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LOWELL HOUSING AUTHORITY
BOARD OF COMMISSIONERS MEETING
APRIL 12, 2023

Mercier House
21 Salem Street
Lowell, Massachusetts

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

1 Board of Commissioners:

2 Philip L. Shea, Chairman

3 Joanie L. Bernes, Commissioner

4 Mony Var, Commissioner

5 Matt Marr, Commissioner

6 Rodney Elliott, Commissioner

7

8 Lowell Housing Committee:

9 Tha Chhan, Interim Executive Director

10 Sherry Giblin, Chief Financial Officer

11 Kevin J. Murphy, General Counsel

12

13 Presentations by:

14 Mark Johnson, Esquire

15 Kevin O'Brien

16 John Geary, Esquire

17 Diane Silver

18 Laura Watts, Capital Asset Manager

19 Jonathan Goldfield, Capital Asset Manager

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P-R-O-C-E-E-D-I-N-G-S.

Mr. Shea: Can I have your attention, please. I'd like to have your attention, please. It's 5:00 -- after 5:00 on April 12th. I'd like to call to order the regular meeting of the Lowell Housing Authority Board of Commissioners. And with that being said, I'd like the clerk to call the roll.

Mr. Chhan: Chairman Shea.

Mr. Shea: Present.

Mr. Chhan: Vice Chair Mony Var.

Mr. Var: Present.

Mr. Chhan: Commissioner Bernes.

Ms. Bernes: Here.

Mr. Chhan: Commissioner Elliott.

Mr. Elliott: Here.

Mr. Chhan: Commissioner Marr.

Mr. Shea: Thank you. Thank you, officially now the executive director of the Lowell Housing Authority, after getting that stamp of approval from the Commonwealth of Massachusetts. I just want that in the record. But nonetheless, if we could proceed with Item Number 1, we're going to go through Item Number 1 through 7, and then on Item Number 8 we'll have a presentation on the construction pertaining to

1 what will be Rivers Edge.

2 So with that being the case, the first item
3 before us is the approval of the minutes of the
4 meeting that was held here on March 1st. We all got
5 a copy of the minutes of the meeting. Are there any
6 questions by any member of the Board of
7 Commissioners? Seeing none, Commissioner Rodney
8 Elliott, seconded by Commissioner Joanie Bernes moves
9 to approve the minutes of March 1st, 2023. The clerk
10 will call the roll.

11 Mr. Chhan: Chairman Shea.

12 Mr. Shea: Yes.

13 Mr. Chhan: Vice Chair Mony Var.

14 Mr. Var: Yes.

15 Mr. Chhan: Commissioner Bernes.

16 Ms. Bernes: Yes.

17 Mr. Chhan: Commissioner Elliott.

18 Mr. Elliott: Yes.

19 Mr. Chhan: Commissioner Marr.

20 Mr. Shea: Thank you.

21 Item Number 2, the resident correspondence.

22 We have no resident correspondence.

23 Mr. Chhan: No, I don't have any.

24 Mr. Shea: We move to Item Number 3,

1 resident organization.

2 Mr. Chhan: We don't have any resident
3 organization.

4 Mr. Shea: We'll move to Item Number 4, the
5 report of the subcommittee. We'll we don't really
6 have a report of the subcommittee because we have not
7 chatted. Oh, another thing, Attorney Murphy, and I'm
8 sorry, let the record indicate that our generally
9 counsel Kevin Murphy is present with us also. Do you
10 have some comment on any of these items?

11 Mr. Murphy: No, we're all set up to this
12 point in time.

13 Mr. Shea: You're all set, Kev?

14 Mr. Murphy: Yeah.

15 Mr. Shea: So therefore the subcommittee
16 meeting, I'd like -- Item Number 5 is the finance and
17 audit report, and I'd like our chief financial
18 officer Sherry Giblin to give us this report, that
19 will be appreciated. Thank you, Mrs. Giblin.

20 Ms. Giblin: Thank you, Mr. Chairman.

21 The Authority's operating statements for the
22 period ending February 28th, 2023 were provided to
23 the Board for their review. Operating gains continue
24 to decrease. Our federal portfolio saw a decrease in

1 operating gains of 172,000 in February. This is due
2 mainly to the flood at City View Towers, and as well
3 as the elevator outages at South Common Village.
4 These two issues, coupled with the high rate of
5 vacancies continue to have a major impact on the
6 financials through February.

7 Preceding each operating and financial
8 statement we were given an explanation of any
9 material variances. Rent and subsidiary estimates
10 across all four AMPs are within budget tolerance.
11 February's proration remained at 95 percent.
12 Proration has increased for March and April to
13 98.72 percent. Solar net meter credit revenue is
14 exceeding budget estimates to date. Credit rates
15 were budgeted at 19 cents per kilowatt hour. Rates
16 are currently at 42 cents per kilowatt hour.

17 Expenses across three out of the federal
18 four separate AMPs are within budget tolerance
19 through February. As a result of the flood that
20 occurred we have seen budget overruns in AMP 4. AMP
21 4 admin expenses remain over budget due to tenant
22 stipends and hotel costs. Maintenance labor is also
23 over budget due to overtime required during the flood
24 emergency. Utilities remain under budget through

1 February. Insurance and benefits are over budget in
2 AMPs 1, 2 and 4 due to force account labor benefits.

3 The State Consolidated program is performing
4 below budget expectation through February. The
5 program's realizing an operating loss of 75,000
6 through February. \$40,000 of this loss is due to
7 OPEB expenses that are not budgeted per DHCD
8 guidelines. The additional 35,000 of this loss is
9 due to high vacancy rate and testing for pest
10 infestations requiring tenant relocation. In
11 addition, there was a forced account labor on to
12 cover for a vacant custodial position. This program
13 is budgeted to realize a loss of \$1,587.

14 I'd like to update the board on HUD
15 operating fund subsidies. Calendar year 2023
16 operating fund subsidy calculations were submitted
17 timely to HUD in March. The Authority's eligible for
18 9.8 million in funding before proration. This is an
19 increase of 1.9 million from calendar year '22. The
20 final calendar year 2023 proration is unknown at this
21 time. Currently HUD is funding at an estimated 98.72
22 percent proration. I have provided the Board with an
23 executive summary of the calculations for 2023.

24 At this time I open it up to any questions

1 from the Board.

2 Mr. Shea: Thank you for those comments.
3 I'd like to ask any member of the Board of
4 Commissioners do they have any questions pertaining
5 to the chief financial officer's report?

6 The questions I had were basically -- I
7 think we took up yesterday afternoon, so I'm very
8 satisfied with everything. And once again, I think
9 it's a very thorough reflection of where we stand.
10 And so with that being the case I turn it -- move to
11 motion by Commissioner Mony Var, seconded by
12 Commissioner Rodney Elliott to accept the financial
13 report of our chief financial officer. I'm sorry,
14 Commissioner Elliott.

15 Mr. Elliott: Thank you, Mr. Chair. Just
16 briefly, in your reporting to us regarding the
17 calculated loss, you relocated tenants as a result of
18 pest infestation, are we getting ahead of that? How
19 can we get ahead of addressing that problem so we're
20 not really worried?

21 Mr. Chhan: This is for the --

22 Mr. Elliott: Would you say it's chronic or
23 just in a certain building? I understand we have
24 real problems, but.

1 Mr. Chhan: It's chronic to one specific
2 building on 125 Main Street. We had to relocate the
3 resident and transfer one resident from State Housing
4 to Federal Housing. Right now there is three units
5 vacant and they're preparing the last building and
6 hoping within the next couple weeks we will move the
7 occupants.

8 Mr. Elliott: Thank you.

9 Mr. Shea: All set, Rodney?

10 Mr. Elliott: Yes, thank you.

11 Mr. Shea: So as I said, there's a motion by
12 Commissioner Mony Var, seconded by Commissioner
13 Joanie Bernes to accept the report of the chief
14 financial officer. And with that being the case, the
15 clerk will call the roll.

16 Mr. Chhan: Chairman Shea.

17 Mr. Shea: Yes.

18 Mr. Chhan: Vice Chair Mony Var.

19 Mr. Var: Yes.

20 Mr. Chhan: Commissioner Bernes.

21 Ms. Bernes: Yes.

22 Mr. Chhan: Commissioner Elliott.

23 Mr. Elliott: Yes.

24 Mr. Chhan: Commissioner Marr.

1 Four yeas, motion carried.

2 Mr. Shea: Thank you. The next item is the
3 report of the chair. There's just a couple of
4 comments I'd like to make before we move on to the
5 presentation.

6 First of all, I'd like the record just to
7 indicate that there's not much for the chairman of
8 the Board, except the good news to saying that Tha
9 Chhan's contract, which we voted on back on
10 February 15th, was approved by the Commonwealth of
11 Massachusetts which solidifies his five-year,
12 six-month contract with the Housing Authority to be
13 the executive director.

14 And as I indicated to Attorney Kevin Murphy,
15 who worked very hard on that with Donna, with Donna
16 Toohey and Sherry Giblin, congratulations to you
17 guys, because that was a tremendous effort, to get
18 through all the minutia to get to that point where
19 our executive director will have permanent status and
20 his contract binding.

21 I'd like the record to indicate that and as
22 well as congratulate those people with respect to
23 that effort. That's one of the things I did when I
24 was away on vacation. That was great news, as I

1 indicated to them. So he is now solidified into that
2 position for the next five years, six months,
3 whatever the case may be. I'd like the record to
4 indicate that.

