LOPATCONG TOWNSHIP RENT LEVELING BOARD
REGULAR MEETING MINUTES
MARCH 20, 2025

CALL TO ORDER

Chairman Palitto called the meeting to order.

SILENT PRAYER

Chairman Palitto offered a moment of silent prayer.

PLEDGE OF ALLEGIANCE

Chairman Palitto requested everyone stand for the Pledge of Allegiance.

OPEN PUBLIC MEETINGS STATEMENT

Chairman Palitto stated "Adequate notice of this meeting has been provided indicating the time and place of the meeting in accordance with Chapter 231 of the Public Laws of 1975 by advertising a Notice in The Express Times, Warren County Zone and The Star Ledger and by posting a copy on the bulletin board in the Municipal Building."

ROLL CALL

Present: Vice-Chairman Lou Belcaro, Member Rich McQuade and Chairman Jim Palitto

Also Present: Attorney Igor Bykov

Chairman Palitto continued the meeting with Old Business.

OLD BUSINESS:

- Minutes – Approve Reorganization and Regular Meeting Minutes from January 16, 2025

Chairman Palitto asked for a motion to approve reorganization and regular meeting minutes from January 16, 2025.

Motion by: Vice-Chairman Belcaro **Seconded by:** Member McQuade

ALL IN FAVOR: Ayes
NAYS: None

- Minutes – Approve Executive Session Minutes from January 16, 2025

Chairman Palitto asked for a motion to approve executive session minutes from January 16, 2025.

Motion by: Vice-Chairman Belcaro **Seconded by:** Member McQuade

ALL IN FAVOR: Ayes
NAYS: None

- Resolution R 25-06 – Adopt Consent Agenda

CONSENT AGENDA:

1. Resolution R 25-07 - Finding in favor of the tenant in the matter of LeBlanc and Alcrim v. Brakeley Gardens.
2. Resolution R 25-08 - Finding in favor of the tenant in the matter of Nissen v. Brakeley Gardens.
3. Resolution R 25-09 - Finding in favor of the tenant in the matter of Powers v. Brakeley Gardens.
4. Resolution R 25-10 - Finding in favor of the tenant in the matter of Rehley v. Brakeley Gardens.
5. Resolution R 25-11 - Finding in favor of the tenant in the matter of Munoz v. Brakeley Gardens.
6. Resolution R 25-12 - Finding in favor of the tenant in the matter of Stull and Laubach v. Brakeley Gardens.
7. Resolution R 25-13 - Finding in favor of the tenant in the matter of Liriano v. Brakeley Gardens.
8. Resolution R 25-14 - Finding in favor of the tenant in the matter of Starks v. Brakeley Gardens.
9. Resolution R 25-15 - Finding in favor of the tenant in the matter of Rebner v. Brakeley Gardens.
10. Resolution R 25-16 - Finding in favor of the tenant in the matter of Quigley v. Brakeley Gardens.
11. Resolution R 25-17 - Finding in favor of the tenant in the matter of McFee v. Brakeley Gardens.
12. Resolution R 25-18 - Finding in favor of the tenant in the matter of Bjellquist v. Brakeley Gardens.
13. Resolution R 25-19 – Dismissing the Complaint in the matter of Gurczynski v. Brakeley Gardens.

Chairman Palitto asked for a motion to adopt Resolution R 25-06.

Motion by: Vice-Chairman Belcaro **Seconded by:** Member McQuade

ROLL CALL
AYES: Vice-Chairman Belcaro, Member McQuade and Chairman Palitto
NAYS: None

ABSTAIN: None

Chairman Palitto continued the meeting with New Business.

NEW BUSINESS:

Vacancy Decontrol Applications:

1. Warren Heights – Vacancy Decontrol Application – 202 Horseshoe Court
2. Warren Heights – Vacancy Decontrol Application – 315 Shannon Court
3. Warren Heights – Vacancy Decontrol Application – 336 Shannon Court
4. Warren Heights – Vacancy Decontrol Application – 353 Shannon Court

Attorney Bykov asked Secretary Segeda if the Board received any objections to the Vacancy Decontrol Applications and Secretary Segeda stated that there have been no objections filed.

Attorney Bykov advised Chairman Palitto that he can address all applications collectively.

Chairman Palitto asked for a motion to approve Vacancy Decontrol Applications 1 through 4.

Motion by: Member McQuade **Seconded by:** Vice-Chairman Belcaro

ROLL CALL

AYES: Vice-Chairman Belcaro, Member McQuade and Chairman Palitto
NAYS: None
ABSTAIN: None

Hardships/Complaints:

5. Brakeley Gardens Tenant – Y1
   - Hardship/Complaint dated January 22, 2025 – Safety concerns
6. Brakeley Gardens Tenant – Z9
   - Hardship/Complaint dated March 18, 2025 – Noise and unsafe activity
7. 87 Route 57 – Tenant
   - Hardship/Complaint dated February 27, 2025 – Rent increase
8. 88 Route 75 – Tenant
   - Hardship/Complaint dated March 3, 2025 – Rent increase
9. Warren Heights - 162 Horseshoe Court – Tenant
   - Hardship/Complaint dated March 11, 2025 – Rent increase
10. Warren Heights – 207 Horseshoe Court – Tenant
    - Hardship/Complaint dated March 14, 2025 – Rent increase
11. Warren Heights – 235 Windmill Court – Tenant
    - Hardship/Complaint dated March 17, 2025 – Rent increase
12. Warren Heights – 152 Horseshoe Court – Tenant
    - Hardship/Complaint dated March 17, 2025 – Rent increase

