

**BOROUGH OF DUMONT
BERGEN COUNTY, NEW JERSEY
RENT LEVELING BOARD MINUTES
DECEMBER 13, 2010**

Flag Salute

SUNSHINE LAW: The notice requirements of the Open Public Meetings Act of the State of New Jersey have been satisfied by the inclusion of the date, time and place of this Rent Leveling Board meeting of the Borough of Dumont having been sent to *The Record*, the *Press Journal* and posted on the Borough website and in the Borough Hall on February 1, 2010.

ROLL CALL: Michael Falcone, Judy Parker, Irwin Buchheister, Lillian DeCristofaro, Coleman Szely-present; Albert Taxter, Lillian Elliott-absent.

Approval of Minutes of October 18, 2010: Due to lack of quorum present, minutes were pulled and will be presented at the next Rent Leveling Board meeting.

A copy of Resolution 10-02 Establishing Meeting Schedule for 2011 was sent to all Board members prior the meeting. Motion to approve Resolution 10-02 Establishing Meeting Schedule for 2011: Judy Parker
Second: Lillian DeCristofaro
All in favor: Aye
Motion passed.

A copy of Resolution 10-03 Authorizing Fair and Open Process for Legal Notice for Request for Proposals for Rent Leveling Board Attorney was sent to all Board members prior to the meeting. Motion to approve Resolution 10-03 Authorizing Fair and Open Process for Legal Notice for Request for Proposals for Rent Leveling Board Attorney: Lillian DeCristofaro
Second: Judy Parker
All in favor: Aye
Motion passed.

Term Expirations – The Rent Level Secretary advised that the terms for two members of the Board would expire on 12/31/10. Both Ms. Cristofaro and Mr. Buchheister advised that they would like to be re-appointed. It was agreed that the Board Secretary would call Ms. Elliott, who had been involved in a serious automobile accident over a year ago and hadn't attended any meetings during that time, to see if she was still interested in being a member of the Board.

Tenant Complaint Form

Ms. Cho stated that since this board was relatively new when the ordinance was created; they didn't have any tenant complaints so there is no procedure in place now. She advised that what other towns do is that you get a complaint, review the complaint and once it is complete, you serve the adversary which, in this case, would be the landlord. Both sides usually submit something in writing so you set down a time schedule. Once the landlord gives his opposition, the original complaining party can do a brief reply. Then you set it down before the board, usually both parties come in and they present oral arguments. It is an informal setting, the board would hear both of them and then the board would make a decision as to how to proceed. The December 10th draft letter that Ms. Cho had prepared was not sent out but typically that is something that would go out and she stated that is something the board needs to discuss how it would like to proceed on these matters in the future. She advised that the December 9th letter that she had prepared had gone out which acknowledged receipt of the complaint form.

Ms. Cho stated that there are two issues at hand right now. The first issue is procedurally how the board is going to handle these complaints, who is going to be in charge and secondly, what is going to be done with this complaint. Mr. Buchheister asked if we were going to notify the landlord informing him that the tenant had made a complaint and we would like to hear his side of the story as to why the tenant is complaining. Ms. Cho advised that ordinarily she feels that the board should not go forward with this because she really doesn't have the proofs but given that the complainant is elderly, it might be helpful to send the landlord a copy of the complaint. Mr. Falcone advised that we could not ask the landlord for his side of the story, since the tenant's side of the story is incomplete. The tenant will have to get someone to help her to put together all the information we need to receive or we cannot proceed and we should not get involved with the landlord yet. We have to get everything together first and if we have to have a special meeting, then that is what we will do. Once we get everything together, then that might be the time to discuss it and maybe talk to the landlord.

To summarize, Ms. DeCristofaro stated that the landlord has the right to put in a water meter in her apartment even though in the original lease it said that the landlord would pay for water. Ms. Cho advised that accordingly, he could put it in but according to our ordinance, he would have to decrease the rent.

Mr. Falcone advised that what we also have to determine is what the complainant's water bill is in comparison to the rest of the building. The landlord has the right to reduce the amount of her rent by the water bill everyone else pays not any more than that. If the woman runs the water all day long, that's her problem.

Let's continue to go through the procedure as proposed by Ms. Cho and dated December 10, 2010. As we go through the complaint, the only item that pertains to the Rent Leveling Board is Item 1 and the rent being paid by the complainant. Our only responsibility is to determine the reduction in rent that should be received by the tenant and we should ask the landlord for the calculation.

Mr. Falcone advised that what we need to do is get a copy of the lease with the dates; we need to find out what lease we are dealing with here-a new lease or an old lease.

To summarize, Mr. Falcone stated that we will have Ms. Cho send a letter to the landlord telling him that we have received a complaint, send a copy of the complaint and ask him to respond to it. We will ask him for additional information, review the information and then proceed from there.

In the meantime, Mr. Falcone stated that we will need to spend some more time on a procedure. We need a list of things that we will need in every single case; i.e., we will always need the lease, dates of the incidents, what happened, what took place – we need to have facts and dollar amounts. Things need to be more clear. We should revise the complaint form, state in it that we will need a copy of the lease. All were in agreement with his comments.

Motion to adjourn the meeting: Judy Parker

Second: Coleman Szely

All in favor: Aye

Motion passed.