

City of Perth Amboy- Rent Leveling Board Meeting
Monday May 2nd, 2022
Minutes: Meeting commenced @7:02p.m. via zoom.

Welcome and Introduction: Chairperson Sharon D. Hubberman read open public meeting act and disclaimer.

~~Disclaimers~~

Pledge of allegiance

Rent Leveling Board Member Roll Call:

Present: Kevin Kowitski, Vincent Mackiel, Chris Rosario, Luz Ramirez, Chairperson Sharon D. Hubberman

Absent: Sal Suriel, [insert missing RLB member's name] ~~Mrs. Fasfare~~

Also present: RLB Recording Secretary Dianne Roman and Rent Leveling Board Attorney Mr. Opal

Approval of Minutes: February 7th, 2022 (which includes updates and edits) and March 8th, 2022

<u>C. Rosario</u>	<u>K. Kowitski</u>
1st Motion	2nd motion

Discussion:

Board Member V. Mackiel noted he would like the March minutes to reflect the following: At the March meeting he had made a statement regarding applicants filing their hearing request, and that a business person involved in renting units carries a business responsibility to keep proper records in a style that is clear, if they are to appear before a board.

Chairperson S. Hubberman states Board Member V. Mackiel's recommended edits to be added and included in the March minutes.

Motion passed: Unanimous

Topics of discussion:

Hearing Request 310 Neville Street, Unit #1:

Chairperson S. Hubberman informed the Board and has noted for the record, that the tenant has formally withdrawn her hearing request via a written notice to our RLB Secretary Roman due to the fact that the matter of concerns by the tenant have been resolved and remediated.

Chairperson S. Hubberman thanks the Board for the earnest efforts in granting the hearing request and for the expediency of having a letter sent to the Landlord by our RLB Attorney to clarify to the landlord, the rent leveling rates of the city which helped resolve the matter.

RLB Secretary D. Roman also informed the Board and the Public that the landlord for the property was living out of state, and was not familiar with the City's Rent Leveling Board ordinance, and the RLB Attorney Mr. McManimon provided the Landlord in a letter what the City's Rent Control rates are.

Motion to open Old Business: Unanimous

K. Kowitski V. Mackiel
1st motion 2nd motion

Discussion:

Board Member V. Mackiel, added that as we [the Board] review applications, that we should be cognizant of the matter of utilities. When it comes before the board a larger amount of rent due to utilities has to be a partnership between landlord and renter.

Board Member K. Kowitski inquired about the idea of a subcommittee to address ordinances surrounding conditions for hardship applications for landlords.

Chairperson S. Hubberman informed Board Member K. Kowitski that we will address the formation of subcommittees under new business.

Motion to close Old Business

C. Rosario V. Mackiel
1st motion 2nd motion

Old business closed: Unanimous

Motion to Open New Business

V. Mackiel K. Kowitski
1st motion 2nd motion

New business opened: Unanimous

Discussion:

Chairperson S. Hubberman follows up on a previous discussion regarding the initiation of a Sub-committee recommendation. The following is what is being recommended by Chairperson S. Hubberman to help develop fully our role as rent leveling board members and . Additionally, each sub-committee would be comprised of three board members, of which the Chairperson would be a member of each sub-committee.

Based upon the legal advice of Board Attorney Mr. McManimon, a sub-committee cannot have more than three Board members on a committee.

Chairperson S. Hubberman recommended the following Sub-Committees:

1. Legislative and Good Practices sub-committee
2. The Bylaws and Rules sub-committee
3. The Community Relations sub-committee

Chairperson S. Hubberman indicated that the sub-committee participation will help to facilitate the volunteerism of each Board member in addition to moving more succinctly the pivotal role of the Rent Leveling Board's duty to stabilize rent. The legislative and good practice sub-committee would help in providing the board as a whole, recommendations to the governing and administrative bodies, good practice tools of accountability and measurement as it relates to the ordinance. The Bylaws and rules sub-committee would help provide the board a clear function for the board through rules that would help develop the rent leveling board platform. The community relations sub-committee would help address areas where we as a Board may supply services to both landlord and tenants, working in tandem with enhancing the Board's accessibility to the public through education on what a member of the public may expect if applying for a hearing when coming before the board and a goal to have a simplicity in the process in the community.

