

**LOPATCONG TOWNSHIP RENT LEVELING BOARD
REORGANIZATION AND REGULAR MEETING MINUTES
JANUARY 15, 2026**

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 Star-Ledger, The Express Times and the Lopatcong Township website www.lopatcongtp.com and by posting a copy on the bulletin board in the Municipal Building.”

REAPPOINT AND SWEAR-IN MEMBERS

- Re-Appoint and Swear In – Richard McQuade – Term to 12/31/2028

Richard McQuade was re-appointed and sworn-in by Attorney Bykov.

ROLL CALL

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

Also Present: Attorney Igor Bykov

REORGANIZATION OF THE BOARD

ELECTION OF OFFICERS – Open nominations

- Chairman

Vice-Chairman Belcaro motioned to have Chairman Palitto remain as Chairman for the Rent Leveling Board. Member McQuade seconded the motion.

ROLL CALL

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

NAYS: None

ABSTAIN: None

- Vice-Chairman

Member McQuade motioned to have Vice-Chairman Belcaro remain as Vice-Chairman for the Rent Leveling Board. Chairman Palitto seconded the motion.

ROLL CALL

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

NAYS: None

ABSTAIN: None

RESOLUTIONS

1. Resolution 26-01 – To Approve Calendar of Meetings for 2026

Chairman Palitto asked for a motion to approve Resolution 26-01. Member McQuade motioned and Vice-Chairman seconded the motion.

ROLL CALL

ALL IN FAVOR: Ayes

NAYS: None

R 26-01

**RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND
STATE OF NEW JERSEY APPROVING THE
RENT LEVELING BOARD CALENDAR OF MEETINGS FOR THE YEAR 2026**

NOW, THEREFORE, BE IT RESOLVED by the Rent Leveling Board of the Township of Lopatcong, County of Warren and State of New Jersey as follows:

WHEREAS, Section 113 of the Open Public Meetings Act, Chapter 231 P.L. 1975, requires that at least once a year, not later than January 10th, of such year, every public body shall post and mail to the newspapers designated by said body, a schedule of the location, time and date of each meeting of said body during the succeeding year and post on the Township website www.lopatcongtp.com.

NOTICE IS HEREBY GIVEN that the regular meetings of the Lopatcong Township Rent Leveling Board will be held the third Thursday of every other month for the year 2026 at 7:00 pm

at the Municipal Building located at 232 South Third Street, Lopatcong Township, Phillipsburg, New Jersey.

IF THE THIRD THURSDAY of every other month shall fall on a legal holiday, the meeting shall be held on the following day. The dates of the meetings are as follows:

January 15, 2026 - Reorganization Meeting

March 19, 2026
May 21, 2026
July 16, 2026
September 17, 2026
November 29, 2026

January 21, 2027 - Reorganization Meeting

CERTIFICATION

I, Patty Segeda, Rent Leveling Board Secretary of the Township of Lopatcong, County of Warren and State of New Jersey do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by the Rent Leveling Board at the Reorganization and Regular Meeting held on Thursday, January 15, 2026.

Patty Segeda, Secretary
Rent Leveling Board

2. Resolution 26-02 – Designation of Newspapers to Receive Notices of Meetings

Chairman Palitto motioned to approve Resolution 26-02. Member McQuade seconded the motion.

ROLL CALL

ALL IN FAVOR: Ayes

NAYS: None

R 26-02

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY, DESIGNATING NEWSPAPERS TO RECEIVE NOTICES OF MEETINGS

WHEREAS, Section 3 (d) of the Open Public Meetings Act, Chapter 231, P.L. 1975, requires that certain notices of meetings shall be submitted to two (2) newspapers, one of which shall be designated as the official newspaper of the Township of Lopatcong; and

WHEREAS, the second newspaper designated by this body must be one that has the greatest likelihood of informing the public within the jurisdictional boundaries of this body of such meetings.

NOW, THEREFORE, BE IT RESOLVED by Rent Leveling Board of the Township of Lopatcong, County of Warren and State of New Jersey, that

1. The Express-Times at Lehigh Valley Live at www.lehighvalleylive.com is hereby designated as the official newspaper of the Township to receive all notices of meetings as required under the Open Public Meetings Act.
2. The Star Ledger has the greatest likelihood of informing the public within the jurisdictional area of this body of such meetings.

