

THE HOUSING AUTHORITY
OF THE CITY OF
WOONSOCKET, RHODE ISLAND

1. Call to order: 4:00 P.M. Regular Meeting November 19, 2009 at the Woonsocket Housing Authority, 679 Social Street, Woonsocket, RI 02895

Pledge of Allegiance

Roll Call:

Chairwoman Lucienne L. Cote
Vice Chairman Baldelli
Commissioner Albert Brien
Commissioner Gerard Remillard

Robert Kulik, Executive Director
Deputy Director, Duncan Speel
Commissioner Normand Laliberte –Arrived at 4:09
Commissioner Gerard Frappier -Absent
Commissioner David Lahousse- Absent
Attorney Howard Croll – Arrived at 4:12
Attorney Joseph Rodio
Attorney Michael Murphy

- 1B. Good and Welfare for the Audience

As there is no one in the audience, Chairwoman Cote asks if the meeting should proceed with the Minutes. Vice Chairman Baldelli suggests that the Board proceed with the Good and Welfare for Commissioners.

2. Good and Welfare for Commissioners

Commissioner Brien states that he regrettably wants to mention that he was appalled last month to receive from the Boston office of HUD, correspondence that had been sent there about him by the Director and the Deputy Director. Commissioner Brien states that he will be responding to the correspondence, but says he wants to highlight a couple of things.

Director Kulik interrupts Commissioner Brien and states that the correspondence that Commissioner Brien has referenced is a private document, not a public document and that it is not a part of the agenda and cannot not be addressed at this meeting. The Director states that the said correspondence was a response to a complaint letter that was sent by Commissioner Brien to the Boston HUD office

in regard to insurance. The Boston HUD office contacted the WHA and asked for certain topics to be addressed and they sent a response on July 14. The Director again reiterated that the letter is a private document and does not belong at this meeting. The Executive Director also questions how Commissioner Brien obtained the private document.

Commissioner Brien disagreed, but Chairwoman Cote asked that the matter wait until Attorney Croll arrives to render an opinion. Even though Attorney Rodio was present, the Chairwoman said that we would normally receive this opinion from Attorney Croll. The Chairwoman asks Attorney Rodio if this matter should be brought up as it is not on the agenda. Attorney Rodio states that it is not a Good and Welfare issue and if someone wants to put it on the agenda, he is not sure it even belongs on the agenda as the communication between the Authority and the Commissioner is one thing, but between the Executive Director and the agency is a whole other thing. It is not between the Commissioners and the agency, it is between Mr. Brien and the agency.

Commissioner Brien disagrees again stating that the by-laws specifically state that the Board yields to "Roberts Rules of Order", Good and Welfare, under which he is entitled to bring this up as it is a public document, a public issue that needs to be addressed in a public forum.

Chairwoman Cote states that it is not a public matter because none of the other Commissioners know anything about it. It is a private matter.

Commissioner Brien states that he was able to obtain the correspondence thru the Freedom of Information Act, and did not send it to the other Commissioners because he intended to discuss it today.

Attorney Croll arrives and Chairwoman Cote asks for his opinion. He asks if it is about the July 14, 2009 letter. Chairwoman Cote says yes and asks whether this issue can be brought up under Good & Welfare. Attorney Croll states that he thinks that the issue can be raised except for the fact that if there is a question or intention of bringing litigation as a result of this then it should be scheduled for a meeting that is closed. Attorney Croll asks Commissioner Brien if he has intentions of bringing litigation. Commissioner Brien replies that he does not know at his time. Attorney Croll asks if there is any possibility of that being the case and Commissioner Brien says there is a possibility of anything happening. Attorney Croll asks if there is a likelihood. Commissioner Brien states that it is contemplated. Attorney Croll says then at this point it should be brought up at a closed meeting if litigation is anticipated. Attorney Croll asks Commissioner Brien if he anticipates bringing suit against a member or members of this Board or members of this Housing Authority. Commissioner Brien begins to detail what he sees as two issues and Attorney Croll interrupts by saying that he simply asked if Commissioner Brien has thoughts of litigation because in that case it needs to be assigned to a meeting that is not open to the public. Commissioner Brien says he