Chairperson S. Hubberman requested feedback from fellow board members regarding her recommendation of the creation of each sub-committee.

Board member K. Kowitski expressed the creation of sub-committees is interesting and fantastic. He further requested clarification regarding the sub-committees: These sub-committees are intended to assist in a greater focus of our attention, our time, our detail on those different topics, but wanted to confirm that the ultimate decision making to implement the recommendation(s) of the subcommittee would be up to the board as a whole, and that the sub-committee would bring the recommendations, information, and communication to the Board as a whole without having any decision-making authority.

Chairperson S. Hubberman confirmed that the purpose of the sub-committees is informative in nature based upon the collaborative effort of the sub-committee members and that no decision is made unless the board as a whole receives the information/recommendation and makes a decision as a board to implement the sub-committee's recommendation.

Board member K. Kowitski, made a further inquiry as to how the sub-committee groups would manage the outreach and collaborative efforts given the restrictions of the sunshine rule? For example, the Legislative and good practice, and Bylaws and rules, how do we navigate and discuss changes, and explore and evaluated good practices, and manage a deeper dive if we are limited to no more than three members?

Chairperson S. Hubberman, in keeping with Board attorney's Mr. McManimon's guidance that each sub-committee may not have more than three members, of which the Chairperson would be part of each sub-committee; The sub-committee would gather the information from various departments or through research as a team on a specific topic, and then would present to the board as a whole the recommendation. This would be done by adding the topic for discussion to the Board's agenda during a public meeting where a public discussion would be facilitated. This would keep us in a safe zone of not violating the sunshine law and helps us evolve our role as rent leveling board members to define practices and/or recommendations that are

memorialized that would help future board members on how to proceed. Chairperson S. Hubberman requested the Board attorney Mr. Opal to further address Board member K. Kowitski's inquiry.

Board attorney Mr. Opal re-emphasized that the maximum number of members on a sub-committee is three (3), as previously stated by Mr. McManimon. In promoting and adhering to the Sunshine law, the subcommittee would logistically meet and discuss their assigned subject and then report back to the board as a whole during a regular board meeting where there can be public discussion on the subject. Then the board as a whole may either make a decision on said subject matter or ask the sub-committee to review further and be brought back in the future.

Chairperson S. Hubberman thanked Board attorney and asked Board member K. Kowitski if the attorney's explanation addressed his inquiry or concerns of which Board member K. Kowitski replied that it had addressed his inquiry and concern for the moment.

Board member V. Mackiel notated that since it is a new board, he understands why subcommittees are being proposed. He further emphasized that we should have openness to provide whatever we presently have in place for both the landlord and tenants, whether it is for an appeal, complaints, or a need for a hardship application, that it is an open process. Both tenant and landlord should be able to file with our board through an easier process versus a lengthy process.

Chairperson S. Hubberman, reiterated that the forming of the sub-committees is to help enhance what our roles are in accordance with the ordinance. Specific to Board member V. Mackiel's concerns, these are very real concerns and we are going to do our best to address them. To collaborate and do the start-up work necessary to address matters and have public discussions openly will yield a robust start to help address any issues.

Chairperson S. Hubberman continued to highlight that taking into consideration that our board is a new board, much effort and work has been accomplished. Chairperson S. Hubberman hopes that the board will continue on the path of good communication, and that we do our best to facilitate a positive experience and positive outcome to any person who needs to address an issue.

Chairperson S. Huberman, requested members of the board to indicate their interest in either of the three sub-committee via email to RLB recording secretary D. Roman, and would like the sub-committees to be established at the next board meeting under "Old Business".

Motion to Close New Business

K. Kowitski V. Mackiel
1st motion 2nd motion

New business closed: Unanimous

Motion to Open to the Public

V. Mackiel K. Kowitski
1st motion 2nd motion

Open to public: Unanimous

Public Portion:

Anthony Spearman, 214 Isias Court, Perth Amboy NJ. Mrs. Axter Davis speaks on behalf of her son Mr. Anthony Spearman and was inquiring about the board and communicated that her son needs some information to address a tenant issue and was wondering if she could address the board.

Chairperson S. Hubberman informs Ms. Davis that the public portion is open to any person who would like to address the board with concerns, including whether a tenant or landlord.

Mr. Anthony Spearman begins to address his tenant problem.