This Resolution shall take place immediately.

CERTIFICATION

I, Patty Segeda, Rent Leveling Board Secretary of the Township of Lopatcong, County of Warren and State of New Jersey do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by the Rent Leveling Board at the Reorganization Meeting held on Thursday, January 15, 2026.

Patty Segeda, Secretary
Rent Leveling Board

3. Resolution 26-03 – Designation of Official Website and Newspaper for Legal Notices

Chairman Palitto motioned to approve Resolution 26-03. Vice-Chairman Belcaro seconded the motion.

ROLL CALL

ALL IN FAVOR: Ayes

NAYS: None

R 26-03

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND
STATE OF NEW JERSEY DESIGNATING THE OFFICIAL WEBSITE AND AN ELIGIBLE
ONLINE NEWS PUBLICATION FOR THE PUBLICATION OF ALL STATUTORILY
REQUIRED LEGAL NOTICES

WHEREAS, the State of New Jersey has enacted P.L. 2025, c. 72, which modernizes the requirements for the publication of legal notices, replacing the traditional print newspaper mandate with a requirement for online publication on official public entity websites and in some cases, eligible online news publications; and

WHEREAS, effective March 1, 2026, all public entities are required to publish legal notices on their official internet websites, with certain transitional requirements for advertising in online news publications during the 2026 calendar year; and

WHEREAS, N.J.S.A. 40:53-1 and related statutes authorize the governing body to designate the official channels for such publications; and

WHEREAS, the Rent Leveling Board of the Township of Lopatcong, County of Warren, wishes to designate its official and an eligible online news publication to ensure compliance with P.L. 2025, c. 72 and the Open Public Meetings Act (OPMA).

NOW, THEREFORE, BE IT RESOLVED by the Rent Leveling Board of the Township of Lopatcong, County of Warren and State of New Jersey, that

1. Official Website Designation: The official internet website for the publication of all legal notices and advertisements required by law is hereby designated as www.lopatcongtp.com.

The website shall be accessible to the public free of charge. A direct hyperlink to the legal notices section shall be conspicuously placed on the homepage.

All legal notices shall be displayed on the website for a minimum of one week, or the time otherwise required by law, and archived for at least one year.

2. Official Online News Publication Designation (for 2026 transitional period and optional use thereafter):

The following eligible online news publication, which meets the criteria set forth in P.L. 2025, c. 72 (specifically P.L. 2025, c. 72, s.2.b. and R.S. 35:1-2.2 criteria for eligibility), are hereby designated for any required or supplemental publications:

THE STAR LEDGER, with its website <https://www.lehalads@support.njadvance-media.com>

LOPATCONG TOWNSHIP, with its website <https://www.lopatcongtp.com>

Transitional Requirements: For the calendar year 2026, the Township of Lopatcong, County of Warren, shall publish an advertisement at least twice per month in the designated online news publication which advertisement shall state that the full text of all legal notices may be viewed on the official municipal website and shall include a hyperlink to the Secretary of State's forthcoming centralized legal notices webpage.

Implementation: The Municipal Clerk is hereby authorized and directed to take all necessary actions to ensure compliance with the requirements of P.L. 2025, c. 72, including coordinating with the Secretary of State's office regarding the centralized webpage links and establishing archive procedures.

Effective Date: This Resolution shall take effect immediately upon adoption.

CERTIFICATION

I, Patty Segeda, Rent Leveling Board Secretary of the Township of Lopatcong, County of Warren and State of New Jersey do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by the Rent Leveling Board at the Reorganization Meeting held on Thursday, January 15, 2026.

Patty Segeda, Secretary
Rent Leveling Board

4. Resolution 26-04 – Adopting Robert's Rules of Order as a basic guide for fair and orderly procedure in meetings.

Chairman Palitto motioned to approve Resolution 26-04. Member McQuade seconded the motion.

ROLL CALL

ALL IN FAVOR: Ayes

NAYS: None

R 26-04

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY ADOPTING ROBERT'S RULES OF ORDER AS A BASIC GUIDE FOR FAIR AND ORDERLY PROCEDURE IN MEETINGS

NOW, THEREFORE, BE IT RESOLVED by the Rent Leveling Board of the Township of Lopatcong, County of Warren and State of New Jersey that Robert's Rules of Order Newest Edition is hereby adopted as a parliamentary authority for the procedure in meetings. This Resolution shall take effect immediately.