feels that will subject the authority to an Open Meetings violation. Commissioner Brien asks Attorney Rodio if that is not the case and Attorney Rodio agrees with Attorney Croll saying that if there is indication of litigation, threatened or pending, that it is to be discussed in executive session. Commissioner Brien reads a statute from "Roberts Rules of Order" that cites "litigation", not "pending litigation" or "contemplated litigation." Attorney Croll says with the threat of litigation we have a duty to bring it to a closed session. Commissioner Brien says someone needs to be in touch with the Attorney General's office and Attorney Croll agrees, saying he will ask for the matter to be put off until the next meeting and will contact the AG's office to seek an advisory opinion on whether the matter requires a meeting to be closed or open. Attorney Croll says he will ask the AG a two-part question: 1) Does threatened or pending litigation require a closed meeting and 2) if it does, must that be stated by the person who is bringing it forth.

Commissioner Brien says he wants to put it in the agenda for the next meeting. There is further discussion regarding the issue of litigation, pending litigation and contemplated litigation. Commissioner Brien asks for guidance from the Attorney General on the matter of "litigation." Commissioner Brien asks Attorney Croll if the correspondence on WHA letterhead, signed by the Director and the Deputy Director that was sent to HUD about him (Commissioner Brien) is a public document or a document that is protected. Attorney Croll says he has done some research, but has not reached a conclusion on that. Attorney Rodio adds that the letter in question is a direct result of a complaint that Commissioner Brien filed with HUD. HUD conducted an investigation and asked the Executive Director to respond. Attorney Rodio continues, if Commissioner Brien is making that a public document, the weight of that public document falls on his burden, not the Board's burden. Attorney Croll and Attorney Rodio agree that it has not yet been determined if the document is public. Commissioner Brien responds to Attorney Rodio's previous comment by saying that the correspondence goes beyond the insurance matter. He says the communication goes way beyond the complaint on the insurance matter stating that it is malicious and slanderous. Attorney Croll stops Commissioner Brien and says that he is now saying it is pending litigation by accusing people of tortious acts by saying those words. It has to be continued until we get an opinion. Attorney Rodio suggests also getting an opinion from HUD regarding the Director's duty to respond truthfully to a HUD inquiry. Commissioner Brien responds that they responded, but they responded not truthfully. Commissioner Brien says it was a deliberate, malicious act.

Attorney Croll asks for clarification on the Board's desire for him to request an opinion on 1) whether or not if this involves possible litigation it is an open meeting and 2) if it is an open meeting, whether or not you can make statements indicating that you want to seek litigation.

Commissioner Brien says he is ready to go forward now but his sense is that Attorney Croll and Attorney Rodio do not agree with his being able to present the matter at this time.

Attorney Croll says we need to get an opinion from the Attorney General and from HUD. Commissioner Brien says he thinks the opinion from HUD is meaningless. Attorney Rodio adds that HUD is the governing agency. Commissioner Brien states that he filed a complaint and the response does not address the complaint. Attorney Rodio states that the Director and Deputy have to respond to HUD's inquiry, not his (Mr. Brien's). Commissioner Brien states that the response is superfluous, not related to the complaint he filed, nonsense, it's slanderous. Attorney Rodio says that even if it were slanderous, Mr. Brien is a public official, as a Commissioner, and he can not bring an action according to the Slapp Statute. Attorney Rodio tells Commissioner Brien that he cannot bring an action for slander and libel, but if he wants to proceed that is okay. Commissioner Brien says he intends to.

Chairwoman Cote asks to move on.

3. Chairwoman Cote asked for a motion to approve the Minutes. There are three sets of Minutes, October 15 Regular Meeting, October 15 Public Meeting, Corrected minutes of September 17 Regular Meeting. A motion was made by Commissioner Laliberte and seconded by Vice Chairman Baldelli.

There was no further discussion. A roll call vote was taken; the following were the "Ayes" and "Nays".