Mr. Anthony Spearman, Resident of Perth Amboy NJ, indicated he was unemployed due to the COVID pandemic; he applied for rental assistance and has been waiting since November and now he's facing a warrant of removal. He was also relying on the DCA assistance; they provided him with an EPP, at the moment he's waiting for funds to go back into the account.

Chairperson S. Hubberman recapped that Mr. Spearman had applied for rental assistance due to COVID. Chairperson further inquired if his application is pending or completed?

Mr. Spearman, the rental assistance application is pending due to exhausted funds.

RLB Secretary D. Roman, inquired if the funds were from DCA or from the County? State funds or Middlesex County rental assistance programs?

Mr. Spearman, responded State Funds.

RLB Secretary D. Roman, informed Mr. Spearman that The Middlesex County Rental Assistance Program had some money to help those in need with Utility and rental assistance and requested Mr. A. Spearman to contact her office in the morning to help connect him to the director of the Middlesex County division. Regarding any court matters, the RLB Secretary D. Roman inquired if Mr. Spearman contacted Legal Services.

Mr. Anthony Spearman informed RLB Secretary D. Roman that he did speak with legal services. RLB Board secretary D. Roman provided additional information to Mr. Spearman.

Mr. Spearman thanked the board and Mrs. Davis, stated her appreciation.

Motion to close the Public portion

V. Mackiel K. Kowitski

1st motion 2nd motion

Public portion closed: Unanimous

Chairperson S. Hubberman inquired if the RLB Secretary D. Roman had any updates or other communications she would like to be shared with the board.

RLB Secretary D. Roman informed the board members to file their financial disclosure form if they have not filed. Also, that each member receives a personal pin number to file. If a member of the board did not received a pin, to contact the City Clerk's office. Members who serve on this board are required to file in a timely manner their financial disclosure form.

RLB Secretary D. Roman raised the subject of board member attendance.

Chairperson S. Hubberman made an inquiry to the Board Attorney Mr. Opal: When a board member is unable to attend meetings and misses many consecutive meetings, which are unexcused absences, when does it create a vacancy when a board member does not communicate their status in attending meetings or their active role? Is there a rule, an ordinance or statute that would address board attendance? Attendance is very important because there may be instances where the Board may not be able to complete board business because there is no quorum.

Board Attorney Mr. Opal addressed Chairperson S. Hubberman's inquiry as to when does the unexcused absence of a board member becomes a vacancy. According to board attorney Mr. Opal, this is not addressed in the Ordinance. Probably 353-6 subsection b in the ordinance: "The Board shall promulgate and issue rules and regulations to give effect to the purposes of this chapter," that section gives the board the opportunity to create their own rules and regulations as how they want to regulate the membership. It would be up to the board to make that determination, right now there is nothing in the ordinance that sets specific time or provisions. It would be a matter that would have to be addressed by the board in their rules and regulations and bylaws.

Chairperson S. Hubberman further inquired if the update to the regulations and bylaws are to be amended by resolution by the entire board?

Board attorney Mr. Opal provided more information procedurally in relationship to the attendance concerns and clarity of what the limitations are when it involves removing a board member, since each board member is appointed by the Mayor.

Chairperson S. Hubberman continued to emphasize her inquiry is not about removing a board member, but rather when does lack of attendance (ie. Repeated unexcused absences) by a board member trigger a vacancy on the board.

Board Attorney Mr. Opal informed the board that he would look further into the matter and get back to the board at the following meeting. Chairperson S. Hubberman thanked board attorney Mr. Opal.

Board member V. Mackiel requested that if it is possible for the IT department to update the city's website to reflect the current terms and names of the current board members. He would appreciate it.

RLB Secretary Mrs. Roman will follow up with the IT department with the most updated rent leveling board members information.

Chairperson S. Hubberman requested a timeline as to when the alternate Rent Leveling Board vacancy will be posted.

The RLB Secretary D. Roman informed the board she will send a notice to the clerk regarding when it is possible to submit the posting given that the postings occur at once for all vacant positions of municipal boards.

Motion to Adjourn

<u>V. Mackiel</u>	<u>K. Kowitski</u>
1st motion	2 nd motion

Adjournment: Unanimous

Chairperson S. Hubberman adjourns the meeting @ 7:57 p.m.