a story a month from now  
12 they can print this stuff. I just think -- and I  
13 don't know what the answer is, but we're doing an  
14 awful lot of good things here. And we're not looking  
15 for any public praise. We didn't take this job for  
16 that. But we're not getting -- I think the public  
17 doesn't know how hard we're working to try to carry  
18 out our fiduciary responsibilities. And so,  
19 Mr. Director, would you just address that?

20 Mr. Wallace: Yeah so, you know, as you know  
21 we have an extensive stakeholders list, and included  
22 on that stakeholder list is the media. Probably four  
23 or five different people at The Lowell Sun, and we  
24 also send it to WCAP to Teddy Panos. And the

1 turnover at The Lowell Sun has been, you know, so bad  
2 it was difficult to find somebody to take interest in  
3 our stories. But since then we have found the person  
4 and that person has already been here, is getting  
5 ready to do a story on the scholarship event, getting  
6 ready to do a story on the grand opening of the  
7 leasing office, and is prepared to do whatever other,  
8 you know, stories we have. So we have her contact.  
9 And also coincidentally tonight I've spoken earlier  
10 to Kasey Green and said, you know, we send stuff down  
11 there, it goes to Teddy and, you know, I don't -- I  
12 never receive a response. So I think that I asked  
13 her for her email address, I don't have it yet, but  
14 she's going to give it to me and then we're going to  
15 be able to send those stories to her as well. So I  
16 think we solved it.

17 Mr. Shea: The work that we're doing, I was  
18 talking to Matt about Cityview. I mean that's an  
19 unbelievable project. And that's a good story. So I  
20 just -- and there's a couple of others that I could  
21 mention, but you get the gist of it. So I don't know  
22 what the answer is, I'm not paid to, but come away  
23 with that answer. But I just think we're doing an  
24 awful lot and we get -- you know, I listen to WCAP

1 and, you know, those are good stories. And given to  
2 them they'll feel -- they're more than happy to  
3 publicize it. But that's just an idea that popped  
4 up. And talking with Mony Var about it, he tends to  
5 agree with me. And so it's just a question of what  
6 more we can do to let the public know that we're not  
7 perfect, but we're doing the best we can.

8           And as I said to Matt, we spend \$5 million  
9 in repairs, we need another 25 million waiting in  
10 line. So we just keep the thing going.

11           I just wanted to put that on the record, our  
12 conversation, but you should aggressively try to take  
13 those stories off the email, that you send us an  
14 email and get it out to the public. I think it's a  
15 good point. I know it's getting to be 6 o'clock and  
16 the Celtics are playing tonight. I see Attorney  
17 Murphy over there turning red. So with that being  
18 the case, thank you very much, Mr. Director, on item  
19 number -- so we'll have a motion to accept the report  
20 of the executive director. Motion made by  
21 Commissioner Matt Marr, seconded by Commissioner  
22 Joanie Bernes to accept the report of the executive  
23 director. The clerk will call the roll.

24           Mr. Wallace: Commissioner Marr.

1 Mr. Marr: Yes.

2 Mr. Wallace: Chairman Shea.

3 Mr. Shea: Yes.

4 Mr. Wallace: Vice Chairman Var.

5 Mr. Var: Yes.

6 Mr. Wallace: Commissioner Bernes.

7 Ms. Bernes: Yes.

8 Mr. Wallace: Commissioner Elliott.

9 Mr. Elliott: Yes.

10 Mr. Wallace: Five years.

11 Mr. Shea: The next item on the agenda is  
12 7.1.1, one motion to accept the Housing Authority's  
13 proposed state annual plan and capital improvement  
14 plan for fiscal year 2023. And I guess we've had a  
15 full discussion on that. So, therefore, any  
16 questions further for the record on Item  
17 Number 7.1.1? Hearing none -- sorry, Commissioner  
18 Elliott.

19 Mr. Elliott: No, I don't have any  
20 questions. As the members attended, after having a  
21 thorough discussion, this is the right recommendation  
22 that the capital planning committee did recommend. I  
23 think Chairman Marr and myself made a motion to  
24 recommend to the full Board that this be adopted.



1           Mr. Shea: Okay. With that being the case,  
2 we have a motion to accept Item Number 7.1.1 by  
3 Commissioner Matt Marr, seconded by Commissioner Mony  
4 Var. The clerk will call the roll.

5           Mr. Wallace: Commissioner Marr.

6           Mr. Marr: Yes.

7           Mr. Wallace: Chairman Shea.

8           Mr. Shea: Yes.

9           Mr. Wallace: Vice Chairman Var.

10          Mr. Var: Yes.

11          Mr. Wallace: Commissioner Bernes.

12          Ms. Bernes: Yes.

13          Mr. Wallace: And Commissioner Elliott.

14          Mr. Elliott: Yes.

15          Mr. Wallace: Five yeas.

16          Mr. Shea: Thank you. The next item is Item  
17 Number 8, old business. Mr. Director, any old  
18 business?

19          Mr. Wallace: No.

20          Mr. Shea: I see Mary Ann here. Mary Ann,  
21 I'm sorry, for the record, we wanted to thank you for  
22 your effort once again. I'm sorry for not -- okay.  
23 So there's no old business. So Item Number 8 is  
24 gone.

1           Item Number 9, new business. A, motion of  
2 the Board members? Any motions of the Board members?  
3 No.

4           And executive director announcements.

5           Mr. Wallace: No further announcements,  
6 Mr. Chairman.

7           Mr. Shea: Item Number 9 is gone.

8           With that being the case the Chair wants to  
9 indicate the next meeting is going to be held  
10 Wednesday July, 13th at 5:00 p.m. here, the Mercier  
11 Center. And we look forward to the scholarship  
12 awards which would be the 16th of June, 5:00 to 7:00.

13           With that being the case, motion to adjourn  
14 by Commissioner Mony Var, seconded by Commissioner  
15 Joanie Bernes to adjourn. The clerk will calling the  
16 roll.

17           Mr. Wallace: Commissioner Marr.

18           Mr. Marr: Yes.

19           Mr. Wallace: Chairman Shea.

20           Mr. Shea: Yes.

21           Mr. Wallace: Vice Chairman Var.

22           Mr. Var: Yes.

23           Mr. Wallace: Commissioner Bernes.

24           Ms. Bernes: Yes.

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Mr. Wallace: Commissioner Elliott.

Mr. Elliott: Yes.

Mr. Wallace: Five yeas.

(Whereupon the Board of Commission's meeting  
adjourned at 5:59 p.m.)