13. Warren Heights – 166 Horseshoe Court – Tenant
    - Hardship/Complaint dated March 17, 2025 – Rent increase
14. Warren Heights – 346 Shannon Street – Tenant
    - Hardship/Complaint dated March 18, 2025 – Rent increase
15. Warren Heights – 158 Horseshoe Court – Tenant
    - Hardship/Complaint dated March 18, 2025 – Rent increase
16. Warren Heights – 63 Limerick Lane – Tenant
    - Hardship/Complaint dated March 18, 2025 – Rent increase
17. Warren Heights – 286 Rainbow Way – Tenant
    - Hardship/Complaint dated March 18, 2025 – Rent increase
18. Warren Heights – 42 Limerick Lane – Tenant
    - Hardship/Complaint dated March 19, 2025 – Rent increase
19. Warren Heights – 368 Shannon Court – Tenant
    - Hardship/Complaint dated March 19, 2025 – Rent increase
20. Warren Heights – 432 Lenape Lane – Tenant
    - Hardship/Complaint dated March 18, 2025 – Rent increase
21. Warren Heights – 365 Shannon Court – Tenant
    - Hardship/Complaint dated March 17, 2025 – Rent increase

Chairman Palitto called Brakeley Gardens tenant Y1 with no response.

Chairman Palitto called Brakeley Gardens tenant Z9 with no response.

Chairman Palitto called tenant of 87 Route 57.

Mr. and Mrs. Woodring appeared. Mr. Woodring stated his rent was $930 and the landlord raised the rent this year to $951. A short time later, he was advised that the owner gave the property, which includes two other units, to his son. Thereafter, they received another letter that the rent was being raised to $1,900. A few days after that, they received another letter by certified mail stating that the rent would be raised to $2,500. He asked how it is possible that the rent can be raised three times within a couple of weeks.

Vice-Chairman Belcaro asked the couple for clarification.

Mrs. Woodring confirmed that they received a letter in December raising the rent effective February 1st to $951. Two weeks later, the rent was raised to $1,900. Two days after that, he raised the rent to $2,500.

Chairman Palitto asked if there is a lease and Mr. and Mrs. Woodring both stated that there is no lease. Mr. Woodring explained that there are three rental units and a commercial garage. He continued that the former tenant that rented the commercial garage on the property under a three year lease vacated and he feels that the rent is being raised to make up for that loss of rent. Mr. Woodring advised that the rent of the other two tenants was less than his rent and their rent was also raised substantially. He thinks it was raised from approximately $600/$700 to $1,900. He states that the property is in disrepair with falling ceilings and mold. He further stated that he even had to go as far as use a sort of jack to keep the ceiling up.

Vice-Chairman Belcaro asked if the landlord performs repairs and Mr. and Mrs. Woodring advised that he does not make repairs any longer. Vice-Chairman Belcaro confirmed that repairs were done in the past and Mr. Woodring advised that the work that was done was not done properly which caused water to enter the home citing the replacement of windows as one of the improper repairs. Mr. Woodring stated that the man who installed the new windows used newspaper instead of insulation as a filler in the installation of the windows and mold followed soon after. He further stated that there was water coming into the house.

Mr. Woodring states that there is no insulation in the house and that he has to put plastic around the windows. He stated that he estimates he spends approximately $4,000 in fuel for the winter and that it just goes out the window. Attorney Bykov confirmed that Mr. Woodring pays for his own fuel. Mr. Woodring confirmed that is correct and states that it is oil fuel. He stated he pays for electric and that the only thing he does not pay for is gas for the stove. Mr. Woodring stated that because the landlord was an older gentlemen, he would help him out by doing a lot of work on the property such as cutting up trees that would fall in the yard. He stated that the landlord was a real decent guy but over time things changed. He stated that work and/or repairs that are done on the house are not being done correctly. Mr. Woodring stated that the landlord just put a new kitchen cabinet in which was not done properly. He stated the mold was not removed from the wall before the new cabinet was put on the wall. He stated that he had to stop using the cabinets for food as that mold started growing in the cabinets. He stated that he had to discard approximately $300 worth of food.

Mrs. Woodring stated that the old cabinets were incessant with mold. She stated that she was taking food out to make dinner one night and the boxes were all covered with mold. She stated this is when they had to discard the $300 worth of food. She stated she called the landlord and explained what happened and asked for reimbursement for the food and was told no and was hung up on. She stated that approximately a month and a half later, he came in and had new cabinets put up but never cleaned the mold on the wall before installing the new cabinets.

Mr. Woodring informed the Board and Attorney that the repairs are always quick and easy. He stated that when the landlord had asbestos removed from the basement, they did not use an asbestos professional. He stated that the workers just used plastic in the basement and they just scaped the walls and it was all over the place. Mrs. Woodring stated her son has asthma and at that time, he was age seven. She states that his asthma has gotten worse ever since.

Vice-Chairman Belcaro asked if Mr. and Mrs. Woodring ever called the Health Department and Mr. Woodring stated that someone had to come in to inspect the lead and he saw the mold. He stated that the inspector even showed him that the foundation was cracked.

