

Minutes of a Regular Meeting of the Verona Township Rent Control Board on Tuesday, February 16, 2021 beginning at 6:02 p.m. via Zoom webinar.

Call to Order:

The notice requirements of the Open Public Meetings Act have been satisfied with respect to this meeting of the Rent Control Board which is being held via Zoom video conferencing due to restrictions on indoor public gatherings resulting from the COVID-19 pandemic. Specifically, the time and date were included in the public meeting notice. This information, along with the public internet link and telephone call-in information was posted in the Municipal Building, and sent the official newspapers of the Township, the Verona-Cedar Grove Times at least 48 hours preceding the start time of this meeting. The agenda and public handouts for this meeting can be viewed online at <https://www.veronanj.org/rentcontrol>. A public comment period will be held in the order it is listed on the meeting agenda and instructions on how to comment will be provided at the appropriate time.

Roll Call:

Willola Ashley, Sean Byrnes, Patrick Hanley, Robert Narucki, Gerard Tamburino, Rent Control Board Attorney Alex Graziano, Esq., and Board Secretary Jennifer Kiernan are also present.

Chairman Patrick Hanley leads the Pledge of Allegiance.

Approval of Minutes:

Motion to approve the December 8, 2020 minutes is made by Ms. Ashley; seconded by Mr. Tamburino.

ROLL CALL:

AYES: Ashley, Byrnes, Tamburino, Hanley
NAYS:

Re-Appointment of Board Secretary

A motion is made by Ms. Ashley; seconded by Mr. Byrnes.

ROLL CALL:

AYES: Ashley, Byrnes, Tamburino, Hanley
NAYS:

Jennifer Kiernan is appointed to a term as Rent Board Secretary for a term ending 6/30/2021.

New Business:

Chairman Hanley defers to Rent Control Board Attorney Alexander Graziano, Esq., to address item G-1 on tonight's agenda. Mr. Graziano reports that Pine Street Square, aka Verona Fieldstone, LLC has submitted a request for a vacancy increase hearing pursuant to Chapter 112-3B-1(d) of the Code of the Township of Verona. The hearing this evening is for 810 Bloomfield Avenue, Apt A-8. Present on behalf of Pine Street Square is Brittany Sansone, Property Manager for Pine Street Square. Ms. Sansone states that Fieldstone was in the process of evicting Ms. DeCaupa, the tenant of unit A8 at 810 Bloomfield Avenue. There are multiple violations against this tenant beginning in February 2020 including smoking in the unit. Ms. Sansone took over the issue when she was hired in June of 2020 as Property Manager. Ms. Sansone stated she send a notice to the tenant in July 2020 regarding complaints of the smell of cigarette smoke coming from that apartment and received no response. Adrienne LePore, attorney for Fieldstone sent a notice to cease on August 11, 2020 warning Ms. DeCaupa to stop smoking inside and

also notified the tenant that she does not have authorization to have another tenant living in the apartment with her. Ms. Sansone stated that Ms. DeCaupa agreed to stop smoking indoors. However, management received more complaints for smoking from the surrounding units and then notified Ms. DeCaupa that management was beginning the eviction process, but would retract it if Ms. DeCaupa stopped smoking inside. Ms. DeCaupa continued to smoke inside her unit. Ms. Sansone states at that point Ms. DeCaupa was delivered a Notice to Quit. Ms. Sansone testified that at that time, Ms. DeCaupa became belligerent and stated she would attempt to fight. Ms. Sansone contacted Ms. LePore reach out to Ms. DeCaupa. Soon thereafter, Ms. DeCaupa vacated the apartment without notice, but would contact Ms. Sansone by text or phone and not allow Ms. Sansone to get a word in edgewise. Ms. Sansone was therefore never able to receive a non-coercion letter from Ms. DeCaupa. On December 15, 2020, Ms. DeCaupa returned the keys to the superintendent of the building and has been unresponsive to any Fieldstone representatives since. Therefore, Fieldstone is requesting a vacancy increase of 15% from \$1,550.35 to \$1,782.90.