5 Secondly, I'd also like to indicate for the
6 record that Mrs. Alisen Purtell as the interim
7 director title has taken on as the director of
8 admission. And she's here tonight, I want to
9 congratulate her. She is now the permanent director
10 of admissions.

11 (Applause)

12 And I think that's a great accomplishment
13 for her. She is without question -- everybody has a
14 lot of respect for her as a person, as her work
15 ability is second to none, and I'd like that record
16 to be -- I'd like that to be indicated in the record.

17 Also, as you all know the bylaws at our
18 annual meeting on March 1st indicate we had an
19 election of the new chairman and vice chairman. As
20 it turned out I guess it wasn't a new chairman,
21 re-election of the chairman and vice chairman. And
22 also it's a duty under our bylaws of the chairman to
23 appoint subcommittees for the next fiscal year, I
24 guess we're going. With that being the case, I

1 already submitted to the director, the chief
2 financial officer, and I've given to our stenographer
3 what I'm going to report out. First of all, with
4 respect to the makeup of the chairman, we have a vice
5 chairman of each committee. We have five committees
6 and the executive board for the next fiscal year, the
7 executive board will consist of the chairman person,
8 Chairman Shea, vice chairman will be committee member
9 Mony Var. That will be the executive board meeting.

10 The finance board meeting -- subcommittee I
11 should say, the chairperson is Chairman Philip Shea,
12 and the member is Vice Chairman Mony Var.

13 The personnel subcommittee is the same. The
14 chairperson is Commissioner Matt Marr with
15 Commissioner Joanie Bernes being the vice chairman of
16 that committee.

17 The resident service subcommittee, the
18 chairperson is going to be Commissioner Joanie
19 Bernes, and the member will also be the same member,
20 Commissioner Rodney Elliott.

21 And the last of the committees, the last of
22 the five committees, our capital planning committee,
23 the chairman of that committee will be Commissioner
24 Rodney Elliott, and the vice chairman of the

1 committee will be commissioner Matt Marr. They did
2 an outstanding job for the last 12 months, and I look
3 forward for them continuing to work with our capital
4 asset managers, and both of them are here, in the
5 next 12 months.

6 I gave a copy of this to the stenographer, a
7 copy to the vice -- to the director, as well as the
8 -- as well as the chief financial officer. And so
9 that is the committee appointments, and so that is
10 basically it.

11 As you all know, under the bylaws the
12 chairman has a responsibility and duty to name those
13 committees, and I think that this reflects on one of
14 the areas of responsibilities that I have as the
15 chairperson of this committee. So with that being
16 the case -- just look at my notes. I guess that's
17 it.

18 So report of the chair, which is Item
19 Number 6, there is a motion by Commissioner Joanie
20 Bernes and seconded by Commissioner Mony Var to
21 accept the report of the chair. And the clerk will
22 call the roll.

23 Mr. Chhan: Chairman Shea.

24 Mr. Shea: Yes.

1 Mr. Chhan: Vice Chair Mony Var.

2 Mr. Var: Yes.

3 Mr. Chhan: Commissioner Bernes.

4 Ms. Bernes: Yes.

5 Mr. Chhan: Commissioner Elliott.

6 Mr. Elliott: Yes.

7 Mr. Chhan: Commissioner Marr.

8 Four yeas, motion carried.

9 Mr. Shea: Thank you. The next item on the
10 agenda is report of the executive director. Do you
11 have anything you'd like to add?

12 Mr. Chhan: Yes, sir. Thank you very much,
13 Mr. Chairman.

14 First I would like to thank you, Sherry, and
15 Attorney Murphy, for your effort -- I'm sorry, I just
16 want to express my sincere gratitude for the effort
17 and the time and energy for -- that Sherry and
18 Attorney Murphy and Donna put into drafting the
19 contract and dealing -- and dealing with DHCD of my
20 contract. Thank you very much.

21 I have four items to report. The first item
22 is that the Lowell Housing Authority has been working
23 together to address the number of vacancies that we
24 have, a lot of vacancies in the past.

1 The agency has 55 vacancies unit last month.
2 About a month ago. Now work together as a team we
3 were able to decrease that number from 55 to 25.
4 There will be more added on to that 25 down the road
5 of course, but we're going to continue to bring it
6 down. That thanks to our housing staff and also our
7 brother and sister in union for their commitment in
8 prioritizing our need to turn over quickly for our
9 residents. I'm happy to report that within a month
10 we have been able to bring it down that much, which
11 is great news, and I would like to share that with
12 the Board.

13 Another thing is also good news is that the
14 elevator at 46 Summer Street. The elevator
15 replacement project at 46 Summer Street has been
16 completed. I'm pleased to report that the elevator
17 passed inspection last week and is fully operational
18 at this time. That's another thing.

19 Also another item is the third item, as you
20 are aware the Lowell Housing Authority has been
21 working in partnership with the -- with the police
22 department to open a new office at 45 Summer Street.
23 And we saw the press release. We wrote them on March
24 27th and we're looking to schedule an open house with

1 -- together with the police department, Lowell
2 housing together over there. And we will inform the
3 Board and the staff as soon as we know the specific
4 date and time.

5 My fourth item is the job fair. Lowell
6 Housing Authority will hold -- Job Plus program will
7 hold the job fair, Lowell housing job fair in this
8 center on April 25th to recruit the summer intern for
9 agency. But also will be in attendance will be HUD
10 representative from regional office in Boston, and
11 also local organizations, government agency like City
12 of Lowell will take part in this job fair. And there
13 will be a total of 14 tables set up in this office,
14 in this room here or outside too. And that will be
15 happening on April 25th.

16 That's all I have to report today. Thank
17 you.

18 Mr. Shea: What was the date of that, the
19 police station opens?

20 Mr. Chhan: It will be March 27th. That was
21 the date that we did a joint press release with the
22 City of Lowell Police Department. And they have a
23 key and full access to the building. But we plan on
24 having an open house, looking to do within the next

1 couple of weeks. Next couple weeks.

2 Mr. Shea: That's great. That's good news.
3 Okay. Well, any questions for the director with
4 respect to his comments? Commissioner Rodney
5 Elliott, seconded by Commissioner Joanie Bernes to
6 accept the report of the executive director. The
7 clerk will call the roll.

8 Mr. Chhan: Chairman Shea.

9 Mr. Shea: Yes.

10 Mr. Chhan: Vice Chair Mony Var.

11 Mr. Var: Yes.

12 Mr. Chhan: Commissioner Bernes.

13 Ms. Bernes: Yes.

14 Mr. Chhan: Commissioner Elliott.

15 Mr. Elliott: Yes.

16 Mr. Chhan: Commissioner Marr.

17 Four yeas, motion carried.

18 Mr. Shea: One of the items that I'd like to
19 bring up, I brought up three or four times in the
20 past, is the fact that we can hear everything you
21 guys are saying as you speak to us, you can hear what
22 we say, but it's very hard for us up here and so I
23 see Mr. Moriarty in the room, maybe we can get him
24 and his team back again to try to fix the sound

1 system somehow. Like when Rodney speaks, you know,
2 because the voice is going out, the sound system is
3 not all that good. I know they tried in the past
4 too, so when someone speaks up with respect to
5 anything, if they could just speak right into the mic
6 because it's difficult for us up here to pick
7 everything up. Does that make sense?

8 So with that being the case, the next item
9 on the agenda is -- I'd like the record to indicate
10 that Commissioner Matt Marr has graced our presence.

11 Mr. Marr: I apologize to the Board. I had
12 to work late. Sorry.

13 Mr. Shea: That's okay.

14 So the next item on the agenda is a
15 presentation from O'Brien Construction Company,
16 Lowell site planning of River Edge. And I have
17 recognized Attorney John Geary, distinguished lawyer
18 of Lowell will be here, as well as Mark Johnson who's
19 an attorney of Andover, and of course the principal
20 of operations, Kevin O'Brien, and who is the
21 president of River Edge, and also Diane Silver. And
22 so they're here to make a presentation to what they
23 propose of River Edge. And me and the Board look
24 forward to that presentation.

1 As an absolute, the dialogue for this
2 conversation actually started -- it's 24 months ago.
3 But we are here, and I know the Board looks forward
4 to your commentary. And we have the plans which we
5 can go over, and we have Attorney Murphy who's been
6 working with Sherry Giblin, our chief financial
7 officer, starting back in September to get to this
8 point. And it's been a lot of work.

9 And so with that being the case, I see our
10 first speaker is up, and if you could just identify
11 yourself for the record and we can then take it from
12 there. I do know that -- I do have -- as a matter of
13 fact I see Attorney Johnson is ready to speak, but I
14 want to make a comment about -- of course Kevin
15 Murphy's speaking to John Geary. Did you -- by
16 chance, did you know you and John Geary had something
17 in common?

18 Mr. Murphy: No.

19 Mr. Shea: You didn't know? I want -- for
20 the record, I want to tell you that John Geary, who
21 I've known since he's been a little boy, his father
22 and your father both graduated from the University of
23 Notre Dame. You didn't know that, did you? And of
24 course John Geary, Attorney Geary, for the record,

1 his grandfather in 1950 was the mayor for the City of
2 Lowell.

3 So that's just trivia. Anyhow, Mark
4 Johnson, thank you for coming in and we as the Board
5 of Commissioners look forward to your comments and
6 therefore, please introduce yourself and take it from
7 there.