Attorney Bykov asked if Mr. Woodring knows how many rental units are on the property and he stated that there are three houses and a garage. Mr. Woodring further tells the Board and Attorney Bykov the location of the property. He stated that there are several cars on the garage property. He stated that he feels the landlord is trying to get the tenants to move out by raising the rent. Mr. Woodring believes the landlord gave the property to his children so they can raise the rent.

Vice-Chairman Belcaro asked if the homes are separate or attached and Mr. Woodring replied that they are all separate. Mr. Woodring stated that he has the biggest house and then there is another unit that he calls "a shack". The third unit in the front used to be rooms but is now an apartment and that unit is in really bad shape. Mr. Woodring stated that the gentleman that comes to read the meters doesn't even like going into the basement of that unit due to the conditions of the basement.

Member McQuade confirmed that one of the homes was put in the name of the landlord's son and Mr. Woodring replied that the landlord took the entire property and gave it to the son. Member McQuade asked if the son now owns all the units and Mr. Woodring responded that all the landlord's kids now own it. A gentleman from the audience stated that the property is now owned by all the kids. Mrs. Woodring stated that the gentleman speaking is the one who lives on the property. Mr. Woodring asked the Board if he could come up to speak and the Board stated that he could.

Attorney Bykov asked if he is "88 Route 57" and he stated that he is. The tenant, Eric Trinneer stated that he has paperwork for the other tenant on the property as that tenant works late and could not make the meeting.

Attorney Bykov asked if the new owners were Family O Properties, LLC and Mr. Trinneer advised that it is.

Mr. Woodring spoke about the fact that since there are three houses that the landlord cannot raise the rent.

Mr. Trinneer stated that he spoke to the real estate agent about the landlord giving the property to his kids and that he spoke with the oldest son, Ed O'Neil, Jr. who advised that he does not want to talk to him and that all communication must go through the real estate agent. He stated that he did call the real estate agent and explained everything that is wrong with the homes and she requested a list to determine if the rent should be lowered or the repairs made.

Member McQuade inquired if they are selling the property and Mr. Trinneer stated that they are leasing it. He further stated that they received new contracts because there are new owners. He stated that the kids are taking over all the real estate.

Chairman Palitto asked if the real estate agent is managing the three units and Mr. Trinneer stated that his correct.

Mr. Trinneer stated that it is hard to communicate this was because he will call up the real estate agent about an issue such as ants coming from the drain and she will state that she needs to speak with the new landlords. He further stated that he could continue about the conditions but he is worried the house would be condemned and he would then not have a place to live.

Mr. Woodring stated that he and his family are trying to get out. Mr. Trinneer stated that everyone is looking to get out since the rent increase for him from $620 per month to $1,900 a month is ridiculous.

Chairman Palitto asked when the new rent went into effect and Mr. Trinneer stated it is May 1st. Chairman Palitto asked if on May 1st the rent will be $2,500 or $1,900. Mrs. Woodring replied that they are asking for $2,500 from them and Mr. Trinneer stated that they are asking $1,900 from him. Mr. Woodring stated that the other tenant has been asked to pay $1,900 as well.

Attorney Bykov inquired as to the original rent amounts. Mr. Trinneer stated that he was at $620 and the neighbor in front of him was a bit more because his house is a bit bigger.

Member McQuade inquired if all tenants have leases and Mr. Woodring stated "month-to-month". Mr. Trinneer also stated month-to-month but that was with the original owner.

Mr. Woodring showed photos to Vice-Chairman Belcaro and Attorney Bykov advised the tenant to contact the Board of Health regarding the disrepair issues. Mr. Woodring stated that he is working on getting out but that it will take time.

Mr. Trinneer stated that there are two issues and Attorney Bykov explained that they are the amount of rent and the quality of the living conditions.

(Inaudible) Every speaking at once.

There is discussion as to what officials can be called about the living conditions.

Vice-Chairman Belcaro advised that once code enforcement gets involved and the tenants move, the units will need to be repaired before the units can be leased.

(Inaudible) Every speaking at once.

Vice-Chairman Belcaro stated that no one should live in those conditions.

Chairman Palitto inquired as to the tenants' email addresses and requested Secretary Segeda to email the tenants the contact information for officials that can help with complaints on living conditions. Chairman Palitto suggested the County Board of Health and the Department of Community Affairs.

Chairman Palitto inquired if the tenants know if their landlord owns other properties and the tenants were not sure.

Attorney Bykov stated that now that the Board has been made aware of the issues in the complaints, a hearing can be scheduled to address those issues. The tenants expressed concerns of the time frame as the new leases must be signed prior to the next meeting.

The tenants asked questions on what they should do in the meantime and Attorney Bykov explained that he and the Board cannot give legal advice due to conflict of interest.

Chairman Palitto and Attorney Bykov went over the next steps which were to hold a hearing with the landlord and calls to officials.

Member McQuade explained that the Board is here to help with the rent matters and that a little investigation is needed to confirm how many properties the current landlord owns and if all units are owned by same landlord which would make the landlord subject to the ordinance. Member McQuade further explained the other issues are items that can be addressed by contacting the DCA and the Health Department.

Attorney Bykov further explained that there are exclusions for properties that may fall out of the Board's purview.

Mr. Woodring argued that the landlord Ed owns all three properties but that the family group will take ownership May 1st.

