

**MINUTES OF THE MEETING
of the
PORTLAND HOUSING AUTHORITY**

Thursday, October 7, 2021

The meeting of the Portland Housing Authority was held at 14 Baxter Blvd., Portland, Maine. Upon roll call, quorum is declared. Meeting called to order by Cheryl Sessions, Executive Director, at 5:29 pm.

PRESENT	ABSENT
Kristin Blum, Chairperson (late arrival) Monique Mutumwinka, Vice-Chairperson Luisa Deprez, Commissioner Christian MilNeil, Commissioner (late arrival, remote) Shirley Peterson, Commissioner Tom Valleau, Commissioner Cheryl A. Sessions, Executive Director Brian Frost, Deputy Executive Director Jay Waterman, Real Estate Development Director Elaine Charette, Executive Assistant	

Ms. Sessions asked for any public comments.

Jenn Dick passed out copies of a letter from Ed Marzano, Teamsters Union Representative, to each Board member. She then read the letter aloud, with minor edits to the written letter during her recital.

1. Resolution to approve the minutes of the Board meeting of September 2, 2021.

No comments or questions.

Resolution #3129

Be it resolved by the Commissioners of the Portland Housing Authority that the minutes of the meeting of September 2, 2021 be and hereby are approved.

The above resolution was moved by Tom Valleau, Commissioner, and seconded by Luisa Deprez, Commissioner. Upon roll call, the ayes and nays were as follows:

AYES

Monique Mutumwinka, Vice-Chair
 Luisa Deprez, Commissioner
 Christian MilNeil, Commissioner
 Shirley Peterson, Commissioner
 Tom Valleau, Commissioner

NAYS

None

Vice-Chairperson declared said motion carried and said resolution adopted.

2. Approval of Finance Committee Report of September 21, 2021

Christian MilNeil summarized the financial committee minutes. The fiscal year ending June 30 was a very good year for PHA. The CARES Acct fund helped with payroll expenses. Fiscal Year 2020 through August looks good as well.

There was discussion about Riverton including a small business for residents on-site. City Planning did not like the idea of a business zone in that area.

Tom is concerned that the small business possibility is holding up development. He says we need to get a shovel in the ground – inflation is upon us. It is not a simple or small item for the Board to consider and he doesn't want it to hold up construction.

Luisa asked what the CARES funds were used for. Cheryl answered: for accounting purposes, it was allocated to salaries, tech and supplies. Luisa asked for the September report and Cheryl said it would be available at the next meeting. Luisa asked if we needed to submit an accounting to HUD on how the CARES Act funds were used. Cheryl said it was reported as primarily used for salaries which does not require proof of being Covid19 related.

Resolution # 3130

Be it resolved that the Commissioners of the Portland Housing Authority approve the financial committee report of September 21, 2021.

The above resolution was moved by Tom Valleau, Commissioner, and seconded by Luisa Deprez, Commissioner. Upon roll call, the ayes and nays were as follows:

AYES

Monique Mutumwinka, Vice-Chair
Luisa Deprez, Commissioner
Christian MilNeil, Commissioner
Shirley Peterson, Commissioner
Tom Valleau, Commissioner

NAYS

None

Vice-Chairperson declared said motion carried and said resolution adopted.

3. Approval of Income and Expense Reports

Christian reviewed the income and expense reports in his review of the financial committee report.

Resolution # 3131

Be it resolved that the Commissioners of the Portland Housing Authority approve the Income and Expense Reports for FY'21 and Fy'22 through August 2021.

The above resolution was moved by Christian MilNeil, Commissioner, and seconded by Luisa Deprez, Commissioner. Upon roll call, the ayes and nays were as follows:

AYES

Monique Mutumwinka, Vice-Chair
Luisa Deprez, Commissioner
Christian MilNeil, Commissioner
Shirley Peterson, Commissioner
Tom Valleau, Commissioner

NAYS

None

Vice-Chairperson declared said motion carried and said resolution adopted

4. Approval of HR Committee Report from September 30, 2021

Cheryl reviewed the report of the committee. Luisa served as pro tem chair. Cheryl asked the Board to see the report as some of the items are on the agenda to be discussed later in the meeting.