8 Mr. Johnson: Thank you.

9 For the record, Mark Johnson. I'm an
10 attorney in Andover. I represent O'Brien
11 Construction Enterprises, Inc. I'd like to thank the
12 chairman --

13 Mr. Shea: Mark, you have to speak into the
14 mic.

15 Mr. Johnson: Is this not turned on?

16 Mr. Shea: Is it on? Thank you, Sherry.

17 Mr. Johnson: Okay. I think this is on.

18 Interesting, you didn't tell me you had to
19 turn it on. You must know how I deal with
20 microphones. I appreciate you just giving me the
21 mic.

22 For the record, Mark Johnson, attorney in
23 Andover. I represent O'Brien Construction
24 Enterprises, Inc. I'd like to thank Chairman Shea

1 and the Commissioners here for hearing us tonight,
2 and also Chairman Shea for setting up some meetings
3 that we had in the past that I think resulted in us
4 being here tonight.

5 Tonight's presentation is going to be
6 actually three speakers. I'm going to give you a
7 little bit of an overview. As you know this project
8 is Rivers Edge on the Concord off of Gorham Street.
9 Residents First Development Corporation is the owner
10 of the property. O'Brien Construction Enterprises,
11 LLC will be the builder. And O'Brien was the builder
12 of the prior phases of about 160 units.

13 We're here to present a plan for the final
14 phase of the development, answer any questions, and
15 talk a little bit about what the next step will be.

16 The plans submitted to you reflects our
17 understanding that this commission would like to see
18 no more than 28 units. The plan reflects 14
19 buildings, also the existing units. The units are
20 three-bedroom units, a living room, one and a half
21 baths, an eat-in kitchen. There is no garage planned
22 for these units, but there are two parking spaces per
23 unit, and 23 additional parking spaces on site.

24 The layout of the units are the same as the

1 earlier phase with one change, and that is a closet
2 off of the master bedroom which Kevin O'Brien will
3 explain, and we provided a play area.

4 At this time Kevin O'Brien will talk about
5 the plans and answer any questions on the plan. And
6 Attorney Geary, counsel for RFDC will address the
7 next steps, what we believe the process will be, and
8 what we're hoping to accomplish as the end result
9 tonight.

10 So at this point I will turn it over to
11 Kevin O'Brien.

12 Mr. O'Brien: Good afternoon, Mr. Chairman
13 and Board members. My name is Kevin O'Brien. I am
14 the builder of this project so far out there from
15 O'Brien Construction Enterprises.

16 What I did for the presentation is I had two
17 plans -- well I have four plans, but I have two that
18 show the outline of the project.

19 The first one, this one right here shows the
20 existing -- where we're proposing to put the houses,
21 but it shows the existing houses around, what we've
22 already built. I did this for the sake of showing
23 you that the distances in between the houses or
24 clearance in between the houses is much greater on

1 this one. I think that's something that the Board or
2 I've been told, you know, in the past couple of years
3 everyone wanted it a little more spread out.

4 This plan right here, this plan right here
5 is the same plan as that. It just shows this dark
6 green area is the wetlands. Wetlands isn't blue
7 anymore. We couldn't get blue for some reason. So
8 the dark blue area is the outside perimeter of the
9 project. You can see we already put the retaining
10 wall in, these three areas. These three areas. The
11 property's already been filled, it's up to subgrade,
12 according to how the road and everything's going to
13 be put in.

14 The road location on this land is identical
15 to what was there before. What was approved before
16 by the City of Lowell. What I'd like to do is -- I'm
17 going to explain to you the retention pond, but what
18 I'd like to show you -- if I can give out these
19 plans, Mr. Chairman, to everybody.

20 This is the plan, I'm showing the retention
21 pond that was originally planned on this project. A
22 retention pond is something where all the drainage
23 from the road goes. All the catch basins catch the
24 water, they're going to go to the retention pond.

1 This retention pond on this plan is
2 approximately 200 feet long by 100 feet long. By 100
3 feet wide, excuse me. It would take up the area of
4 here and all of this area right here. So we'd lose
5 this duplex, we'd lose all the -- some of the parking
6 area, we'd lose the road coming out and all the
7 playground area.

8 The reason I did this is to put -- to
9 eliminate the retention pond and put the drainage
10 detention underground. We would put chambers under
11 this parking area. It's just like building a house
12 foundation. You pour the foundation, you put a
13 concrete cap on top of it, and that way you utilize
14 it. Let's say all of this area that I'm pointing to
15 is going to get wasted was a retention pond. Nobody
16 likes retention ponds because they don't create
17 places for kids to play, first of all, but they
18 create mosquito havens. I'm just going to pass out
19 one more picture.

20 This is a picture of the existing retention
21 pond on this project. It's located right here, at
22 the end of the road. That picture, I took a picture
23 from here pointing to that green house. It gives an
24 idea what the retention ponds can start to look like.

1 The underground tank creates a lot more area
2 to be utilized and eliminates all this. I've been
3 putting tanks in the ground for years. The tank
4 we're proposing out here is probably going to be
5 anywhere between 35, 40 feet wide by 200 feet long.
6 So it's substantial. It's got a chamber, the chamber
7 area's 10 by 17. That's the smallest you can get
8 concrete precast for water. And then the parking,
9 additional parking area will be put on top of that.
10 Kills two birds with one stone. And maybe even more
11 than that.

12 The additional parking we're proposing is 22
13 spaces. My thinking would be that they have it come
14 in -- have a one-way. Come in one way and come out
15 the other. Because if you start having the two-way,
16 the road's going to get too wide. It's going to be
17 into people's yards, who's going to want it? I think
18 it's a great idea, having those additional spaces,
19 because quite frankly we all know what it's like out
20 there, especially with the snow.

21 Retaining wall's going in. As I said
22 earlier, retaining walls and the property are all
23 going in. The property is brought up to subgrade.
24 The fill is brought in. We're proposing a

1 playground. We have not designed anything for the
2 playground. The only playground that's in this
3 project is coming down Rivers Edge Road which is way
4 up here, coming off of Gorham Street on the left-hand
5 side. There was nothing planned for that. I think
6 it was just something the city put in, I believe. We
7 didn't have anything to do with that.

8 The house plan that I'm going to show you I
9 think you all have copies of. As Mark Johnson said,
10 it's three bedrooms, bath and a half, a living room,
11 a kitchen with an eating area.

12 The plans now, the new plans show the new
13 codes that went into effect January 1st, which are
14 bizarre. Some of the things I'm going to highlight
15 on this, the HVR unit where everyone knows when you
16 go into a new house, you go into the bathroom and the
17 fan is always running. Everyone asks us as builders
18 why is the fan running? It's code. The code doesn't
19 work anymore. They decided that's not working
20 anymore. So what they're making us do now,
21 everybody, is put what they call HRV unit in. HRV
22 unit is a heat exchange -- it's heat recovery. What
23 it does is suck the air out of the house and brings
24 fresh air in.

1 The area where this is going to be put is up
2 in the attic. If you go to page 11 on the house
3 plan, go to page 11 on the house plan you'll see in
4 the section that it goes to the top of the stairs on
5 the second floor, up in the attic. That's where the
6 HRV unit is going to be located. It's accessible.
7 People can come up the stairs and they change the
8 filter in it. Otherwise they're not going to change
9 the filter and they're going to have problems.

10 This is another thing that I added, the
11 stairs. The original plan showed that in coming up
12 the stairs, the stairs from the first floor to the
13 second floor, you get up to the second floor and you
14 have a disappearing staircase. We all know what
15 those are. Pull-down staircases. Pull-down
16 staircases don't work anymore. We have to insulate
17 the attic to R-49. What does that consist of? Well
18 you don't use foam, you don't use seven inches of
19 foam, you have to use almost 24 inches of blown-in
20 insulation. That's two feet. We didn't get two feet
21 of snow a couple weeks ago, but a lot of people did.
22 We all know how two feet of snow is. Nobody's going
23 to use their attics. They just can't anymore. It's
24 just impossible. Unless they -- unless, as I said,

1 you foam it. Each one of these units if I was to
2 foam it is anywhere between 6 to \$8,000 additional to
3 what we have now. Foam is very expensive. At some
4 point within the next year or two we will be using
5 foam on everything we build. But for right now we
6 don't have to.

7 We're eliminating the pull-down staircase.
8 You'll see in the plan, the first sheets, I showed
9 areas where there's partial.

10 Every unit that is built over here has to
11 have a 50-amp car charger. Mandatory. It's not the
12 electrical code, it's in the energy code, as most of
13 the electricians know it now. My own electrician
14 told me back in January it's not by code. They don't
15 agree with that. But everyone knows it needs a
16 50-amp charger.

17 If you look at sheet four of the plans,
18 which is the back of the house, you see we have a
19 radon vent which works for both units. We have soil
20 pipes on both ends of the house, and we have what's
21 called a future solar panel line, which is a two-inch
22 PVC line that you have to install in every building,
23 house, whatever that you build, for future solar
24 panels. You also have to leave at least 300 square

1 feet on each unit for future solar panels.

2 These units work with -- when we put the
3 pipes off to the side and off -- on the middle, on
4 the bottom here where I said the radon pipe is, we
5 put the solar pipes at the end of the -- the pipe for
6 the solar panels on the end. You put the solar
7 panels on, the rule of thought is -- I don't know how
8 many people push it, but if there's a fire in that
9 house, the fire department has to get up on the roof,
10 they cannot get on the solar panels. So they need
11 three feet at least on each side, on each end and
12 three feet in the middle so they can safely, I don't
13 know how safe that is anyway, safely get on the roof.