CERTIFICATION

I, Patty Segeda, Rent Leveling Board Secretary of the Township of Lopatcong, County of Warren and State of New Jersey do hereby certify the foregoing to be a true and correct copy of a

Resolution adopted by the Rent Leveling Board at the Reorganization and Regular Meeting held on Thursday, January 15, 2026.

Patty Segeda, Secretary
Rent Leveling Board

5. Adopt Resolution 26-05 – Appointing the Lavery, Selvaggi & Cohen, P.C. as Attorneys for the Rent Leveling Board.

Chairman Palitto motioned to approve Resolution 26-05. Vice-Chairman Belcaro seconded the motion.

ROLL CALL

ALL IN FAVOR: Ayes

NAYS: None

R 26-05

RESOLUTION OF THE TOWNSHIP OF LOPATCONG,
COUNTY OF WARREN AND STATE OF NEW JERSEY
APPOINTING LAVERY, SELVAGGI & COHEN, P.C. AS ATTORNEYS
FOR THE RENT LEVELING BOARD

NOW, THEREFORE, BE IT RESOLVED by the Rent Leveling Board of the Township of Lopatcong, County of Warren and State of New Jersey as follows:

Lavery, Selvaggi & Cohen, P.C. are hereby retained as Attorneys for the Rent Leveling Board for the year 2026 at a rate established in a Professional Service Agreement.

This award is in accordance with N.J.S.A. 19:44A-20.5 et seq.

This Resolution shall take effect immediately.

CERTIFICATION

I, Patty Segeda, Rent Leveling Board Secretary of the Township of Lopatcong, County of Warren and State of New Jersey do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by the Rent Leveling Board at the Reorganization and Regular Meeting held on Thursday, January 15, 2026.

Patty Segeda, Secretary
Rent Leveling Board

Chairman Palitto continued the meeting with Old Business.

OLD BUSINESS:

- Minutes – Approve Regular Meeting Minutes from July 17, 2025

Chairman Palitto asked for a motion to approve the regular meeting minutes from July, 17, 2025. Member McQuade motioned and Chairman Palitto seconded the motion.

ROLL CALL

AYES: Member McQuade and Chairman Palitto

NAYS: None

ABSTAIN: Vice-Chairman Belcaro

- Minutes – Approve Executive Session Minutes from July 17, 2025

Chairman Palitto asked for a motion to approve the executive session minutes from July, 17, 2025. Member McQuade motioned and Chairman Palitto seconded the motion.

ROLL CALL

AYES: Member McQuade and Chairman Palitto

NAYS: None

ABSTAIN: Vice-Chairman Belcaro

- Minutes – Approve Regular Meeting Minutes from November 20, 2025

Chairman Palitto motioned to approve the regular meeting minutes from November 20, 2025. Vice-Chairman Belcaro seconded the motion.

ROLL CALL

AYES: Vice-Chairman Belcaro and Chairman Palitto

NAYS: None

ABSTAIN: Member McQuade

Chairman Palitto continued the meeting with New Business.

NEW BUSINESS:

Hardship Complaints:

1. Brakeley Gardens Tenant – Unit N2
 - Hardship/Complaint dated January 14, 2026 – Water/sewer and renters insurance fees.

Chairman Palitto called Brakeley Gardens tenant Unit N2 with no response.

Correspondence:

2. Brakeley Gardens Tenant – Unit F7
 - Brakeley Gardens tenant invoice showing rent and late fees and money order receipts.

Chairman Palitto called Brakeley Gardens tenant Unit F7 and Mr. Derrick Starks appeared.

Mr. Starks advised the Board that Brakeley Gardens continues to contact him about owing fees. He stated that he has all his receipts and all fees have been paid. In addition, Mr. Starks wanted the Board to know that in June he and his wife will be at Brakeley for four years and they still have never received a new lease. He stated that he was told that as long as he keeps paying his rent, he is okay.

Chairman Palitto advised Mr. Stark that the landlord is required under the ordinance to provide the township with a hard copy of each tenant's lease. Mr. Starks stated that the only lease he has ever received is the very one he received when he first moved in.

Attorney Bykov stated that as long as Mr. Starks is current on his rent and his lease is active, he is subject to the original contract but the Board will look to perhaps include this issue in their complaint.