Luisa said the committee discussed the mandatory vaccination policy and the attorney's discussion regarding same, along with discussions regarding the Maine State retirement issue.

Tom confirmed that what was discussed will be discussed later in tonight's meeting.

Shirley asked about the chair position in the HR Committee. Cheryl said it will be put on the agenda for next month.

Resolution # 3132

Be it resolved that the Commissioners of the Portland Housing Authority approve the Human Resources Committee report of September 30, 2021.

The above resolution was moved by Luisa Deprez, Commissioner, and second by Tom Valleau, Commissioner. Upon roll call, the ayes and nays were as follows:

AYES

Monique Mutumwinka, Vice-Chair
Luisa Deprez, Commissioner
Christian MilNeil, Commissioner
Shirley Peterson, Commissioner
Tom Valleau, Commissioner

NAYS

None

Vice-Chairperson declared said motion carried and said resolution adopted.

5. Executive Director's Report

Cheryl gave an update on the legal issues:

- The compliance Agreement in Provencher has been completed;
- Conflict of interest filings were submitted to HUD. WE spoke with the regional office who is

refereeing down to DC. Regional director in Boston recommended no action be taken, and he was confident that DC would go with his recommendation. He said PHA got the necessary disclosures; we did all the necessary steps to handle potential conflicts. Tom commended PHA and said it was well-handled;

- The other outstanding case with the Maine Human Rights Commission was dismissed without findings or orders; and
- The Tito Masonry case is still pending and should be going to trial soon. We are represented by insurance counsel. The case involves a contract we terminated. We would be on the line for \$16,000 if we lost – other damages would be covered by the insurance company.

There are no pending employee grievances. There was one filed against the Inspection Supervisor, but it has been resolved by the department head and HR.

Salvato PHA – We are reaching a settlement.

American Rescue Act: Cheryl provided a summary of what the City received and how they propose to use the funds.

Also, Portland and Cumberland County, which make up the Cumberland county HOME Consortium, will receive just under \$3.6 million in HOME ARP funding. HUD released guidance on how this funding can be used. We are still reviewing the guidance and haven't made any decisions on how the funds will be allocated. The money must be used to benefit qualifying individuals and families who are homeless, at risk of homelessness, or in other vulnerable populations.

6. Resolution approving a Mandatory Vaccination Policy for all employees

Cheryl reviewing her Executive Director's report.

The Teamsters are 100% vaccinated. Overall we are at 95% with only 5 employees not vaccinated. AFSCME asked for, in addition to religious and medical accommodations, an option for weekly testing, with the employee's time and the testing to be paid by PHA. We are recommending no testing exemption. We may require a test for the religious and medical exemptions, but the testing is not an exemption by itself. So that means that there are 5 employees who could potentially resign. We recommend moving forward with the two exemptions.

Tom asked if our attorney was involved with the drafting and decision making. Cheryl said he was and that he confirmed we are in within our rights to adopt the policy. Our attorney recommended moving forward with the two exemptions.

Luisa stated that many big companies now have mandated vaccination policies.

Resolution # 3133

Be it resolved that the Commissioners of the Portland Housing Authority approve the Mandatory COVID-19 Vaccination Policy attached hereto.

The above resolution was moved by Tom Valleau, Commissioner, and second by Luisa Deprez, Commissioner. Upon roll call, the ayes and nays were as follows:

AYES

Monique Mutumwinka, Vice-Chair
Luisa Deprez, Commissioner
Christian MilNeil, Commissioner
Shirley Peterson, Commissioner
Tom Valleau, Commissioner

NAYS

None

Vice-Chairperson declared said motion carried and said resolution adopted.

7. Resolution to Amend PHA Retirement

Cheryl with the review of her Executive Director’s report.