14 The thing Mark talked about a few moments
15 ago is one more thing that I changed in the house.

16 Mr. Shea: Excuse me, Kevin, can I just ask
17 you a question? I'm a guy, I can't bang a nail into
18 a piece of wood so, but is this unit very similar to
19 what we have up here today?

20 Mr. O'Brien: Exactly.

21 Mr. Shea: It's very similar?

22 Mr. O'Brien: Yeah, I've done a couple of
23 changes that we made to meet the code.

24 Mr. Shea: I'm just trying to relate to it,

1 that's all.

2 Mr. O'Brien: The last thing that I changed
3 was on the units eliminating the pull-down staircase
4 in the hallway. I put the stairway in the master
5 bedroom closet going up to the hallway. You got to
6 access to the HRV unit. At the bottom of those
7 stairs in the closet will be a steel outside exterior
8 door. What we did is the closet used to be
9 three-foot by three-foot closet, I extended that
10 closet out behind the bathroom, because it was a dead
11 area, and made it pretty much a walk-in closet. So
12 now they have a three and a half foot by ten-foot
13 closet.

14 That's the extent of my changes.

15 Mr. Shea: Mr. O'Brien -- I'm sorry,
16 Commissioner Matt Marr would like to ask you some
17 questions.

18 Mr. Marr: Where does this stand for the
19 RFDC right now?

20 Mr. O'Brien: The HRV?

21 Mr. Marr: RFCD. Residents First. Where
22 does this stand for the Residents First, RFCD?
23 Because they owe you money, right?

24 Mr. O'Brien: Correct.

1 Mr. Marr: What is -- what's going on with
2 that?

3 Mr. O'Brien: I'm going to let John explain
4 that to you, where we're at with that. I think, just
5 before I give it to him, I believe that your Board
6 had talked about that and had come back with a
7 proposal, I think. But again, I'll let John -- we're
8 all right here, so if you want, ask me anything.

9 Mr. Shea: Did Attorney Murphy want to say
10 something?

11 Mr. Murphy: Yeah, we, the administration
12 and myself, especially Sherry Giblin have gone over
13 all of the numbers relative to Kevin O'Brien's claim,
14 and we came up with a recommendation as to what we
15 believe he was owed as a result of the work that he
16 did on his own. And we communicated that to the
17 RFDC.

18 Mr. Marr: I understand that, but what does
19 the RFDC owe Mr. O'Brien? I'd like to know.

20 Mr. Murphy: We recommended 1.2 million.

21 Mr. Marr: Right. But what does the RFDC
22 owe him?

23 Mr. Murphy: John Geary has that
24 information.

1 Mr. Geary: Good evening and thank you all.
2 For the record, my name is John Geary of the Law
3 Offices of Geary and Geary, LLC, 32 Church Street,
4 Lowell, Mass.

5 I'm here tonight representing Residents
6 First Development Corporation. With me tonight is
7 Diane Silver. Diane is the president and treasurer
8 of the corporation. Diane has 20 years of invaluable
9 institutional knowledge about this proposal at Rivers
10 Edge, so we heavily honor her.

11 Very briefly -- I'll get to your question,
12 sir, at the end of my presentation, if you don't
13 mind. But very briefly I'd just like to go through
14 what we believe the permitting process would be for
15 this last phase. So we're going to need a
16 conservation commission filing due to the proximity
17 of the Concord River. We're going to need to present
18 before the City of Lowell Planning Board for a site
19 plan review and special permit. We will be working
20 in conjunction with Attorney Murphy on that process.
21 We don't know at this point in time whether or not we
22 need any relief from the Zoning Board of Appeals,
23 that's to be determined once the plans are finalized.
24 And if we do need relief, we will seek relief.

1 It's hard to -- it's difficult to put a time
2 frame on the process at this point in time because
3 there's a lot of steps that we need to get through
4 before we are able to start that permitting process.
5 And then finally, once we do have a plan by the City
6 of Lowell, we'll have to take that to DHCD and get
7 DHCD's approval.

8 In no particular order, we envision the next
9 steps of this process to be -- you know, we need to
10 finalize the engineering plans so we can actually
11 start the process of moving forward with the
12 permitting. We need to commence the work on the
13 grant application with some assistance from the
14 Lowell Housing Authority. We need to figure out our
15 finance report, sort through some predevelopment soft
16 spots so we can get started on engineering and things
17 of that nature. And then also we need to figure out
18 how we're going to finance this project. We have not
19 figured that out yet. But we hope that, you know,
20 what we get out of this presentation tonight is two-
21 fold, that we get this commission to approve the plan
22 that's presented tonight, and number two, that we get
23 the Board to -- or the commissioners to vote to issue
24 a letter of support from the Lowell Housing Authority

1 to Residents First Development Corporation supporting
2 this project. That will help us in terms of our
3 financing and trying to uncover self-cost funding.

4 So that is all I have for now, but to -- so,
5 sir, to answer your question regarding what is owed
6 to -- from Residents First to O'Brien Construction,
7 the amount is 1.25 million.

8 Mr. Marr: So where are you at with that?

9 Mr. Geary: That number is worked into the
10 pro forma. We have a draft pro forma right now that
11 we're working through. It's not finalized at this
12 point in time, but it is worked into the numbers. So
13 that is the amount that will be repaid to O'Brien
14 Construction.

15 Mr. Marr: That's a large amount of money.

16 Mr. Geary: It certainly is.

17 Mr. Marr: And this has been going on for
18 how many years?

19 Mr. Geary: Many years.

20 Mr. Marr: Many years. How far along are we
21 with them?

22 Mr. Geary: Well so between RFDC and O'Brien
23 Construction we've essentially negotiated the
24 essential terms of the construction agreement. As I

1 mentioned, we're yet to determine our financing
2 source, and we yet to finalize the pro forma, which
3 is a necessary part -- both a necessary part of the
4 construction agreement.

5 But the essential terms are in place and we
6 -- I do not see any problem getting to a final
7 agreement. I don't think Attorney Johnson sees any
8 problem either, so we're confident we will get there.

9 Mr. Marr: So counsel so --

10 Mr. Shea: Can you speak into the mic?

11 Mr. Marr: Where are we at as the Housing
12 Authority with the RFDC? Money-wise with them.

13 Mr. Murphy: Well we don't owe --

14 Mr. Marr: I know we don't owe.

15 Mr. Murphy: We've made a recommendation as
16 to what we believe is the amount that was owed to --

17 Mr. Marr: Right, this is going on for how
18 many years? 20 years.

19 Mr. Murphy: The only way to get paid,
20 Commissioner, is upon the sale of the units.

21 Mr. Marr: Correct.

22 Mr. Murphy: So he certainly couldn't get
23 paid until these units are constructed and sold, and
24 then get paid.

1 So also the Lowell Housing Authority will
2 get paid a half million dollars that they previously
3 advanced to the RFDC as part of this development.

4 Mr. Marr: So how on board are they?
5 Because, I mean, we've been dealing with this for so
6 long.

7 Mr. Murphy: I know.

8 Mr. Marr: And we've been going in circles
9 here.

10 Mr. Murphy: And this hopefully is the first
11 step where we go forward rather than in circles.

12 Because if the Board approves this plan this
13 evening, my next step is to petition the Lowell City
14 Council to approve the plan. And then the third step
15 is to get DHCD to approve the plan. Because those
16 are the three entities that have to approve the
17 amended plan.

18 Mr. Marr: Right.

19 Mr. Murphy: So we're moving -- if we get
20 this vote tonight to move forward with this plan,
21 we're going forward rather than in circles.

22 Mr. Marr: Okay.

23 Mr. Murphy: Yeah.

24 Mr. Marr: Thank you.

1 Mr. Murphy: Okay.

2 Mr. Geary: So with that we're happy to take
3 any questions that the Commissioners may have.

4 Mr. Shea: Thank you, Attorney Geary. Any
5 question for Attorney Geary pertaining to his
6 comments or any other question pertaining to this
7 development? Who sent this over -- on September 1st
8 who sent us the material, the backup material for
9 some of the expenses that come from Attorney Geary
10 and a number that come from Attorney Johnson?

11 Mr. Murphy: Most of it was from
12 Mr. O'Brien.

13 Mr. Shea: So the 400 pages of backup
14 material -- can I just ask Sherry Giblin, you and
15 your staff went through the 400 pages of backup
16 material?

17 Ms. Giblin: Yes, we did.

18 Mr. Shea: And you were part of the -- you
19 and Tha and Kevin, you guys are satisfied with what's
20 being said here tonight?

21 Ms. Giblin: Yes. Kevin -- basically Kevin
22 and I went through --

23 Mr. Murphy: Kevin, which Kevin?

24 Ms. Giblin: Kevin Murphy. General counsel

1 Kevin Murphy and I met and we took all the backup
2 documentation, I took it back to my office, I went
3 through all of the backup documentation. I went
4 through all the reports from the last 20 years of
5 everything that was done at the site.