3. Brakeley Gardens Tenant – Unit M2
 - Two emails from Brakeley Gardens to tenant regarding payment of rent and water/sewer fees and Brakeley Gardens apartment listings showing water and sewer included.

Chairman Palitto called Brakeley Gardens tenant Unit M2 and Mr. Brian Alcrim appeared.

Mr. Alcrim advised the Board that Brakeley Gardens had sent several notices in December advising all tenants to have their water and sewer charges paid up. He stated, however, that he found two advertisements for rental units at Brakeley Gardens that offer water and sewer included. Mr. Alcrim does not understand how they can charge current tenants for water and sewer but not new tenants. He does not feel that any current tenant should have to pay water and sewer as an extra charge if they offer it as included for new tenants.

Vice-Chairman Belcaro stated that water and sewer may already be billed into the rent by Brakeley Gardens. Mr. Alcrim disagreed due to the way Brakeley Gardens divides the cost. He stated that there is only one meter per building and the cost is divided between each unit in that building. Vice-Chairman Belcaro asked if the fee for each unit would be the same regardless of how many people were in each unit and Mr. Alcrim confirmed that is correct. Mr. Alcrim stated that the amount is always different each month. He further stated that if each unit had its own

meter than they would know exactly how much water each unit uses and charge them accordingly. Mr. Alcrim stated that he does not understand why everyone in the town pays water and sewer quarterly, but tenants at Brakeley have to pay monthly.

Attorney Bykov stated that he believes the reason the new listing for apartment vacancies does not include water and sewer as additional charges is because the landlord may finally understand the issue before the Board and is including all those charges in the base rent calculation. The Board's main argument has been that any extra fees such as water and sewer are listed as additional rent and by being designated as additional rent, they become subject to rent control. Attorney Bykov continued by giving examples for a deeper understanding. He further stated that while he agrees that individual meters would help calculate the usage of each individual apartment unit, he does not believe that the Board has the power to compel the landlord to have individual meters. Attorney Bykov stated that he hopes that the Municipal Court and State actions will result in a positive outcome, not only for the Board, but for all affected tenants.

Discussion continued between Attorney Bykov, Mr. Alcrim and the Board on how legal discovery may bring to light how each and every current tenant is being charged fees compared to new renters.

Mr. Alcrim inquired about what can be done to prevent this issue from happening in the future. Attorney Bylov explained that filing the court actions will address the issues. He further explained that the Municipal Court filing will be done on behalf of the Board for the violations of the ordinance and the State Court filing will be done by the Township to seek a global resolution to the problem. Attorney Bykov explained the time frame for the court proceedings as well as the relief sought.

Chairman Palitto asked Mr. Alcrim if every unit in his building is paying for water and Mr. Alcrim advised that tenants who have lived at Brakeley Gardens under the prior management company Salem are not paying for water.

Attorney Bykov stated Attorney Bradley, the attorney for Brakeley Gardens, provided the Board with an allocation formula that is used to calculate water/sewer fees and explained how the formula works. He further stated that how fees are calculated will be revealed through discovery in the court proceedings

Vice-Chairman Belcaro discussed with Mr. Alcrim the cost that would be incurred by the landlord to provide individual meters for each tenant. Vice-Chairman Belcaro stated that regardless, something needs to be done since the way the fees are divided now is unfair.

Attorney Bykov stated that even if the landlord was to install individual meters, the cost would be shifted onto the tenant. He further stated while he does not disagree with Mr. Alcrim, he is concerned that people who believe they are being wrongfully charged for water and sewer, may stop paying those fees which he does not encourage. Attorney Bykov stressed that every tenant should continue paying the fees regardless if the fees may be in violation of the ordinance. He

further stated that not paying the fees may subject the tenant to an eviction proceeding which would be harder to recover from than having those fees refunded.

Mr. Alcrim asked Attorney Bykov how far back the refund would go and Attorney Bykov stated that up to six years would be requested and the Board would work with the landlord and their attorney to apply the appropriate relief. Attorney Bykov continued by stating that the tenants that have lived at Brakeley Gardens for many years may be limited to the six years which is the contractual statute of limitations.

4. Brakeley Gardens Tenant – Unit Q7

- Letter dated January 11, 2026 received January 15, 2026 with attachments – Water/sewer fees.

