

MINUTES OF THE CALDWELL RENT REVIEW BOARD

October 19, 2016

Meeting called to order 7:06PM

Mr. Galante read the portion of the Open Public Meeting Act

ROLL CALL

PRESENT: Ms. Evans, Mr. Galante, Ms. Pemrick, Ms. Kerrigan and Councilman Rodgers

ABSENT: Mr. San George

ALSO PRESENT: Mr. Russo, esq.

Pledge of Allegiance

MINUTES:

January 21, 2016

Minutes of the Rent Review Board meeting accepted and approved.

CORRESPONDENCE:

Complaint received on October 18, 2016 from Lynn Borow and Arthur Sachs, 512 Bloomfield Avenue, Apt. 9K, Caldwell, NJ

Board discussed the complaint that was received from Lynn Borow and Arthur Sachs as to whether there is merit to hear this complaint.

Mr. Galante testified that he believes there is merit to hear the complaint as stated in the lease that they signed. Mr. Galante read number 12 in the lease which states "Parking: You may park one vehicle on the property per licensed occupant residing in the apartment, up to a maximum of two vehicles per apartment". It's in the lease and that would be under our ordinance of "Maintenance of Services".

Ms. Kerrigan responded that in the lease under "The Following are included in your rent: Due to limited parking availability the two vehicle limit listed in Paragraph 12 of this lease is amended to one vehicle". They signed the lease.

The Board discussed as to whether the landlord should have pointed this paragraph out before the lease was signed and whether it should have been added to the original Paragraph 12.

Ms. Pemrick feels that the Board can hear the case because it is unclear what the landlord meant by parking spaces. If it were up to her she would hear the complaint because it is a reduction in services.

Board members discussed tandem parking versus single parking spaces.

Ms. Kerrigan feels that the Board should not hear this case being that it states in the lease one car per tenant and they signed that lease.

Ms. Evan responded that a lease is a contract and the Board does not have any right to break a contract.

Ms. Pemrick stated the tenant started out with two spaces and gave it up in good will. She feels that the Board is not supposed to argue the merits just whether it falls under a reduction of service and it does.

Mr. Galante suggested that the tenant write a letter to the landlord explaining solutions that she has come up with.

Ms. Pemrick stated that this is under our jurisdiction because it is potentially a reduction in services. What we are doing tonight is deciding the merits of it based on the lease and even that isn't clearly presented. She would hear it and let the landlord face the burden of explaining tandem versus single parking spaces.

Mr. Russo responded that it is not as clean as he would like it but he would still have to say no because they signed the lease that states one parking space.

Motion to vote on the complaint of Lynn Borow and Arthur Sachs as to whether or not the complaint should be heard by the Board by Ms. Kerrigan, seconded by Mr. Galante.

Ms. Evans	no
Mr. Galante	no
Ms. Pemrick	yes
Ms. Kerrigan	no

Ms. Pemrick would like to have on the record that Mr. Russo should not be telling the Board how to vote.

CORRESPONDENCE:

Letter sent to all landlords when their Rental licenses need to be renewed.
Minutes from previous meetings discussing the Ordinance for Council approval.

The Board discussed the correspondence that is sent to all landlords once a year with their rental license renewal. The reminder letter lists Ordinance 182-20 "Information provided to tenants", 182-21 "Notice of tenant's rights" and 182-18 "Violations and penalties". Ms. Pemrick stated that the question was how this reminder can be such that landlords will likely do this. She would like to make certain that every person in the Borough of Caldwell knows that they have a rent control ordinance and knows of their rights and it is either posted in the building or it's in their lease. After discussion the Board decided that Ms. Pemrick will draft a letter to send to all landlords the pertinent section of the lease which applies to 182-2.

Ms. Pemrick stated that she would like to make a resolution that section 182-21 be deleted because it is not enforceable and Ms. Evans responded that she disagrees with that. Mr. Galante responded that he feels the Rent Board is doing more than they have to by sending the landlords the specific document once a year.

Board members discussed a letter being drafted by Ms. Pemrick reminding the landlords of our ordinance for the next Rent Review Board meeting.

NEW BUSINESS:

Proof that Landlords and tenants are aware of the maintenance of service section of the Ordinance.

Board members discussed changing items in the Ordinance and sending to the Mayor and Council for review and approval.

The Board requested 182-18 paragraph (A) to be moved to 182-5 Powers and duties of Board paragraph C after Municipal Court insert "In addition to the above sanctions, the Board may refuse such landlord any rent increases or surcharges otherwise permissible under this chapter. Each violation affecting a housing space shall be considered a separate violation".

The Board would also like this sentence left in 182-18 and in 182-5.

The Board would like 182-18 paragraph (B) deleted from this paragraph "as shall be designated by the Borough Council and Mayor"

182-14 Major Capital improvement/substantial service increase paragraph (D) second sentence change conversation to conversion.

Motion to have the Board Secretary send a memo to the Mayor and Council asking for these changes by Ms. Pemrick, seconded by Mr. Galante.

Ms. Evans yes

Mr. Galante yes

Ms. Pemrick yes

Ms. Kerrigan yes

Approved 4-0

Ms. Pemrick made motion to adjourn meeting at 8:16p.m., seconded by **Ms. Kerrigan**.
All in favor.