6 We also had, if you remember, a third-party
7 reverse engineering study that was done. So when all
8 was said and done we had three sets of numbers that
9 we had to go by. And although all three of those
10 members were different, they all seem to be within
11 the same realm. So there were a few items that were
12 contested, and no one could come to any agreement on
13 those items, but the majority of those items that
14 totaled the 1.2 million we have backup for and we
15 could say with a good level of certainty that that's
16 what it cost to do the work that was performed during
17 that period.

18 Mr. Shea: Okay. So next -- next journey I
19 want to go on, I think I'd like some clarification
20 for your 1.2 million and Attorney Geary's 1.52
21 million.

22 Mr. Murphy: So basically the difference is
23 this --

24 Mr. Shea: Just explain that to me. I think

1 that's what -- I know I speak for Commissioner Marr.

2 Mr. Murphy: Sherry Giblin, Sherry Giblin
3 did most of the work.

4 Mr. Shea: Yes.

5 Mr. Murphy: And if I misstate this, please
6 correct me. She arrived at the 1.2 million because
7 that was the absolute proof of cost that Mr. O'Brien
8 had. The extra 500,000 was what he said was the fill
9 that he brought into the premises from other jobs,
10 that was the value of that fill. But we said well
11 wait a second, you didn't actually pay for that out
12 of your pocket. You brought that in from your other
13 projects and put it there. So we didn't honor that
14 \$500,000 as an out-of-pocket expense. So that's the
15 difference between the 1.2 and the 1.25 million.

16 Ms. Giblin: 1.67.

17 Mr. Murphy: 67. 67. So the difference is
18 from them to us is the fill that he brought in on his
19 own and didn't have to pay for.

20 Mr. Shea: This may be the proper time to
21 put something on the record, six months or so ago
22 Kevin O'Brien and other people met with our
23 environmental consultant that we hired, maybe six or
24 eight months ago to discuss the -- what was the cost

1 of the fill. And I want the record to indicate that
2 this Board for two years were told that nobody from
3 the Housing Authority had any communication with
4 Diane Silver or her company and the attorney. And we
5 discovered that that simply is not the truth.
6 Because Watermark, we paid \$10,000 to in January of
7 2021. They sat down with these guys and try to come
8 up with a figure about that fill. And it was quite
9 nebulous to us as to what is the -- what's the thing?
10 But for two years this Board was told on four
11 different occasions, that the people running the
12 Authority at the time had no conversation at all with
13 River Edge.

14 So for two years -- we started this
15 conversation incidentally in May of 2021. 24 months
16 ago. 23 months ago. So we had to go back and go
17 through the numbers and ask questions that we
18 discovered were already asked, and there was complete
19 dialogue with respect -- because the only thing this
20 Board ever wanted, the only thing Commissioner Marr
21 wanted is that we don't mind paying them, because we
22 want to find out a little bit about -- we told that
23 to Kevin when he was here two years ago, just give us
24 the information. Because we had no information at

1 all. And then on September 1st when we got 365 pages
2 of documents, this thing, my little \$68 printer would
3 break out printing that off.

4 Mr. Murphy: Well I can't tell you that -- I
5 can't take credit for it, Sherry Giblin did all the
6 work, but we're confident that it's \$1.2 million.
7 1.2 million.

8 Mr. Shea: I think that's what we all just
9 want to hear. And Matt, who's a construction guy, he
10 understands a little bit more than me. I'm just a
11 bookkeeper. And I can't bang a nail into a piece of
12 wood. But I do think there's been a lot of -- it's
13 been pretty cloudy. We're trying to get this thing
14 right so we can move forward, because we all
15 recognize the shortage of housing for moderate income
16 people in the Commonwealth, but more so in the -- in
17 our community. And I used to live right next door to
18 that development in a condo, I walked that
19 development for years and I saw it lay dormant. And
20 when I see these -- this tonight, 28 units, you know,
21 it was this Board talked about lowering -- we want
22 less units. We want more open space. And we want
23 people to feel -- and so we've had 23 months of
24 active discussion among ourselves to move this thing

1 forward. And we're thankful for the information and
2 having meetings and listening to Attorney Geary who
3 to me has enormous credibility, you know, so -- and
4 remember we also have reasons and ability with money
5 that's owed to Lowell House Authority. We're owed
6 \$457,000 on loans, we're owed another \$200,000 on the
7 advance that -- it's a little complicated. The
8 Lowell Housing Authority, when these units are sold,
9 as Attorney Murphy has told us, we stand first to
10 collect. Get back our \$675,000, which is a loan.
11 And that \$675,000 will go into the checking account
12 of the Lowell Housing Authority. It will buy a lot
13 of -- it's going to buy some air conditions for some
14 of those people.

15 So we have 675,000 reasons, at this point I
16 don't mind sharing that with you, Kevin, too, but
17 they have worked hard and I commend Sherry GIBLIN, I
18 commend Attorney Murphy, because they have really
19 worked with our director Tha Chhan to get this thing
20 right. And it's been a long time to get this thing
21 right. But I do believe that after two years of
22 deliberation, I think this Board is on the path
23 tonight for getting this thing right and to move the
24 thing forward.

1 And as you said, Kevin, for the record, they
2 will be back to us with the final approval down the
3 road.

4 Mr. Murphy: Absolutely.

5 Mr. Shea: They have to go before the
6 planning board, go before the council, the
7 conservation. And they have -- as Attorney Geary
8 said, and so we will have the last shot at the
9 picture.

10 Mr. Murphy: Correct.

11 Mr. Shea: But I do think I was impressed
12 when I met with the director yesterday and our chief
13 financial officer over the type of plan. This to me
14 is a lot more -- it's better than I think it was
15 three years ago, July when we met at first, Kevin,
16 with respect to the planning board. We talked about
17 this for three years. But I think we're pretty close
18 to getting it -- getting it right. So I just want
19 that on the record.

20 Mr. Murphy: I think the most --

21 Mr. Shea: I think Commissioner Marr is
22 right on the mark. Just clarify a little bit about
23 the point, but thank you.

24 Mr. Murphy: I think the proper motion will

1 be that the Board of Commissioners would move to
2 approve the -- approve the plan as submitted, and to
3 issue a letter of support that has been approved by
4 the general counsel.

5 Mr. Shea: Commissioner Rodney Elliott.

6 Mr. Elliott: Thank you, Mr. Chairman.

7 I'm very pleased and thank you, Director
8 Chhan, for bringing this forward.

9 One of my first motions when I was appointed
10 by the governor was to get an update on this
11 property. And I was told it was a gag order. That
12 we're not talking about this. So I'm glad we're
13 talking about this now. I'm glad to see a proposal
14 before us. And let me thank Diane Silver for the
15 years that she's put -- she's a volunteer, to do
16 this. And through the various phases there were many
17 challenges, and I'm glad to see this come to
18 fruition, this last phase, because I took the very
19 vote on this 20 years ago to -- it was very
20 controversial, to support this project. And we can
21 tell those -- and we can show those opponents that it
22 was a good thing. That we took perhaps one of the
23 worst housing, public housing projects in the
24 Commonwealth of Massachusetts and we converted it

1 into many affordable homes so many people can realize
2 the American dream of homeownership. And this last
3 phase will continue to do that. And at a time where
4 housing is in critical need.

5 So I'm pleased that this is before us. I'm
6 going to support this proposal. We are far from over
7 the finish line, but this is a first step in a very
8 long process and, you know, it takes time to bring it
9 over the finish liner.

10 I'm glad we have gotten to a number that is
11 justified. We want to pay for what is owed and not a
12 penny more. So, you know, I appreciate you, Attorney
13 Murphy and Sherry, negotiating this, because it was
14 before requested and paid for that provided data on
15 what value is owed. And that's important to us as we
16 move forward.

17 So this final phase, it's going to complete
18 this project and I'm pleased to support it. It's
19 going -- as I mentioned, it was one of the worst
20 housing developments that we had. So I will finish
21 with that. And again, you know, the city and Lowell
22 Housing Authority, we replicate all of the units that
23 were there.

24 There's so much positive to this, and some

1 bumps along the road, but putting this project back
2 on the drawing board, going through the regulatory
3 process, applying for funding, especially now where I
4 can speak from the legislature, housing is a
5 priority. We're going to create a new housing
6 secretary, I believe tomorrow, and that's going to
7 the beginning of great efforts on housing and
8 affordable housing. And that's a perfect opportunity
9 to be able to apply for funding as we move forward.

10 So thank you for bringing this forward again
11 and I look forward to it.

12 Mr. Shea: Commissioner Matt Marr.

13 Mr. Marr: I agree with Chairman Elliott. I
14 support this project wholeheartedly. I just want to
15 know with Residents First, O'Brien Construction's
16 been battling with them for years now, correct?
17 Attorney Murphy?

18 Mr. Geary: I would suggest there's been no
19 battle at all. You know, it's been an ongoing
20 discussion, but it's not a battle.

21 Mr. Marr: Somebody's not getting paid.

22 Mr. Geary: He understands that. And he
23 understands, you know, in order to get paid he needs
24 to finish this final phase.

1 Mr. Marr: I understand that. It's been a
2 long time coming.

3 Mr. Geary: It has. No question about it.

4 Mr. Marr: So what I would like to know is
5 so we want to -- we definitely want to move forward
6 with this project. 100 percent. I'm sure all the
7 Board here wants to move forward with this project,
8 but is the Residents First going to give you that
9 money?