Chairman Palitto explains that the Board must confirm that the family group falls within the ordinance.

Mr. Trinneer argued that there are three units and a fourth property that is commercial and Chairman Palitto again stated that the Board must confirm that the matter falls within the ordinance.

Chairman Palitto and Attorney Bykov confirmed the ordinance states three or more units under common ownership does fall under the ordinance.

Member McQuade explained that the common ownership of all three units must be proven before action can be taken.

(Inaudible) Everyone speaking at once.

Chairman Palitto advised that the Board will investigate the matter and if necessary, hold a hearing on the matter.

Mr. Trinneer inquired if notices will be sent by the Board and Attorney Bykov confirmed that if there is any action taken, they will receive letters.

Mr. Woodring asked what he should do until then and Member McQuade again stated that the Board cannot provide legal advice.

Attorney Bykov explained that the Board can handle the matter similar to the way they have in the past by having a hearing and notifying all affected parties by certified mail requesting them to come in at which time testimony will be taken and a decision made possibly resulting in a Resolution.

Chairman Palitto called Warren Heights, 162 Horseshoe Court with no response.

Chairman Palitto called Warren Heights, 207 Horseshoe Court with no response.

Chairman Palitto called Warren Heights, 235 Windmill Court.

A woman appeared and spoke from the audience. She stated that she is on a fixed income and is also handicapped and requires a one floor apartment. She informed the Board that if the rent is increased substantially, she will be out on the street.

Attorney Bykov requested her apartment number and name? The woman stated that her apartment is 235 and her name is Mary Nagle.

Secretary Segeda advised the Board that the residents of Warren Heights all received the same letter regarding the request for a 15% rent increase. Secretary Segeda further advised the Board that there has been no Hardship/Complaint received by the Township or Rent Leveling Board from Warren Heights or it's representative. She stated that it is her understanding that the residents are currently being served with the Hardship/Complaint on behalf of Warren Heights but that Warren Heights has not yet served the Township with said Hardship/Complaint.

A member of the public stated that in addition to the 15%, Warren Heights wants rent control lifted. She inquired as to what happens the next time they want to raise the rent if they get the 15% they are asking for and rent control lifted. She further asked if they can increase the rent up to 6% every year if rent control is lifted.

Attorney Bykov advised that once a Hardship/Complaint is filed, they can increase rent by 15% but no more than that.

The woman from the public continued by stating that the lease becomes renewed every year.

(Inaudible) Everyone speaking at once from the audience.

Attorney Bykov advised that as it seems right now, Warren Heights is submitting a Hardship/Complaint on account of improvements. If the Board determines that their improvements are legitimate and meet the requirements of the ordinance, the Board may allow an increase up to but not in excess of 15%. He stated that he does not see how they would not be subject to rent control without the Board dissolving.

Several members of the audience asked the Board about specifics in the Warren Heights Hardship/Complaint and Chairman Palitto again advised the public that the Board hasn't received any Hardship/Complaint from the landlord.

Many members of the public stated that they have been served and Attorney Bykov responded by stating that they have been notified because that is the process. He further advised that what the Board has received thus far are the tenants' side of the matter. Part of the process is that the

landlord notify the tenant that they are going to be seeking an increase of the rent by way of Hardship/Complaint.

Another member of the public advised that not every tenant was notified and several members of the public advised that they have not been served.

(Inaudible) Everyone speaking at once.

A member of the public advised the Board that when the ownership changed from Larken to Sela, the maintenance disappeared.

Another member of the public stated that there is one man for over 230 apartments.

Another member of the public stated that it appears the landlord is trying to force them out.

Another member of the public advised that she has lived at Warren Heights for 12 years and has original carpeting and appliances and has been fighting for three months to get a microwave and when they finally provided her one, it was used and dirty. She further stated that she never had this problem with Larken.

Several members of the public spoke about the various numbers of repairs that are needed raising voices over each other.

Chairman Palitto requested for the public to be come to order.

A member of the public stated that he has not had a dishwasher for three years and that his water bill is through the roof. He inquired as to how they justify raising his rent. He stated that it is a hardship for all tenants.

Another member of the public stated that the building is over 22 years old. She stated that last year she waited two months for air conditioning and a month for a toilet.

Chairman Palitto stated that although the Board understands the situation, to date, the Board has not received any Hardship/Complaint from Warren Heights.

Ms. Nagle informed the Board that as soon as the new landlord took over, her microwave broke and when she informed the landlord, she was told to her face, “we don’t have the money for it”. She asked the Board what happens if the Board grants the rent increase and the landlord still does not fix the problems. She stated that she is very concerned because a substantial rent increase would be a hardship not just for her but everyone including the many seniors that are on fixed incomes.

Attorney Bykov remined the public that it is within the Board’s discretion whether to authorize the increase in rent. He continued stating the ordinance spells out all the necessary procedures that the landlord has to follow to acquire the benefit of the hardship. If the landlord does not meet the requirements of the ordinance or requests a hardship for improvements but does not

complete the proposed improvements, then that is a violation of the ordinance and the Board may be able to act upon it through the legal process.

A member of the public stated that not every tenant of Warren Heights received a notice and asked if it is a requirement that everyone get one before any decisions are made.

Attorney Bykov responded by saying that he is not sure that there is a uniform requirement. He stated that he is not familiar with all the facts, but stated that if only half of the units need renovation than it makes sense for only half of the tenants to receive a notification of those improvements.

