

Scituate Housing Authority Special Meeting, March 28, 2012

A SCITUATE HOUSING AUTHORITY SPECIAL MEETING WAS HELD ON
WEDNESDAY, MARCH 28, 2012 AT 5:00 PM AT 791 COUNTRY WAY IN SCITUATE, MA.

Call to Order: 5:07 PM
Present: Michael Collins
Stephen Coulter
John Zigouras
Patricia Butler
Maryanne Lewis (5:15pm)

Absent:

Also Present: Kathy DeMarsh, Executive Director and Secretary to the Board;
Patrick Ronan, Reporter for the Patriot Ledger

Chairperson, Patricia Butler stated that the purpose of the meeting was to get the Budget and Salary Certifications approved. In summary, when the Certifications were first issued in November 2011, the majority of Housing Authorities in the State had a problem with the wording. As a result, DHCD re-issued the Certifications on January 6, 2012 with revised wording. The deadline for submitting the Certifications was January 31, 2012. It was noted that at this time, the Scituate Housing Authority is the only Housing Authority in the State that has not signed the Certifications.

Chairperson Butler said the main concern is for the safety of the seniors and disabled residents. The Board must do everything in its power to make sure that the daily routine of the Housing Authority continues and no one is affected. Ms. Butler said that the reason she ran for this position was to advocate for the elderly and disabled. The Scituate Housing Authority Board is responsible for their well-being and safety. Chairperson Butler said she has no problem with the Certifications.

Ms. Butler informed the Board that she had spoken with Lizbeth Heyer, Associate Director of the Division of Public Housing and Rental Assistance. Ms. Heyer feels that Maryanne Lewis is misinterpreting the language. Ms. Heyer said by certifying "under pains and penalties of perjury" it is all about due diligence.

Board member, Stephen Coulter said he understands what it is about. But the fact is that they (DHCD) have removed and forbid us to put in the wording "to the best of our knowledge". For us to be able to take financials prepared by a third party and be able to certify that those are complete and accurate when we did not prepare them, we are unable to do it.

Board member, Maryanne Lewis asked the Chair if Lizbeth Heyer had sent the statutory regulation authorizing DHCD to freeze the Operating Reserves of the Scituate Housing Authority. Ms. Heyer made no reference to such information.

Ms. Lewis said she felt that it was unreasonable, unconstitutional, and a dangerous precedent to set that a voluntary Board be subject to signing the certifications under the pains and penalties of perjury. She suggested that she would like a legal opinion and possibly like to hire private counsel to file a motion for an injunction prohibiting them from freezing our reserves. If the Judicial branch says that they have the authority to impose this standard, then each individual has to make a decision whether to sign or resign.

Board member, John Zigouras said that to the best of his knowledge he is signing Certifications that are accurate and complete. We look at the financial reports each month that are provided to us. Mr. Zigouras said that he feels comfortable signing the Certifications and does not want the funds frozen.

Board member, Michael Collins asked if this concern was due to liability. Mr. Collins wanted to go on record to say that he understands the concerns. He feels that we have insurance for this and he thinks that the Board should sign the Certifications and send them in.

Chairperson, Patricia Butler asked Ms. Lewis if it would suffice if we sought an opinion from Town Counsel. Ms. Lewis said that this would be a good start. Ms. Butler also said she would follow up with Ms. Heyer to see if the wording "to the best of our knowledge" could be added.

Board members, Patricia Butler, Michael Collins and John Zigouras signed all three Certifications for submittal to DHCD.

On a motion by John Zigouras, seconded by Maryanne Lewis, it was unanimously
VOTED: To adjourn the meeting, the time being 6:15PM.
Ayes: 5 Nays: 0 Abstained: 0

(Seal) _____
Kathy J. DeMarsh, Secretary