MainePers has made changes to the PLD Consolidated Plan which allows a one-time election requirement for employee with 5+ years of employment to enroll on an after-tax basis. IT also sets up an open enrollment period every year thereafter. PHA would like to adopt the new provisions and offer its employees who may not have previously enrolled the opportunity to enroll. Sometimes, when hired, an employee is unable to enroll (the decision is binding). This will give those who didn’t initially enroll the opportunity to do so. Cheryl referred to the spreadsheet regarding our maximum exposures. If all employees who are not now enrolled but who qualify and would like to enroll – our cost would be \$34,642.25. HR knows of only 3 people who have expressed an interest. The decision is binding – and MainePers is giving us a one-time change to change the policy.

The HR Committee recommends the adoption.

Tom asked if we pay all the plans an employee is enrolled in. Cheryl said we have a hierarchy. We match 6%. We priority the plans, but the max is 6%.

Tom confirmed that our plan allows for the employee to also collect social security. Cheryl confirmed it does.

Christian asked about future costs if more people enroll as they hit their 5 years. Cheryl said the cost is fairly negligible based on the size of our plan.

Resolution # 3134

Be it resolved that the Commissioners of the Portland Housing Authority approve the adoption of the provisions of 5 M.R.S. §18252-C (PL 2021, Chapter 286).

The above resolution was moved by Shirley Peterson, Commissioner, and second by Luisa Deprez, Commissioner. Upon roll call, the ayes and nays were as follows:

AYES

Kristin Blum, Chair

NAYS

None

Monique Mutumwinka, Vice-Chair
Luisa Deprez, Commissioner
Christian MilNeil, Commissioner
Shirley Peterson, Commissioner
Tom Valleau, Commissioner

Chairperson declared said motion carried and said resolution adopted.

8. Resolution to Approve Residential Solar Farm Agreement

Brian gave an update and summarized the Agreement.

The Agreement is for 350 residential units. We spoke with many providers and Ampion set themselves apart by including an enrolment donation of \$35,000. The agreement includes a 1-year cancellation and results in annual savings of about \$53,000/year.

Kristin asked about the decrease in savings from the prior discussions. Brian explained that the Public Utilities Commission just approved a 15% CMP increase, so it changes our savings.

Cheryl pointed out that Ampion more than doubled their donation to resident services.

Brian added that we will also receive monthly reports so we can audit the credits.

Resolution # 3135

Be it resolved that the Commissioners of the Portland Housing Authority approve the Ampion Proposal residential solar farm agreement attached hereto.

The above resolution was moved by Tom Valleau, Commissioner, and second by Luisa Deprez, Commissioner. Upon roll call, the ayes and nays were as follows:

AYES

Kristin Blum, Chair
Monique Mutumwinka, Vice-Chair
Luisa Deprez, Commissioner
Christian MilNeil, Commissioner
Shirley Peterson, Commissioner
Tom Valleau, Commissioner

NAYS

None

Chairperson declared said motion carried and said resolution adopted.

9. JT Gorman Grant

Cheryl provided the Board with a document from JT Gorman explaining the award of the Grant for our FYI program. When our program first began, it was staffed with one full-time and one part-time staff member. Since then, we have wanted to transition to two full-time staff members. Our current part time employee is moving out of state and we would like to replace her with a full-time employee. Leah mentioned this to JT Gorman and they granted us an extra \$50,000 to their original grant.

Luisa asked if any of the staffing costs were funded with CARES Act funds. Cheryl said no.

Cheryl explained that JT Gorman is happy with Leah and the program. The program is successful, has been recognized as an award winner, and is in the running for another award.

Resolution # 3136

Be it resolved that the Commissioners of the Portland Housing Authority approve the acceptance of a \$50,000 grant from the John T. Gorman Foundation.

The above resolution was moved by Shirley Peterson, Commissioner, and second by Luisa Deprez, Commissioner. Upon roll call, the ayes and nays were as follows:

AYES

Kristin Blum, Chair
Monique Mutumwinka, Vice-Chair
Luisa Deprez, Commissioner
Christian MilNeil, Commissioner
Shirley Peterson, Commissioner
Tom Valleau, Commissioner

NAYS

None

Chairperson declared said motion carried and said resolution adopted.

10. Development Update

Jay Waterman presented the development update.