A member of the public stated that the whole place needs renovations.

Another member of the public asked how the tenants will be notified if there is any action taken on this matter.

Member McQuade acknowledged that the tenants of Warren Heights collectively brought their hardship/complaints to the Board as to the request to raise rent 15% by Warren Heights. He asked the tenants to focus on the rent issue and proposed that the Board's attorney send a letter to Warren Heights advising them of the ordinance and the allowed rent increase of 3%. He stated that when they receive the letter, they will most likely file their Hardship/Complaint requesting a higher rent increase due to needed improvements.

Chairman Palitto stated that the increase in rent is the primary issue the Board can address.

Member McQuade stated that the Board's purpose is for help with the increase of the rent. He stated that the Board understands the issues of broken appliances and improvements but it is the rent increase that needs to be addressed. Since the Board has not received anything yet from Warren Heights, once the letter goes out to them, they will respond and the Board will notify the tenants.

A member of the public stated that some of the tenants have to sign a new lease next month and are worried.

Vice-Chairman Belcaro stated that the letter the Board is going to send to Warren Heights is going to remind them of what is allowed under the ordinance and the letter will be expedited.

A member of the public asked what happens if the Board approves the rent increase and Chairman Palitto reminds the public that the Board cannot do anything regarding Warren Heights Hardship/Complaint until we get it from Warren Heights.

Member McQuade explained that the avenue Warren Heights has is that they can come to the Board and provide testimony that they have a hardship and that is why they want to raise the rent 15%. He further stated that the ordinance reads that the Board can allow them to raise it up to 15%.

Attorney Bykov stated that it cannot be in excess of 15%. Attorney Bykov asked the public if the letter everyone is referring to from Warren Heights begins with "notice of rent increases – application due to financial hardship" and several members of the public stated "yes". He further stated that the letter includes a statement that they are seeking an increase of 15% in rent effective upon approval of the Rent Board. He stated that there can be no approval at this time because the Board nor the Township has received a Hardship/Complaint from Warren Heights or it's representative.

A member of the public asked if the Board has a copy of the letter and Secretary Segeda replied by stating that Board has a copy of the letter only because the tenants provided it but that the Board has never been served directly by the landlord.

Chairman Palitto again stated that the Board cannot act upon the Hardship/Complaint until the Board receives it from landlord.

Chairman Palitto asked Ms. Nagle if she has any more questions and she stated that she does not.

Chairman Palitto called Warren Heights, 152 Horseshoe Court with no response.

Chairman Palitto called Warren Heights, 166 Horseshoe Court. Tenant Jennifer Novak appeared and stated that she is 22 years old and that she grew up in Lopatcong. She feels the current landlord should have done inspections of the units prior to buying the property.

Member Belcaro reminded the public that the landlord cannot raise the rent until they receive approval from the Board. They landlord will come before the Board and justify their hardship and the Board will make a decision based on that.

Chairman Palitto called Warren Heights, 346 Shannon Street. Marilyn Ilvento appeared and stated that she lived in Lopatcong since 2016. She stated the reason she moved here was because of rent stabilization. She informed the Board that her hardship is that she has cancer and that she cannot afford the rent increase with her treatments.

Chairman Palitto called Warren Heights, 158 Horseshoe Court with no response.

Chairman Palitto called Warren Heights, 63 Limerick Lane. Cynthia Collura appeared and stated that she has been a tenant for only a month and that she just signed her lease February 1, 2025. She stated that getting an increase letter of 15% after only being there a month and hearing what everyone is saying is unsettling. She stated that she also moved here because of the rent which would go up steady. She stated that it will be a hardship as a senior citizen supporting herself. Ms. Collura asked the Board, if there is to be a rent increase granted, when would that take effect in her case since she just signed her lease in February. She feels that any increase would be a violation of the lease agreement which was signed for one year.

Vice-Chairman Belcaro informed Ms. Collura that the rent would remain what it is now for the duration of the lease year.

Mr. Collura also asked what a vacancy decontrol is.

Member McQuade stated that it is for the next tenant and that is when the landlord will be able to set the new rent for the next person and that person can either accept it or not accept it.

Attorney Bykov stated that the ordinance stated that upon voluntary vacation of the property, the landlord and the tenant may negotiate a reasonable rent and then that new rent becomes subject to the 3% limitation or the 2.8% assuming that the tenant pays for oil or heat.

Member McQuade stated that if Warren Heights does file the Hardship/Complaint, they will be required to come here and the Board will communicate with the tenants and would hope that all the tenants attend the hearing. He further stated that there have been times in the past where the Board has tried to address rent control and there were many no show tenants.

A member of the public once again asked how the tenants will be notified once Warren Heights files.

A member of the public asked if everyone should file even if they have not yet been served.

A member of the public stated that not everyone in attendance was served or filed their own hardship/complaint and that some came to hear the reason why the landlord wants to raise the rent.

Another member of the public asked how to get on the Board's list.

Attorney Bykov informed the audience that if and when the landlord files a Hardship/Complaint, in order for the Board to have a hearing with both the tenants and the landlord present, pursuant to the ordinance, the Board needs to send a certified letter to both the affected tenant and to the landlord. Assuming that you received a notification from the landlord or the Board itself inviting you to a hearing, it is in your best interest to come, provide testimony and hear what the landlord has to say and thereafter, the Board will issue a decision.