10 Mr. Geary: Residents First intends to give
11 him that money, yes.

12 Mr. Marr: I'm asking are they going to --
13 that money is important for this project.

14 Mr. Geary: Of course it is.

15 Mr. Marr: It's very important. We can't
16 keep giving out loans to people. No?

17 Mr. Shea: Thank you very much. We're not a
18 bank.

19 Mr. Marr: We're not a bank.

20 Mr. Shea: And we have \$675,000.

21 Mr. Marr: We have over half a million
22 dollars invested in this.

23 Mr. Shea: It was loaned out years and years
24 ago that we're going to recoup, thanks to the efforts

1 of this Board, including yourself. We're going to
2 get our money back.

3 Mr. Marr: So Residents First has been an
4 issue.

5 Mr. Shea: Over two years.

6 Mr. Marr: For quite some time.

7 Ms. Silver: Commissioner Marr, I'm Diane
8 Silver and I've been working with Residents First
9 Development since 1995. And I've been working with
10 Kevin O'Brien since 2006, probably a little bit more
11 than that when we started work.

12 Kevin did that work on his site for this new
13 development that he talked about. That wasn't done
14 to the existing property that is out there. Kevin is
15 aware, and I think he will confirm that, that he
16 understands that the way he's going to get paid is
17 from the construction of these units, from grant
18 money that will have to go to state law, and sale of
19 the units. We still have to look at a lot of
20 construction costs, they're not finalized.

21 Mr. Marr: They're through the roof now.

22 Ms. Silver: Which they are through the
23 roof. And we are trying to keep this project as
24 affordable as it always has been, so that in itself

1 is a challenge. It has always been a challenge for
2 this project. Costs go up, sales prices have not
3 been able to go up and, therefore, that's why some of
4 the money that the RFDC is owed to the Housing
5 Authority, some of that was given -- was given to us
6 in the form of a loan. The intention was always to
7 pay it back. Unfortunately, there hasn't been enough
8 cash flow to do that.

9 So we -- just to clarify, there has never
10 been any animosity between the RFDC and Kevin
11 O'Brien. I just want to make sure that everybody is
12 clear with that. And about two years ago I came to
13 this Board, Kevin came to this Board, we intended to
14 make a presentation. At that point we didn't because
15 the question was how much does the RFDC owe to Kevin
16 O'Brien for work that he did on his own with not our
17 authority, and he had said that the whole time, for
18 the future development of the site. At that point in
19 time the number was roughly a million seven. That's
20 what Kevin claimed was owed to him. We subsequently
21 met with Kevin O'Brien, the RFDC board, and we agreed
22 based on after the review with the -- with the review
23 from the engineers, that we agreed that we would pay
24 him a million two-fifty. That was done more than a

1 year ago. Subsequent to that, there was a lot of
2 questioning about where was the backup, where was the
3 information that Kevin provided. And then that is
4 what he then provided. He still provided the
5 information on a million seven. Roughly 500,000 was
6 fill that he took from another site. So that's how
7 we came out -- and we had already agreed to the
8 million two-fifty. And then subsequent, I don't
9 remember when it was, a million two came about. So
10 we're pretty much there. But that money, the RFDC
11 does not have that money right now.

12 Mr. Marr: Of course.

13 Ms. Silver: We don't have the money to pay
14 Kevin. He knows that. We don't have the money to
15 reimburse the Housing Authority. So the only way
16 that that's going to happen is build these homes.
17 And we have to keep them affordable so that the
18 people buying them can afford to live in them. They
19 have much more lower deed restrictions than the
20 original development, which has also been a
21 challenge, but that's our goal. We want to do that.

22 And so then -- however long this is going to
23 take, we'll have to pay Kevin as we sell houses.
24 We'll have to pay the Housing Authority as we sell

1 houses. And we're hoping at the end we'll break even
2 because there's no more room to -- room to build.

3 So I just felt that I needed to -- I needed
4 to clarify that, so I hope that you understand that
5 and the rest of the Commissioners understand that.
6 If you don't, I am more than willing to answer any
7 question.

8 Mr. Marr: Totally understand. Totally
9 understand. And just to clarify, I don't care about
10 animosity. This is money.

11 Ms. Silver: Right. There's no animosity.

12 Mr. Marr: Animosity can go out the door
13 when money's involved. It doesn't matter.

14 Ms. Silver: Right.

15 Mr. Marr: We're talking about bottom line
16 dollar bills here. That's all. That's all we should
17 worry about.

18 Ms. Silver: Okay. Great. Appreciate that.
19 Thank you for your time.

20 Mr. Marr: Thank you.

21 Mr. Shea: Okay. Are there any other
22 questions by any member of the Board of
23 Commissioners? I see that the executive director
24 wants to say something, did you?

1 Mr. Chhan: No. I don't have anything to
2 say.

3 Mr. Shea: I thought you were -- Attorney
4 Murphy, did you have anything else you wanted to add
5 before we take a vote on this?

6 Mr. Murphy: Yeah, I just wanted to explain
7 to the Board if this motion is adopted, then my next
8 step will be to petition the Lowell City Council to
9 accept this plan as the amended plan for the
10 development. So that will be my next step. And I'll
11 obviously inform everybody about the status of that.

12 Mr. Shea: So as we go on the final journey,
13 I thought that you indicated, and I'm glad that
14 Commissioner Marr brought this up, it leaves here,
15 goes to the council, and then it goes to the planning
16 board?

17 Mr. Murphy: It will go to the city council
18 and it will go to the Department of Housing and
19 Community Development.

20 Mr. Shea: And then it goes to the planning
21 board?

22 Mr. Murphy: Planning board and conservation
23 commission, and finally back here.

24 Mr. Shea: And so when that's all done, then

1 it comes back, everybody then will agree -- of course
2 we've indicated very strongly that the Board feels
3 very strong about 28 units. The plan we're voting on
4 is 28 units. And so when that's all done and comes
5 back here for the final vote, we agree on the
6 amendment.

7 Mr. Murphy: There's so many other things
8 that have to happen. As was mentioned, there's storm
9 water management, snow management, all that the city
10 will be telling us how to go about.

11 Mr. Shea: There is a lot. So that's the
12 process. That's what you understand, Tha? Sherry?

13 Mr. Marr: Mr. Chairman, I make the first --

14 Mr. Shea: Commissioner Marr would like
15 to --

16 Mr. Marr: I'd like to make the motion
17 passes through.

18 Mr. Shea: We'll get that. So with that
19 being the case, that's it.

20 Mr. Murphy: Yeah.

21 Mr. Shea: So our two-year journey was
22 worthwhile. And I think we -- I think we always
23 wanted to get the plan right. And this plan that we
24 have before us tonight, I think this plan is right.

1 With that being the case, Commissioner
2 Rodney Elliott, seconded by Vice Chairman
3 Commissioner Mony Var, move to approval of this item.
4 And with that being the case, the clerk will call the
5 roll.

6 Mr. Chhan: Chairman Shea.

7 Mr. Shea: Yes.

8 Mr. Chhan: Vice Chairman Money Var.

9 Mr. Var: Yes.

10 Mr. Chhan: Commissioner Bernes.

11 Ms. Bernes: Yes.

12 Mr. Chhan: Commissioner Elliott.

13 Mr. Elliott: Yes.

14 Mr. Chhan: Commissioner Marr.

15 Mr. Marr: Yes.

16 Mr. Chhan: Five yeas, motion carried.

17 Mr. Shea: The Chair will be in recess for
18 five minutes, thank you.

19 (Recess was taken at 6:16 p.m.)

20 (Reconvened at 6:24 p.m.)

21 Mr. Shea: With that being the case -- okay,
22 we're back again. And thank you very much. We're
23 going to proceed with the agenda, and the next item
24 that we're on is Item Number 7.1.2. It's a motion to

1 accept the proposal documentation for mitigation of
2 Highland Parkway in the amount of \$7,687.50 to
3 Quality Radon, Hermon, Maine. So with that being the
4 case we have this --

5 Mr. Chhan: Mr. Chairman.

6 Mr. Shea: I'm sorry, that's 7.3, we have to
7 move to 7.1.1, motion to approve Lowell Housing
8 Authority state rent collection policy effective
9 April 2023. With that being the case, then of course
10 I'll ask our executive director Tha Chhan to comment
11 on it, thank you.

12 Mr. Chhan: Yes, sir. The current rent
13 collection procedure and practice in the State
14 Housing, actually governed by only three part of
15 Section 2 of the state lease. State executed lease
16 between the Housing Authority and the tenant. After
17 the FEMA performed the manager review by the state
18 audit came part of the finding of the recommendation
19 is the Housing Authority should draft a rent
20 collection policy that consist the language that
21 strictly guide the procedure of rent collection.

22 So we came together and sent a draft to
23 Attorney Murphy too, that states the language -- that
24 contains the language that specifically said what

1 need to be done, and the procedure of how the
2 resident should pay the rent. And that was submitted
3 to you and we are seeking your approval and ask the
4 Board vote to get the approval to submit to DHCD.
5 Thank you.

6 Mr. Shea: Thank you, Tha. Once again, our
7 rent -- our accounts receivables are somewhere
8 between three percent, four percent? It's less than
9 five percent?

10 Mr. Chhan: With the state --

11 Mr. Shea: Whatever it may be, it's always
12 been very impressive and clearly, may the record
13 indicate, continues to be that. Thank you.

14 Mr. Chhan: Thank you.

15 Mr. Shea: So any questions for the director
16 on Item 7.1.1? Commissioner Rodney Elliott, seconded
17 by Commissioner Matt Marr moves to accept Item 7.1.1,
18 and the clerk will call the roll.