Chairman Palitto called Brakeley Gardens tenant Unit Q7 and Diana Dougherty appeared.

Ms. Dougherty stated that she received a call from the Brakeley Office advising her that she was behind on her rent but that it was just her water bill. She was told by the Brakeley representative that the charges are broken down by the number of units in the building divided by the number of people in each unit and then you pay a 10 percent allocation.

Attorney Bykov advised that the allocation formula is correct, however, he is unsure if the formula is truly followed which will be revealed through discovery. Ms. Dougherty advised Attorney Bykov that she knows several tenants that are not paying because they are grandfathered in. Attorney Bykov again confirmed that all the information will be obtained through discovery including whether the grandfathered tenants from their agreements with Salem are calculated into the allocation formula.

Ms. Dougherty advised that she understands that she has to pay for water and sewer but the amount she is charged is too much when you factor in the amount of time she is home.

Attorney Bykov again stressed that all tenants should continue to pay their bills for water and sewer to avoid being delinquent in any way to avoid a possible eviction action by the landlord or any late fees. Attorney Bykov stated that the court will determine whether the fees are properly collected and if they are not, to refund them.

Ms. Dougherty advised that she does pay water and sewer and Attorney Bykov confirmed with her that it is contained within an addendum of her lease.

Attorney Bykov advised that in the event the court finds in Board's favor, the tenants that voluntarily chose not to pay those fees may face having to compensate the landlord for the fees they failed to pay.

Chairman Palitto continued with Public Comment. Chairman Palitto stated that each person is allowed three minutes and can only come to the podium once with no time deferred to another person. He also asked for everyone to be respectful to the person speaking at the podium.

PUBLIC COMMENT – 3 Minutes

John Betz, Brakeley Gardens, Unit Y14 appeared. Mr. Betz stated that he was appearing to speak about rents, sewage and water, vacancy decontrol and longevity of living in the apartments. He asked how the outcome of the court proceedings would affect how sewer and water fees are paid.

Attorney Bykov explained that vacancy decontrol allows the landlord and the new tenant on voluntary vacancy of the apartment unit to negotiate a mutually agreeable rent and gave an example of the process.

Attorney Bykov then explained why a new lease may include water and sewer. He stated that it is presumed that those costs are calculated and included in the base rent so, although the new tenant may not be getting a monthly water and sewer bill, their rental obligation per month will cover those costs.

Mr. Betz asked if a new person moves in and decontrol takes place, which will create a new lease for that tenant, is that tenant subject to separate water and sewer increases? Attorney Bykov answered by stating that it all depends on how the lease is set up. The landlord is free to create the contract, but it is the Board's responsibility to raise violations of the Rent Control Ordinance. Attorney Bykov stated that if a new tenant moves into an apartment and they are there for 10 years, over the course of those 10 years, the landlord can only increase rent by 3% per year. Attorney Bykov stated that the Board believes that water and sewer fees, because they are classified as rent, they are subject to the 3% limitation. He further stated that if Brakeley Gardens annually raises rent by 3%, anything collected in excess of that is improper. Attorney Bykov stated that the Rent Leveling Board can intervene if a landlord that is under rent control charges amounts in excess of 3% and that the hardest part of the process is enforcement.

Elliott Godwin, Brakeley Gardens, Unit H7 appeared. He stated that as to the allocation formula, he wants the Board to know that he is the only person in his unit and is rarely there as he works full-time but pays about \$60 a month. He further stated that number has been trending a bit upwards in recent months so he would not read too much into the allocation formula.

Attorney Bykov stated that the landlord is claiming that the allocation formula is being used to calculate those fees but it will be the Board's responsibility to elicit all those answers during the discovery phase.

Mr. Godwin thanked the Board for following up on this matter and informed the Board that he is going to be sworn in as President of the Brakeley Gardens tenant organization next month and looks forward to working with the Board on behalf of the tenants.

Chairman Palitto asks the public if there are any other comments. Chairman Palitto seeing and hearing none asked for a motion to adjourn.

ADJOURNMENT

Vice-Chairman Belcaro motioned and Member McQuade seconded the motion.

Motion by: Vice-Chairman Belcaro

Seconded by: Member McQuade

ALL IN FAVOR: Ayes

NAYS: None

Respectfully submitted by:

Patricia A. Segeda

Rent Leveling Board Secretary