

MINUTES
Housing Authority of the Town of Darien
Tuesday, July 22, 2014

The Regular Meeting of the Commissioners of the Housing Authority of the Town of Darien was held on Tuesday, July 22, 2014, at The Heights at Darien Community Room at 24 Allen O'Neill Drive, Darien. The meeting was called to order at 6:30pm.

Present were Commissioners Jan Raymond, Joe Warren, Lorraine Golino, Peter Bigelow, and Allen Delaney. Also present was Nichole Jefferson, Property Manager, Co-developers Arthur Anderson, John McClutchy and Todd McClutchy.

AON Association: No Report

Senior Resident Association: Arden Broecking, President, reports that a large tree at our neighboring property of 719 Post Road appears to be dead and needs to be cut down. She also reports that there are some property trees located at 719 Post Road that need trimming.

Minutes – Minutes from May 27, 2014 and June 25, 2014 were reviewed. Jan Raymond motioned to accept the minutes of May 27, 2014 and June 25, 2014 without objection.

Paid Bill Reports – Paid Bills for AON Development and E187 were reviewed. The Paid Bills were accepted as submitted by a motion from Joe Warren and seconded by Peter Bigelow. All agreed.

Property Manager – OTHH – Nichole Jefferson submitted partial renovation costs for vacant units at OTHH. Partial renovation costs were reviewed and approved. Nichole also reported that the waiting list at OTHH remains closed.

Heights - Nichole Jefferson reported that the waiting list is open for one (1) and two (2) bedroom 60% income tier units at the Heights; however all other income tier waiting lists remain closed.

Tenant Elections Report: Lorraine Golino reported and submitted documentation suggesting the DHA commissioners hold an inclusive election that incorporates the Heights as well as OTHH in the election process for resident commissioner.(Attached to minutes) Peter Bigelow motioned to incorporate the tenant election report document as part of the minutes dated July 22, 2014 and to hold an inclusive election that includes the Heights as well as OTHH in the election process for resident commissioner seconded by Jan Raymond. Allen Delaney will remain tenant commissioner until another tenant election is held.

OTHH Development Agreement - No Report

Redevelopment Update – Todd McClutchy reported that he will locate the most recent land survey for Old Town Hall Houses and contact a land surveyor if an updated survey is needed.

New Business- No Report

Old Business- No report

Allen Delaney moves to adjourn public session and enter into Executive Session for the purpose of the discussion of contractual and tenant issues. Jan Raymond seconds the motion. Meeting was adjourned at 7:08p.m.

Issue: Are the residents of "The Heights" considered "tenants of the authority" within the meaning of the statute Sec. 8-41?

To decide this issue, one must look to the wording of the statute:

Sec.8-41 states in pertinent part *a "tenant of the authority" means a tenant who lives in housing owned or managed by a housing authority.*

Since the Heights is a relatively new type of arrangement in the development of Low/Moderate income housing, one must look at the relationship that the Darien Housing Authority continues to have with "The Heights":

1. DHA continues to own the land upon which the Heights has been constructed;
2. DHA is a party to the Allen-O'Neill LLC, through its affiliate Allen-ONEill Managing Member LLC.
3. DHA continues to have an ownership of the open space area and in the roads;
4. DHA pays a portion of the salaries of the following individuals that are responsible for administration of "The Heights":

Nichole Jefferson, Property Manager
Patricia Santorella, Property Assistant
Josef Strate, Maintenance Mechanic

5. The Land Use Restriction Agreement, Article IV, contains numerous remedies, reimbursement of expenses and enforcement provisions for the Authority, in the event that the developer is in non-compliance or default of any of the restrictions, covenants or Agreements of the Agreement.

6. Finally, "The Heights" has in place a grievance procedure, which has been established to address disputes between a tenant and management. This process includes a scheduled hearing before DHA Commissioners after making a formal request by submitting a completed Grievance Hearing Request Form directly to the Chairman. Once a request has been received, the Chairman will then schedule a hearing to take place at the time of the next regularly scheduled meeting of the Commissioners.

Since the statute does not clearly define the meaning of a tenant of the Authority, it is reasonable to take an inclusive approach and based on the above connections of the residents of "The Heights" to the DHA, it is my opinion and the opinion of the DHA's attorney Ed Schmidt, that both the residents of the Heights and the residents of Old Town Houses, should be considered as possible candidates in a future election for the next tenant commissioner.