AYES

NAYS

Chairwoman Cote
Vice Chairman Baldelli
Commissioner Brien
Commissioner Laliberte
Commissioner Remillard

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4. Chairwoman Cote asked for a motion to approve the bills paid for the month of October 2009. A motion was made by Vice Chairman Baldelli and seconded by Commissioner Laliberte.

There was no further discussion. A roll call vote was taken; the following were the "Ayes" and "Nays".

AYES

NAYS

Chairwoman Cote

Vice Chairman Baldelli
Commissioner Brien
Commissioner Laliberte
Commissioner Remillard

5. Communications and Interest of the Authority.

Chairwoman Cote asked for a motion to receive and place on file. A motion was made by Commissioner Laliberte. The motion and was seconded by Vice-Chairman Baldelli.

There was discussion initiated by Chairwoman Cote regarding the access to public records request from RI Legal Services who asked not to be charged for copies of information. Vice-Chairman agreed with the Chairwoman. After some discussion it was decided to put a motion on next month's agenda to charge RI Legal Services. A roll call vote was taken; the following were the "Ayes" and "Nays":

AYES

NAYS

Chairwoman Cote
Vice-Chairman Baldelli

Commissioner Brien

Commissioner Laliberte
Commissioner Remillard

6. Report of the Secretary

A. The Executive Director's report was received and placed on file upon motion of Commissioner Laliberte and seconded by Vice-Chairman Baldelli.

The Director gave an overview of the year-to-date-financial status of the WHA. He reported that the Housing authority is in good financial shape and he anticipates closing the year with a surplus. The Director discussed the difficulties we have been having renting apartments at Kennedy Manor, St. Germain Manor and Crepeau Court. In an effort better market the units, the Authority has developed a brochure to advertise the units at churches, supermarket bulletin boards and the senior center. He enclosed a copy of the brochure which was developed by MaryAnn Jolicoeur in the Board package. Vice-Chairman Baldelli questioned the reasons for the decline in the elderly applicants. Commissioner Laliberte asked if the brochure will be posted on the WHA website. The Director explained that the Systems Administrator is in the process of revamping our website. Once it is revised, the brochure will

be posted. The Director discussed the real estate agencies who bid on the sale of the WHA's scattered sites. He explained that he asked Attorney Rodio and Attorney Murphy to interview the bidders because he did not want there to be any questions about the selection process. The attorneys will present their recommendation later in the meeting.

There was no further discussion. A roll call vote was taken; the following were the "Ayes" and "Nays".

AYES

NAYS

Chairwoman Cote
Vice-Chairman Baldelli
Commissioner Brien
Commissioner Laliberte
Commissioner Remillard

- B. The Deputy Director's report was received and placed on file upon motion of Commissioner Laliberte and seconded by Commissioner Remillard.

Deputy Director Speel submitted his report as written adding that the new generators are in and operating with just a few minor adjustments to complete. It was a successful transition. Sprinkler work is continuing in the hirise corridors. Installation of over 900 new refrigerators is underway, the two family developments are complete, two hirises will be complete tomorrow leaving Crepeau Court for Monday and Tuesday. There are three resolutions for the demo/diso plan, one is for relocation with living options at Morin or Veterans, a hirise if they qualify, or one of our vouchers. Under the demo/dispo we are looking to work with a compilation of affordable housing groups in the area, possibly NRI, possibly Homestead Mental Health, possibly Blackstone Valley Housing Development; probably not for condominiums or other types of business. We are looking for the highest and best use.

There was no further discussion. A roll call vote was taken as amended; the following were the "Ayes" and "Nays".

AYES

NAYS

Chairwoman Cote
Vice-Chairman Baldelli
Commissioner Brien
Commissioner Laliberte
Commissioner Remillard

C. The reports of the Direct Staff, Legal and Financial were received and placed on file upon motion of Commissioner Laliberte and seconded by Vice-Chairman Baldelli.

There was no further discussion. A roll call vote was taken; the following were the "Ayes" and "Nays".