19 Mr. Chhan: Chairman Shea.

20 Mr. Shea: Yes.

21 Mr. Chhan: Vice Chairman Mony Var.

22 Mr. Var: Yes.

23 Mr. Chhan: Commissioner Bernes.

24 Ms. Bernes: Yes.

1 Mr. Chhan: Commissioner Elliott.

2 Mr. Elliott: Yes.

3 Mr. Chhan: Commissioner Marr.

4 Mr. Marr: Yes.

5 Mr. Chhan: Five yeas. Motion carried.

6 Mr. Shea: Thank you. Item 7.1.2, motion to
7 accept project and closeout document for Highland
8 Parkway, final payment in the amount of \$7,687.50 to
9 Quality Radon from Hermon, Maine. With that being
10 the case, I see Laura Watts is here. Is there any
11 questions for Laura, capital asset manager Ms. Watts
12 with respect to this item?

13 Laura, did you want to comment for the
14 record what this is?

15 Ms. Watts: Yes. We received a grant to
16 mitigate radon, which is a naturally occurring gas
17 from organic compounds found in the soil. And with
18 the help of Brian Moriarty's team and Brian Dean we
19 were able to put a lot of work into cleaning out some
20 basements, discovering leaks and things like that,
21 and installing these radon mitigation systems.

22 I went ahead and included the radon gas
23 levels prior to the mitigation, and then we had a
24 third-party testing after. You'll see that we had --

1 I think one of the highest was 13, and everything now
2 is below 1 in the properties that we mitigated.

3 So thank you to the Brians and their team
4 for the assist in the field.

5 Mr. Shea: Okay. Laura, was this a cost
6 overrun?

7 Ms. Watts: No, it was not.

8 Mr. Shea: Thank you. I just noticed pipes
9 before payment.

10 Okay. Any question to the capital asset
11 manager with respect to Item 7.1.2? Seeing none,
12 Commissioner Joanie Bernes, seconded by Vice Chairman
13 Mony Var moves to accept Item 7.1.2. The clerk will
14 call the roll.

15 Mr. Chhan: Chairman Shea.

16 Mr. Shea: Yes.

17 Mr. Chhan: Vice Chairman Mony Var.

18 Mr. Var: Yes.

19 Mr. Chhan: Commissioner Bernes.

20 Ms. Bernes: Yes.

21 Mr. Chhan: Commissioner Elliott.

22 Mr. Elliott: Yes.

23 Mr. Chhan: Commissioner Marr.

24 Mr. Marr: Yes.

1 Mr. Chhan: Five yeas. Motion carries.

2 Mr. Shea: Thank you. Next item on the
3 agenda is Item Number 7.1.3. It's a motion to accept
4 the project proposal for the Department of Housing,
5 number 160119 for 189 Walker Street. With that being
6 the case I see Jonathan up to take the mic to explain
7 this to us. Thank you, Jonathan.

8 Mr. Goldfield: Good evening, Jonathan
9 Goldfield. This is a state project being funded
10 through several components from the state formula
11 funding, the ARCA funds that we designated most of
12 our funds in, about 159,000 of our funding for these
13 projects, as well as a potential grant from National
14 Grid, the Department of Public Utilities for the
15 heating system.

16 This project started as a building envelope
17 project. Complete building envelope. A roof,
18 siding, windows, slider -- patio sliders, sliding
19 windows, insulation.

20 In that neighborhood, that was funded from
21 several of the ARCA sources as well as formula
22 funding. And it was actually combined from among
23 three other projects that we had planned to do over
24 the years, and we thought it was more efficient to

1 combine them all into one large project. Our goal
2 being to really set this 12-unit development up for
3 really over complete external rehab then, you know,
4 it will seal the envelope, bring up the heating
5 system, and all of the building openings and make
6 them up to code and insulated well and they're nice,
7 really environmental for a family development. We
8 had planned on installing new types of what's called
9 air source heat pumps to replace the old air
10 conditioning and then the baseboard forced hot water
11 heat and boilers.

12 We then received a call from National Grid,
13 and that whole neighborhood from UMass, houses in
14 that area, there's 40 other apartment buildings and
15 houses in that area, National Grid through the
16 Department of Public Utilities and Mass Save wants to
17 do what's called a ground source heat pump system.
18 And what this is, water comes up from a well
19 underground and then it's sent to all these other
20 locations to provide the heat and air conditioning
21 for those homes. And they were right in the middle
22 of that area completely. And the plan is they will
23 completely underwrite the entire process, as well as
24 electrification, which you may have heard the

1 colloquialism getting rid of all the gas stoves to
2 fight the battle -- fight over radon. This is part
3 of that in a sense. They will take out the gas
4 stoves, take out the gas boilers, put in the ground
5 source heat pumps, put in electric ranges, and
6 completely electrify the building, any transformers
7 that need to be done, wiring, anything else to bring
8 it up to code.

9 We're in the very beginning process of this.
10 We've had several conversations, we had a whole group
11 of engineers, insulation companies, the heat pump
12 company, Mass Action Inc., which is the Mass Save
13 energy conservation contractor before the state. We
14 all met, 12 of us over on site last week to go over
15 it, as well as the architect that this document is
16 meant to hire, CSS Architects.

17 So what you have here is the original
18 December scope, which is the building envelope and
19 what we had planned to do for heat plans. But on the
20 back page is a flyer from National Grid explaining
21 what the ground source heat pump process is. But
22 we're in the very beginning stages of that, the
23 contracts negotiated, and terms and conditions and
24 plans and specifications drawn up for all that.

1 So what this document does is it brings CSS
2 Architects on board. They have proposed and
3 negotiated a couple of levels already in the state.

4 So that's what we're asking you to do at
5 this point. This basic plan which is a sketch, an
6 outline of what we plan to do, and because the fee is
7 in the amount it is, I believe \$78,000, we're
8 bringing it to the Board for approval on that.

9 Mr. Shea: Any questions by any member of
10 the Board of Commissioners? Commissioner Matt Marr.

11 Mr. Marr: So changing over, how much money
12 could be saved?

13 Mr. Goldfield: You know, we tried to
14 calculate that. We don't -- I don't have the
15 breakdown of what the heat pumps will be, but -- and
16 the electrification, but it will be in the hundreds
17 of thousands of dollars.

18 Mr. Marr: Over how long?

19 Mr. Goldfield: Oh, it will be done this
20 year. Immediate install will give benefit, because
21 there's 12 units and 12 heat pumps that we're not
22 going to have to buy, as well as electrification that
23 come down the pike forcing us to take out the gas
24 stoves and everything else. So we haven't actually

1 calculated all those savings at this point yet.

2 Again, we're at the beginning of this
3 process. This is what we're going to be doing, with
4 the scheduled values and that sort of thing.

5 Mr. Marr: Just to clarify, is National Grid
6 giving us a credit or discount?

7 Mr. Goldfield: No. They're actually
8 providing the contractor. So part the work is going
9 to be they do the plan and design for the portion
10 that they're responsible for, and bring in their own
11 contractors, there will be no money changing hands.
12 We'll be responsible for our piece, which is
13 basically the building envelope. And now we don't
14 have to worry about the design for the heat pump,
15 because that's going to be on National Grid. But we
16 have a mechanical engineer on contract, it's a
17 subconsultant to CSS, Rainbow Engineers. So I'm
18 planning on using them as a peer review jury, if you
19 will, what National Grid is doing. So we'll be
20 working with DHCD, 25 lawyers that can't wait to look
21 at this contract.

22 Mr. Marr: Can we get any grants for this?

23 Mr. Goldfield: That is what the grant is.
24 National Grid is funded through the state DPU and

1 that's the grant. We've also gotten sustainability
2 funds from the state, which is another form of grant,
3 to pay for insulation and some other things beyond
4 our own formula. And the ARCA funds that were
5 dedicated to this are essentially it. So most of it
6 is going to be grant funds, not even formula funded.

7 Mr. Marr: Thank you.

8 Mr. Shea: I notice our director, did you
9 want to say something? No, Tha?

10 Any other question to Jonathan pertaining to
11 Item Number 7.1.3? If not, Commissioner Joanie
12 Bernes, seconded by Commissioner Matt Marr moves to
13 accept Item 7.1.3. The clerk will call the roll.

14 Mr. Chhan: Chairman Shea.

15 Mr. Shea: Yes.

16 Mr. Chhan: Vice Chairman Var.

17 Mr. Var: Yes.

18 Mr. Chhan: Commissioner Bernes.

19 Ms. Bernes: Yes.

20 Mr. Chhan: Commissioner Elliott.

21 Mr. Elliott: Yes.

22 Mr. Chhan: Commissioner Marr.

23 Mr. Marr: Yes.

24 Mr. Chhan: Five yeas. Motion carried.

1 Mr. Goldfield: I'm going to stay right
2 here, the next article is mine too.

3 Mr. Shea: Item Number 7.1.4, motion to
4 approve contract award recommendation on call
5 elevator service, Motion Elevator Corporation of
6 Dorchester, Mass, for an initial one-year period, not
7 to exceed \$150,000, Lowell Housing Authority sole
8 option to renew for two additional one-year contract
9 periods. And with that being the case, we have the
10 proposal before us. Unfortunately Rita could not be
11 with us tonight because of a family emergency. And
12 so with that I see Jonathan's up to clarify as to
13 what's before us. Thank you, Jonathan.