At the finance committee meeting, the committee recommended the idea of asking for a zoning change to accommodate a retail business at Riverton. Subsequent discussions with the City resulted in the City being amendable to a change to B2. We are recommending B1 or B2. B1 is small retail.

Christian called City staff and talked to them about the why, possibly persuading them to change their mind from their original opposition.

Jay reiterated that we are not retail developers. There are many considerations to review and research, including type.

Tom asked who the landlord would be. Jay said it depends – possibly similar to 58 Boyd. Jay said it’s not a large space – it’s about 1,000 square feet. We’re just at the beginning stages of consideration, asking “where would it go” and “what would it displace from the original plan.” We could potentially use space originally designated as parking. We are also looking at funding for a new small business: CEI, etc.

Kristin asked if it would be similar to the Health Clinic, open to the public. Brian said the Health Clinic is not open to the public.

Jay referred to the retail market analysis/market study. Retail vacancy in the greater Portland area was 4.04% in 2020, up from 3.27% in 2019, which remains lower than the national average

of 15-20%. Tom says the site is unique and wouldn't resonate with the national average.

Kristin mentioned that she thinks the health center is open to the public and raised concerns that non-residential zoning might be needed for that use anyways. Brian said he doesn't believe the health center is open to the public.

Luisa asked if the point is to bring people to the business (as a destination) or to focus on a business that fills the specific needs of our residents. Jay said that is what we are exploring. Cheryl added that one thought is to have a specialty food/clothing retail front for our residents.

Christian said Cheryl makes a good point. It's important to fill the racial wealth gap in who owns businesses in Portland This is a way for us to help at least one family in our neighborhood to build wealth. If it's not something the Board wants us to hand directly, there are partners we could use. Cheryl added that there are grants to look into. We could create a plan, looking at grants. She's not against it, but thinks we need to recognize that it would be a new line of business for us in which we have no experience.

Tom voiced his concern that it will slow down the Riverton project, which he says is old and isolated in its current state. Cheryl said the point was to inform the Board that we are getting into a new area before it makes a decision, but Cheryl is and always has been against anything that would slow down Riverton conversion.

Cheryl said the idea is to encourage small business in our residents. But we don't have a program in PHA to do that. Potentially we find grant funds and a partner to assist.

Tom reiterated his opinion that this matter should be second tier and that we should build as designed, then consider how we encourage the retail activity.

Cheryl said the point is we could build, but it could sit empty, so let's build with the purpose of putting something specific in.

Kristin said she agrees its early. Cheryl reiterated that it's a new line of busines and that, whatever decision the Board makes, while considering, they should keep that in mind.

Resolution # 3137

Be it resolved that the Commissioners of the Portland Housing Authority authorize PHA to apply to the City of Portland for a Riverton Zone Change to B1 or B2 for a possible retail space, and 5A for the remainder of the Riverton development.

The above resolution was moved by Christian MilNeil, Commissioner, and second by Monique Mutumwinka, Vice-Chair, and upon roll call, the ayes and nays were as follows:

AYES

Kristin Blum, Chair
Monique Mutumwinka, Vice-Chair
Luisa Deprez, Commissioner
Christian MilNeil, Commissioner
Shirley Peterson, Commissioner

NAYS

None

Tom Valleau, Commissioner

Chairperson declared said motion carried and said resolution adopted.

11. Executive Session

Tom Valleau, Commissioner, moved that the meeting move to Executive Session for the purposes set forth in the Agenda. The motion was seconded by Christian MilNeil, Commissioner, and upon roll call, the ayes and nays were as follows:

AYES

Kristin Blum, Chair
Monique Mutumwinka, Vice-Chair
Luisa Deprez, Commissioner
Christian MilNeil, Commissioner
Shirley Peterson, Commissioner
Tom Valleau, Commissioner

NAYS

None

Meeting entered executive session.

12. Adjournment

Monique Mutumwinka, Vice-Chair, moved to adjourn the meeting, seconded by Shirley Peterson, Commissioner, and approved by all Commissioners

Meeting adjourned at 7:35 pm.