

STATE HOUSING APPEALS BOARD

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Minutes of the November 26, 2012 Board Meeting

The State Housing Appeals Board (“SHAB” or the “Board”) held a public meeting on November 26, 2012 at Warwick City Hall.

ATTENDANCE

The following members attended the meeting: Chairwoman Kelly Morris, Joseph Caffey, Brenda Clement, James Grundy, and June Sager Speakman. Also present were Steven M. Richard, legal counsel to the SHAB, and Christine DaRocha, administrative staff to the SHAB.

AGENDA ITEMS

1. Call to Order

Chairwoman Morris called the meeting to order at 9:08 a.m.

SHAB's legal counsel stated that, due to exigent circumstances, Board member Robert Cuttle was unable to attend the meeting. Alternate Steven Stycos was not advised of his need to review the voluminous record in the Brushy Brook appeal because his attendance was not anticipated for the meeting.

2. Introduction by the Chair

Chairwoman Morris welcomed the new SHAB Board. The Chair requested that SHAB's legal counsel summarize the status of SHAB's docket.

3. Summary of SHAB Docket

SHAB's legal counsel noted that he recently held orientation sessions with the new members to review the Low and Moderate Income Housing Act. He noted that Chairwoman Morris has met with counsel in pending SHAB appeals to review where each matter currently stands with any settlement efforts and the briefing process. SHAB will hear cases in the order that the briefing is done and based on the availability of the parties.

The Clarks Falls vs. Hopkinton appeal is pending in Superior Court. No final ruling has been rendered in that judicial appeal.

Chairwoman Morris noted that the alternate, Mr. Stycos, may sit only in the place of absent municipal Board members. SHAB still has one vacancy, which is the business representative seat. Until SHAB has a fully constituted Board, it will be holding meetings with six or fewer members in attendance. SHAB's counsel stated that if there were concerns about the number of sitting members in an appeal and the ability of a case to be heard, the parties should raise such concerns via motion.

4. Hearing in LR-6A Owner, LLC (Brushy Brook) vs. Hopkinton

Chairwoman Morris called the hearing in the Brushy Brook vs. Hopkinton appeal.

William Landry stated that the developer-appellant prefers to reschedule the hearing until a full slate of SHAB's current membership - six members - is in attendance.

Hopkinton's counsel, Scott Levesque, expressed the Town's preference to proceed with the hearing as scheduled, given that there could be other instances where members will be absent in the future and a considerable amount of time has been spent in the briefing process.

Chairwoman Morris stated her view that the most prudent course for this first meeting of the new SHAB Board would be to continue the matter, given that six members should be available at a promptly rescheduled hearing. Other SHAB members concurred with her statement.

SHAB's counsel cited an example in another appeal where SHAB held a hearing with five members present. The members voted 3-2 in favor of the developer, but that the required four were obtained by the developer to sustain its appeal before SHAB. SHAB entered a Decision to that effect, and the developer has raised this procedural issue in an appeal pending before the Superior Court.

Upon a motion, SHAB voted unanimously to reschedule the hearing in the Brushy Brook/Hopkinton appeal. After conferring with counsel for the parties, SHAB rescheduled the hearing to December 11, 2012 at 9:00 a.m., pending confirmation of the availability of both the absent municipal member and the municipal alternate.

5. Adjournment

The meeting adjourned at 10:00 a.m.

Respectfully submitted,

Kelley Morris, Esq., Chairwoman