(Inaudible) Everyone speaking at once.

A member of the public stated her concerns that if any tenant fails to file a hardship/complaint, they will not get notification of a meeting on the subject.

Attorney Bykov informed the public that the Board meets every other month on the third Thursday of the month and the meetings are open to the public. Any member of the public is free to come even if they do not have an application before the Board. He further stated that if a tenant did not receive a letter notifying them of a potential rent increase, that may be an indication that their rent may not increase but that is not something he is certain of.

Several members of the public stated that they have not yet received notice and others inquired about what form to submit. Attorney Bykov informed the public where to find the form.

(Inaudible) Everyone speaking at once.

Chairman Palitto called Warren Heights, 286 Rainbow Way with no response.

Chairman Palitto called Warren Heights, 42 Limerick Lane with no response.

Chairman Palitto called Warren Heights, 386 Shannon Court with no response.

Chairman Palitto called Warren Heights, 432 Lenape Lane with no response.

Chairman Palitto called Warren Heights, 365 Shannon Court with no response.

Correspondence:

22. Warren Heights – Condo Association Attorney
    - Letter dated March 19, 2025
23. Brakeley Gardens Tenant – Unit M2
    - Retroactive rent increase
24. Brakeley Gardens Tenant – Unit Y14
    - Class Action Waiver Addendum
25. Brakeley Gardens Tenant – Unknown
    - Printed information on reserved parking spaces and fees

Attorney Bykov stated that the Board is unsure as to the purpose of the letter from the Warren Heights Condo Association Attorney. He stated that he does not understand the significance of it.

Secretary Segeda stated that she thinks it is their way of saying that the letters that are going out to tenants are not from the Condo Association but from the leasing agent, Sela Realty on behalf of the landlord.

Chairman Palitto confirmed that the letters going out to tenants regarding the rent increase are from a separate landlord that owns these units.

A member of the public expressed concern as to the wording "Warren Heights Apartments" in the complaint. Several owners within Warren Heights wanted the Board to know that Warren Heights is a residential community and not an apartment complex.

Several members of the public explained that Sela Realty is both the landlord and management company for their apartments which is the subject of the Hardship/Complaint for the rent increase.

Secretary Segeda informed the Board and Attorney Bykov that many of the callers to the Clerk's Office asked if all the tenants served with the landlord's Hardship/Complaint for the rent increase will be included in the hearing and/or outcome. She stated that many tenants are elderly and do not have access to the hardship forms or the ability to drive and attend the meetings.

Attorney Bykov stated that he does not feel that anyone would be excluded from the outcome whatever that may be.

A member of the public suggested sending a letter to Sela requesting a list of the units served with the letters and Attorney Bykov stated that the Board could request that.

Member McQuade suggested that tenants of Warren Heights help the elderly tenants that they know in responding to the hardship/complaint.

A member of the public stated that they are many elderly tenants that haven't been noticed and that she herself has not been served because her letter is still sitting at the post office. Another stated that there are many letters at the post office and many people have not picked them up.

Member McQuade inquired as to why no one has picked up their letters and many stated that they were sent certified mail and if you don't sign for them, they get sent back to the post office.

Chairman Palitto stated that it seems everyone is getting them but not everyone has received them.

Member McQuade stated that it was confusing because some members of the public stated that they felt some are not going to be getting the letter for the rent increase.

A member of the public stated that every single renter, new and old, will be getting the rent increase letter. He further stated that as long as they are a renter and not an owner they will get the letter.

Member McQuade once again stated that the Hardship/Complaint for a rent increase is subject to the Board's approval.

Attorney Bykov also stated that the landlord has to follow the required steps in the ordinance to demonstrate that they are entitled to an increase.

Member McQuade stated that they have not yet done that.

A member of the public asked what happens after the landlord follows all the proper steps for their Hardship/Complaint.

Member McQuade stated that the Board will hold a hearing and Chairman Palitto repeated that statement.

The member of the audience further inquired as to what renters can do and Member McQuade and Chairman Palitto both stated that they can be here and give testimony.

Chairman Palitto called Brakeley Gardens Tenant – Unit M-2 with no response.

Chairman Palitto called Brakeley Gardens Tenant – Unit Y-14.

Brakeley Gardens tenant John Betz appeared. Mr. Betz stated that he wanted to inform the Board of a new clause in the lease addendum called Class Action Waiver. He stated that if you sign the lease, you automatically agree to it and it waives your ability to participate in any class action claim. Mr. Betz asked the Board if he can force the landlord to allow him to opt out next year even though in the lease it says that once signed, it remains in effect for all future leases.

Attorney Bykov asked John if he received a letter stating that he agrees to not be subject to a class action lawsuit against the landlord.

Mr. Betz stated that he did not and advises that it is an addendum. Mr. Betz reads from the Class Action Waiver Addendum. He states that the Class Action Waiver states, "You agree that you hereby waive your ability to participate in a class action as a class action representative or member of any class action claims against us or out agents." He continues, "You understand that without this waiver, you may have possessed the ability to be a party to a class action lawsuit. By signing this agreement, you understand and choose to waive such ability and choose to have any claims decided individually. This class action waiver shall survive the termination or expiration of this lease contract.

Mr. Betz asked the Board and Attorney Bykov if he got an attorney would he be able to opt out one way or another.