AYES

NAYS

Chairwoman Cote
Vice Chairman Baldelli
Commissioner Brien
Commissioner Laliberte
Commissioner Remillard

7. Report of Committees
None

8. Unfinished Business
None

9. New Business

A. Resolution #1059 Approval of Relocation Plan for the Woonsocket Housing Authority

A motion was made by Commissioner Laliberte and seconded by Vice-Chairman Baldelli

There was no further discussion. A roll call vote was taken; the following were the "Ayes" and "Nays".

AYES

NAYS

Chairwoman Cote
Vice Chairman Baldelli
Commissioner Brien
Commissioner Laliberte
Commissioner Remillard

B. Resolution #1060 Approval to Submit Demo/Dispo Application to SAC for Morin Heights

A motion was made by Commissioner Laliberte and seconded by Vice-Chairman Baldelli

There was no further discussion. A roll call vote was taken; the following were the "Ayes" and "Nays".

AYES

NAYS

Chairwoman Cote
Vice Chairman Baldelli
Commissioner Brien
Commissioner Laliberte
Commissioner Remillard

C. Resolution #1061 Approval to Submit Demo/Dispo Application to SAC for Veteran's Memorial

A motion was made by Commissioner Laliberte and seconded by Vice-Chairman Baldelli

There was no further discussion. A roll call vote was taken; the following were the "Ayes" and "Nays".

AYES

NAYS

Chairwoman Cote
Vice Chairman Baldelli
Commissioner Brien
Commissioner Laliberte
Commissioner Remillard

D. Approval to award contract for the sale of the scattered sites.

At this time Attorneys Rodio and Murphy explained the interview process. There were five bidders, two at the low end of the scale, one in the middle, and two at the top. The lowest of the two had no familiarity with the neighborhood or the project and they had no experience in this area. The second lowest was

local to the area, but had no familiarity with the project and had no plan. In the middle was a large agency, but they did not have a real aggressive plan and had zero familiarity with the neighborhood. The two agencies that came to the top were Prudential and Boucher. Attorney Rodio asked both if he could go back to negotiate pending Board approval. Both had a good familiarity with the neighborhood, both had a great approach to how they wanted to move forward. Boucher was at 6%, slightly higher than Prudential. Attorney Rodio's suggestion was to split up the scattered sites, provided that Boucher came down to the 5%, and award a contract to both agencies.

Vice-Chairman Baldelli said he is familiar with all of the realtors in the City and Richard Fontaine is the most active, aggressive realtor anywhere in this area. He does not want to drag the award out to another meeting and another vote. Prudential came in first at 5%, give him the contract. Commissioner Laliberte concurred with Vice Chairman Baldelli regarding Mr. Fontaine and the Prudential Agency.

Commissioner Brien pointed out the agenda listing 9 D. under New Business should say to "Approval to award a contract for the sale of the scattered sites." Motion to amend language made by Vice-Chairman Baldelli seconded by Commissioner Laliberte.

There was no further discussion. A roll call vote was taken; the following were the "Ayes" and "Nays".

AYES

NAYS

Chairwoman Cote
Vice Chairman Baldelli
Commissioner Brien
Commissioner Laliberte
Commissioner Remillard

- E. Approval to award a contract for the sale of the scattered sites to Richard Fontaine at the Prudential Agency.

A motion was made by Vice Chairman Baldelli and seconded by Commissioner Laliberte.

There was some discussion by Chairwoman Cote who said she felt the award should be to the two agencies recommended by the attorneys. She said she felt if we had two people working for us we would be much better off. A roll call vote was taken; the following were the "Ayes" and "Nays".

AYES

NAYS

Chairwoman Cote

Vice Chairman Baldelli
Commissioner Brien
Commissioner Laliberte
Commissioner Remillard

10. Adjournment

Chairwoman Cote asked for a motion to adjourn. A motion was made by Commissioner Laliberte and seconded by Commissioner Brien at 5:01 p.m. Roll call vote was unanimous.

Robert Kulik, Executive Director