Mr. Graziano states that pursuant to Chapter 112-3, when a tenant vacates, the landlord can increase the rent of the new, incoming tenant by 15% or the highest rent received for a comparable unit, whichever is higher. Section B of the ordinance states that in order to qualify for the increase, a landlord must obtain non-coercion certification from the outgoing tenant, or, should none of the exceptions stated in the ordinance apply, the landlord would need to have a hearing before the Rent Control Board to approve or deny the request to increase the rent. Mr. Graziano states the Board has to exercise discretion and decide if it is reasonable to exclude the landlord from the requirement to obtain the certification.

Mr. Tamburino concludes that if the tenant up and leaves without notice, as what seems to have happened here, the landlord obviously could not obtain the proper certification.

Mr. Graziano states that Chapter 112 states that the Board may render a decision this evening, or choose to wait until the next meeting. Chairman Hanley states that he feels there has been enough detail provided and the Board should vote this evening. Mr. Tamburino makes a motion to approve the request of Pine Street Square (Fieldstone) and grant the vacancy increase for 810 Bloomfield Avenue, apartment A-8; seconded by Mr. Byrnes.

ROLL CALL:

AYES: Ashley, Byrnes, Tamburino, Hanley

NAYS:

Ms. Sansone thanks the Board for their time and leaves the meeting.

Chairman Hanley defers to Ms. Kiernan, who states that the Board has received the rent rolls for the current year and a number of violations have been identified. Mr. Graziano opines the same. He states that in the past the Board has directed the attorney to send written notice to each landlord advising them that their rent increases are not in compliance and the Board is prepared to levy a fine, pursuant to Chapter 112 of the Code of the Township of Verona, and allow two (2) weeks' notice to comply with the ordinance. Mr. Tamburino suggests a motion to accept the 2021 rent rolls and requests a vote from the Board on levying fines. The motion is made by Ms. Ashley; seconded by Mr. Byrnes.

ROLL CALL:

AYES: Ashley, Byrnes, Tamburino, Hanley

NAYS:

The Board Secretary reports on the filings that were above the CPI and also those landlords who have not responded at all. Mr. Tamburino suggests that the same approach be used this year as was in 2020: letters should be sent to the delinquent landlords with a due date and state imposition of a fine can be levied by the Board. A motion is made by Mr. Tamburino; seconded by Ms. Ashley.

ROLL CALL:

AYES: Ashley, Byrnes, Tamburino, Hanley

NAYS:

Public Comment:

Kathleen Laterza, 810 Bloomfield Avenue, Verona, New Jersey

Mr. Graziano then reports to the public that the property at 18 Montrose Avenue, which was deemed to be a conflict by the Board is a member of the Township Council. He states that Ms. Kiernan had reached out to other towns in Essex County to inquire if they would take the deferral, but no Board would. The Township Attorney cited legal precedent set by the Supreme Court that a Board can hear a case out of necessity, in other words, the case needs to be resolved regardless of whether another Board refused to hear it. Since there is no other remaining Rent Board to contact, there is a necessity to move forward and therefore this Rent Board should schedule the hearing. Mr. Graziano states he will gather information relevant to this property and report back. Ms. Kiernan then states she has received a request from a tenant requesting to be heard in front of the Rent Board. It is suggested that the tenant submit any and all relevant documentation to Ms. Kiernan so a determination can be made if a hearing is necessary. Ms. Ashley motions to accept those terms; seconded by Mr. Byrnes.

ROLL CALL:

AYES: Ashley, Byrnes, Tamburino, Hanley

NAYS

Adjournment:

Motion to adjourn is made by Chairman Hanley; seconded by Mr. Tamburino at 7:27 p.m. Vote: 4-0

The next meeting will be held on April 7, 2021 at 6:00 p.m.

Respectfully submitted,

Jennifer Kiernan

Jennifer Kiernan, RMC

Rent Control Board Secretary

APPROVED: April 7, 2021