Attorney Bykov stated to Mr. Betz that this is not something that falls under the Board's jurisdiction because it is not rent related. Attorney Bykov also stated that if a Class Action Lawsuit is filed by the landlord, this waiver will most likely be raised in court and it would be up to the court to determine.

A member of the public asked if the waiver is part of the lease and Attorney Bykov answered that it is an addendum and Mr. Betz repeated that statement.

Mr. Betz also asked to speak as to number 25 on the agenda which has to do with private parking spaces. Mr. Betz stated that Harbor Group on behalf of Brakeley Gardens provided a letter regarding reserving parking spaces which reads, "If you would like a reserved parking space, there will be a one-time, non-refundable $210 fee which covers the cost of the sign and installation." He further stated that there will be an additional monthly fee of $50. He stated that it needs to be determined whether they are allowed to do this or not.

Attorney Bykov asked if this is something that only pertains to handicapped parking and Mr. Betz advised that it is not.

Chairman Palitto asked if it is optional parking and Mr. Betz stated that it is.

Mr. Betz asked what do tenants like some in the audience at this meeting do if the Board has not yet made a determination on their matters but the landlord has started the eviction process.

Member McQuade asked if in the meantime Mr. Betz thinks some tenants may receive eviction notices and Mr. Betz explained that if a tenant gets an eviction notice before the next Rent Level meeting, what do they do. He stated that question has been asked of him by many tenants at Brakeley Gardens.

Mr. McQuade asked Mr. Betz what happens at Brakeley Gardens and Mr. Betz answered that the tenant would have to go to court. Mr. Betz explained that he is talking about landlord-tenant evictions.

Member McQuade told Mr. Betz that the landlord would have to apply to the County and the person in charge of evictions would do a follow-up by visiting the rental unit along with many steps of paperwork.

Member McQuade told Mr. Betz that someone would only get evicted if they don't pay their rent.

Mr. Betz stated that some tenants are getting notices that they believe to be eviction notices but that it was not from the County. He stated that he feels these notices are harassment of the tenants.

Member McQuade states that they can't evict someone without court involvement.

Attorney Bykov advised that there is a provision in the ordinance that is called anti-harassment provision that is under 173-2.1 and read the provision. He further stated that if there is any harassment notifications to let the Board know so the Board can take action.

Vice-Chairman Belcaro told Mr. Betz to make sure the tenants document any harassment with specifics.

Mr. Betz discussed an altercation a tenant had with the leasing agent and thereafter the tenant received an eviction letter. Mr. Betz has been unable to reach the tenant involved for further information.

PUBLIC COMMENT – 3 Minutes

Chairman Palitto continued the meeting with Public Comment. Chairman Palitto reminds the public that they are allowed to come to the podium once and will have three minutes with no time deferred to another person.

Christina Allertines of Brakeley Gardens, Apartment Q-8 appeared. She stated that she had submitted a previous Hardship/Complaint but was unable to attend the last meeting. She inquired if anything was determined regarding the handicapped parking and having to pay for the parking. She asked if there was any resolution regarding Brakeley Gardens requiring payment for a handicapped parking spot citing The Americans Disabilities Act. She is concerned because they are now offering private reserved parking spaces.

Attorney Bykov asked Ms. Allertines if there were previously handicapped parking spaces offered without a fee and she stated that handicapped parking spaces were there prior to the new landlord Harbor Group. The previous landlord, Salem Management had two handicapped parking spaces outside of various entrances for each building. When Harbor Group took over, they covered the handicapped parking spaces with spray paint and eliminated all handicapped parking. She further stated that now if you want a handicapped parking space you have to pay over $200 for the spot but that handicapped parking was offered by the previous landlord/owner.

Attorney Bykov stated that there is a provision of the ordinance that states a landlord may not start levying fees for services that were previously provided for free. Attorney Bykov states that he will continue to look into the handicapped parking matter and if that is something the Board may act upon, the Board will let her know.

Andres Cumano, 1313 Bo Boulevard in Autumn Ridge appeared. He stated that he has been there two years and his rent goes up every year 5%. In speaking to other neighbors, he understands that there is a document that was filed by Larken under a statute that allows them to increase the rent to whatever amount they want. He asked if that is allowed.

Chairman Palitto told Mr. Cumano that the Board will look into it.

Mr. Cumano advised the Board that he was told that his apartment is a separate entity from Autumn Ridge because he is in Horizons which is a 55 and older building. He stated that it has been two years that all fees have been increased.

Attorney Bykov asked Mr. Cumano if he has submitted any documentation to the Board Secretary and he stated that he is new to the process. Attorney Bykov asked Mr. Cumano to submit whatever documentation he has received that demonstrates his situation so that the Board will have a better understanding.

Member McQuade stated that the Board will look into the situation for him and Chairman Palitto stated that the Board will get an answer for him.

Jim Dimino, 1108 Bo Boulevard appeared. Mr. Dimino states that the statute that is being talked about is 2A-4:81-86. He stated that it is a State Statute that allows new construction to be exempt from rent control that a township ordinance may have for a period of 30 years.

Attorney Bykov added “or until the mortgage is paid” but Mr. Dimino stated that 2A does not include that clause.

Mr. Dimino stated that the landlord is supposed to have something in the lease that says that they are exempt from rent control ordinances within the township. He asked that if they have not included that in the lease, is there a remedy and if that is something the Board can consider, discuss and rule on.