14 Mr. Goldfield: I'll fill in to the best I
15 can. We have -- I'm sure you are all familiar with
16 this program. So as you know, we a have preventative
17 maintenance contract to maintain our 19 elevators
18 across the entire Housing Authority. That contract
19 is going to be up July 1st and we have opted,
20 procurement department, finance and executive
21 director have opted to rebid this project. We rebid
22 this preventative maintenance program out. They used
23 the specification that was used before. It's very
24 detailed. We had it juried by another engineering

1 firm as well, and that went out on the street.
2 Unfortunately, we only received one eligible and
3 responsible bid from Motion Elevator.
4 Coincidentally, they are the same contractor who is
5 installing, just finished installing the elevator at
6 43 Summer Street, and executed the drafted repair of
7 the 145 Gorham Street. I worked with that company
8 here for this entire project. I gave my
9 recommendation on their capabilities, as well as Rita
10 has called the City of Lawrence where she has
11 connections in others that have confirmed that the
12 150,000 figure is based on past history of
13 preventative maintenance and repairs that were needed
14 on prior contracts. So it's a reasonable estimate of
15 expenditures for this contract. This will be -- I
16 believe it's one year. One-year of expenditures.

17 So we recommend approval of this contract
18 for Motion Elevator.

19 Mr. Shea: I'd like, just for the record, to
20 indicate something that I was educated on by the
21 chief financial officer a couple months ago. Even
22 though the payment -- the contract is for \$150,000,
23 the bid was 116. You have to contract in excess of
24 the bid because if it goes beyond the bid you have to

1 rebid to get the money, so that --

2 Mr. Goldfield: That can be the case. The
3 contract has a ceiling on it, and this includes labor
4 and materials, inspections, state inspections.
5 There's one every year for safety, one every five
6 years for weight and other things.

7 This is estimated to carry a year's worth of
8 expenditures without -- beyond what would be
9 emergency, you know, situation that probably would be
10 quoted out.

11 Mr. Shea: Okay. Thank you, Jonathan. I
12 think your presentation was excellent. Commissioner
13 Matt Marr, seconded by Commissioner Joanie Bernes
14 moves to accept Item 7.1.4. The clerk will call the
15 roll.

16 Mr. Chhan: Chairman Shea.

17 Mr. Shea: Yes.

18 Mr. Chhan: Vice Chair Mony Var.

19 Mr. Var: Yes.

20 Mr. Chhan: Commissioner Bernes.

21 Ms. Bernes: Yes.

22 Mr. Chhan: Commissioner Elliott.

23 Mr. Elliott: Yes.

24 Mr. Chhan: Commissioner Marr.

1 Mr. Marr: Yes.

2 Mr. Chhan: Five yeas. Motion carried.

3 Mr. Shea: Next item on the agenda is motion
4 to approve the contract award recommendation of
5 electrical engineering services for City View Towers
6 to McKinnell, McKinnell and Taylor, Inc., Rockland
7 Mass in the amount of \$80,360.95. And with that
8 being the case, we see Jonathan is still there to
9 give us a little footnote on what that is.

10 Mr. Goldfield: Very well. Thank you, Mr.
11 Chairman. So this is a team effort. We put together
12 a design selection committee, which the law requires
13 that we do, we select the designer for a project,
14 which was myself, Laura Watts, Brian Moriarty, and
15 Brian Dean. And we went one step further with this
16 project as well. We always reserve the right to
17 interview the potential designers. And to go through
18 the review process that we have, we had to look at it
19 with what HUD's requirements are and weigh those
20 scores, and sometimes that is enough after we call
21 the references that they have provided. They have to
22 provide all references that they've done on public
23 work for the last five years and everything in
24 process right now. And we called a number of them.

1 I even called a number of private sector, Laura
2 called almost all of the public sector that were on
3 the state form, the financial -- their financial
4 form. And we got excellent, excellent references
5 from them. And we went that step further calling
6 them in to do -- and all of the other DOW as well,
7 which is the other stakes in the game.

8 We had three proposals, one dropped out due
9 to workload, which is much of the case out there,
10 Entity Five who actually did the original elevator
11 study for us. They're a good company but they just
12 couldn't take on this scope of work. So they backed
13 out of the contract so we had two interviews, one
14 with POW and one with MMC. Okay? And it was really
15 well executed. It was a team, you know, a couple
16 mechanical engineers, a couple of electrical
17 engineers, panels to put up, slides basically up on
18 the easel, much as you saw here.

19 Went through a number of our questions. It
20 was mainly -- this is such a sensitive project, I
21 mean this is City View Towers, and it's redoing the
22 entire electrical infrastructure for that building.
23 And we needed to know do you understand what it's
24 like to work in public housing? How fast you can be?

1 Are you going to advocate for us with any contractors
2 that come on board, because we're looking at 3,
3 \$4 million build here for construction. And their
4 answers --

5 Mr. Shea: That's gone up now.

6 Mr. Goldfield: Well I'm going up. It's
7 always been 3 million. We don't know. Part of this
8 contract is going to be a very detailed independent
9 cost estimate. And that cost estimating is in-house
10 and very well done, all the work they did. There was
11 one outlier during the pandemic, and I can understand
12 how anything in the electrical field can be kind of
13 strange in the past couple of years. Things are
14 starting to normalize right now, but they gave us the
15 most sense of confidence that they had.

16 So they would be working on this
17 sensitively. Brian wanted to know what the shutdown
18 would be like, would we be expecting them, did they
19 have a way of dealing with that potential, you know,
20 generators, when the power's off, the power's off.
21 You can't be working on live circuits. But they
22 understand that we have a public housing building
23 here and residents have to be considered first. And
24 that was such a huge point, that they have the in-

1 house depth of bench to handle this.

2 That's our recommendation, to accept this
3 contract.

4 Mr. Shea: Jonathan, Commissioner Marr has a
5 question.

6 Mr. Marr: They have a good DCAMM rating?

7 Mr. Goldfield: Yeah, I wish -- actually, we
8 usually don't get into DCAMM ratings for designers.
9 They're very few and far between. People don't
10 generally fill them out. They do for general
11 contractor, but they usually don't do for designers
12 unfortunately, so we don't have information on the
13 actual DCAMM.

14 Mr. Marr: We can't get any information off
15 the DCAMM?

16 Mr. Goldfield: It's a good point. I can
17 chase it down but, you know, we didn't do that. We
18 went through the references, including the private
19 sector references and got direct references.

20 Mr. Marr: But we can --

21 Mr. Goldfield: We can, yeah. Typically we
22 do that for contractors. Designers usually don't
23 have them.

24 Mr. Marr: They're electrical contractors

1 though, right?

2 Mr. Goldfield: No, they're not. They're an
3 engineering company.

4 Mr. Marr: Engineering company.

5 Mr. Goldfield: Yeah, so the designers had
6 -- we're supposed to do that, a lot of folks don't
7 file those designers. Only electrical, you know,
8 contract -- actually trade contractors. You're
9 absolutely right on that level. Yes, sir.

10 Mr. Shea: Thank you, Jonathan. I just want
11 the record to indicate that beside from Jonathan
12 Goldfield, capital asset manager who is speaking
13 tonight, also signing on this is Laura Watts, who is
14 also a capital asset manager. Also signing on this
15 is our superintendent of facilities, Brian Moriarty,
16 and the assistant superintendent of facilities, Brian
17 Dean, all signed off and agreed with this, in this
18 notification that was given to the Board.

19 With that being the case, Commissioner
20 Joanie Bernes, seconded by Commissioner Mony Var move
21 to accept Item Number 7.1.5. The clerk will call the
22 roll.

23 Mr. Chhan: Chairman Shea.

24 Mr. Shea: Yes.

1 Mr. Chhan: Vice Chairman Mony Var.

2 Mr. Var: Yes.

3 Mr. Chhan: Commissioner Bernes.

4 Ms. Bernes: Yes.

5 Mr. Chhan: Commissioner Elliott.

6 Mr. Elliott: Yes.

7 Mr. Chhan: Commissioner Marr.

8 Mr. Marr: Yes.

9 Mr. Chhan: Five yeas. Motion carried.

10 Mr. Shea: Next item on the agenda is old
11 business, number 8. Any old business?

12 Mr. Chhan: No.

13 Mr. Shea: Next item is Item Number 9,
14 motion for Board members. Any motions from any Board
15 member?

16 Number 9B, executive director announcements.
17 Any announcements?

18 Mr. Chhan: I don't have anything.

19 Mr. Shea: Last but not least, Item
20 Number 10, motion to adjourn. And with that being
21 the case, the next Board meeting will be held on
22 Wednesday, May 10th at 5:00. Motion by Commissioner
23 Rodney Elliott, seconded by Commissioner Mony Var to
24 adjourn. The clerk will call the roll.

1 Mr. Chhan: Chairman Shea.
2 Mr. Shea: Yes.
3 Mr. Chhan: Vice Chairman Mony Var.
4 Mr. Var: Yes.
5 Mr. Chhan: Commissioner Bernes.
6 Ms. Bernes: Yes.
7 Mr. Chhan: Commissioner Elliott.
8 Mr. Elliott: Yes.
9 Mr. Chhan: Commissioner Marr.
10 Mr. Marr: Yes.
11 Mr. Chhan: Five yeas. Motion carried.

12 (Whereupon the meeting adjourned at
13 6:49 p.m.)

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