Attorney Bykov stated that he believes that if the matter is outside of the Board’s purview, it may require Mr. Dimino to obtain is own attorney and file a lawsuit. Attorney Bykov advised Mr.

Dimino to provide the Board any documentation available on the subject so that the Board can make a determination after their review. He stated that he does recall that body of law that does exempt new construction. He stated that the idea was to give the landlord a fair return on their investment in creating a rental complex for the citizens.

Mr. Dimino inquired how that affects a 55 plus community within and wondered if the landlord's failure to notice the tenants that they are exempt from rent leveling is allowed as he is concerned the rent can increase up to 15%.

Attorney Bykov stated that he cannot comment specifically without review of the statute but if they are not adhering to the statute which is New Jersey Law, that is a violation of the law.

Member McQuade asked Mr. Dimino if his lease contains the notice and he stated that it does not. Mr. Dimino stated that in studying the statute and other documentation and the fact that the notice is not included in his lease, he comes to wonder if this is something the Board can handle. Mr. Dimino inquired if the Township or the Board received a copy of the paperwork involved in the filing for exemption.

Chairman Palitto advised that he would look into for Mr. Dimino.

Mr. Dimino thanked the Board for their time and service.

A member of the public inquired as to what the tenants are to do for those included in the consent agenda resolutions.

Attorney Bykov advised that since the Board found against the landlord regarding a number of improper increases in rent, the Board will send letters to the affected tenants and the landlord notifying them of the Board's determination and Resolution. The landlord is to refund the funds within 30 days or allow the tenant to credit those funds to their account. He further stated that if the landlord does not comply, it is a violation and penalties can be levied.

John Betz again appeared and stated that during Planning Board meetings, Autumn Ridge and Sycamore Landing spoke of low and moderate income housing units. He stated that he thinks that went into a regulation book with Beth Dilts as the housing liaison. He stated that he just wanted to make that issue that there probably is low and moderate income households which would also fall under the whole umbrella.

Derrick Starks, a Brakeley Gardens Tenant, Apartment F-7 appeared. He stated that in June he and his wife will be at Brakeley Gardens for three years. He stated that he has not received a new lease since last year and that he has not received any notices from the landlord. He just wanted to let the Board know. He stated that he has been told to just keep paying his rent and that is what he has been doing.

Chairman Palitto asked if the landlord has been notifying him of anything and Mr. Starks stated that they have not.

Vice-Chairman Belcaro asked Mr. Starks if he tried contacting the landlord and he advised that he has been in contact with the Brakeley Gardens office and was advised that it is due to all the past late fees he still owes. He stated that he was informed that he will get a new lease once he pays all the past fees.

Secretary Segeda advised the Board that Mr. Starks' matter is a resolution included on the Consent Agenda.

Attorney Bykov confirmed that Mr. Starks is on a month-to-month lease. He further advised that type of lease comes with different rules and regulations as to what the landlord can and cannot do in terms of notice, evection proceedings, etc. He agreed that Mr. Starks should continue to pay his rent and advised that if the landlord files an eviction against him, he should notify the Board immediately.

Mr. Starks reminded the Board that he keeps receipts for everything. Mr. Starks praised the Board and thanked them for all their help.

Kathleen (inaudible), Warren Heights, Limerick Lane appeared. She stated that she feels the Board needs to know that it is not just a matter of her rent being increased. She is from New Jersey and she moved to Lopatcong because it is a lovely place and has been here for 13 years with her family. She stated that if the rent increase is granted, she will be pushed into Pennsylvania. She will not just lose her town, she will lose her state.

Chairman Palitto asks the audience if there are any other comments. Chairman Palitto seeing and hearing none asked for a motion to go into executive session.

- Adopt Resolution R 25-20 to Hold Executive Session

Motion by: Vice-Chairman Belcaro **Seconded by:** Member McQuade

ROLL CALL

ALL IN FAVOR: Ayes
NAYS: None

EXECTUTIVE SESSION

- Attorney/Client Privilege – Potential Litigation

Chairman Palitto asked for a motion to come out of executive session.

Motion by: Vice-Chairman Belcaro **Seconded by:** Member McQuade

ALL IN FAVOR: Ayes
NAYS: None

RESUME REGULAR SESSION

- Summarize Executive Session

Attorney Bykov acknowledged that the Lopatcong Township Rent Leveling Board emerged from its executive session at 9:07pm. He stated that one matter discussed pertaining to potential litigation was attorney/client privilege. He advised that at this time the Board should authorize the Board Attorney to send a letter to Sela regarding the permitted rent increase as described in Chapter 173 of the Rent Control Ordinance.

Chairman Palitto made a motion for the attorney to send the letter.

Motion by: Chairman Palitto **Seconded by:** Member McQuade

ROLL CALL

AYES: Vice-Chairman Belcaro, Member McQuade and Chairman Palitto
NAYS: None
ABSTAIN: None

Attorney Bykov informed the public that a copy of the minutes shall be available at such time the Board determines there is no harm to public interest.

ADJOURNMENT

Chairman Palitto asked for a motion to adjourn.

Motion by: Vice-Chairman Belcaro **Seconded by:** Member McQuade

ALL IN FAVOR: Ayes
NAYS: None

Respectfully submitted by:

Patricia A. Segeda
Secretary, Rent Leveling Board