

Meeting Minutes
Manchester Township
Rent Leveling Board Meeting
February 1, 2024

Present: Andrew Kerstein, Karen Sugden, Diane Oresto, Kathy Frisch, Mari Norris, Erich Gordon

Absent: Kim Kavanagh

Professionals: Debra Rumpf, Attorney and Carmen Memoli, Accountant

- 1) Call to Order
 - a) Board Secretary, Kaylan Ricotta, calls the meeting to order at 4:30 PM with the salute to the Flag and reading of the statement.
- 2) Chairman's Statement
 - a) Emphasizes the meeting's judicial nature and sets expectations for decorum and relevance in discussions. Meeting end time is specified as 7pm.
- 3) Swearing in new Members
 - a) Board attorney, Debra Rumpf: repeat oath after me.
 - b) Diane Oresto and Erich Gordon repeat the oath with right hand raised and are sworn in. Oresto as a full member, and Erich as an alternate member.
- 4) Roll Call
 - a) Ms. Frisch, Ms. Sugden, Ms. Norris, Ms. Oresto, and Mr. Kerstein are present.
 - b) Also joining us is alternate Erich Gordon, attorney Deborah Rumpf, and accountant Carmen Memoli
- 5) Minutes
 - a) Chairman asks for a word to approve the minutes from January 18, 2024.
 - b) Motion: Frisch
 - c) Second: Norris
 - d) Roll Call
 - i) Ms. Frisch, Yes
 - ii) Ms. Sugden, Yes
 - iii) Ms. Norris, Yes
 - iv) Ms. Oresto, Abstain
 - v) Mr. Kerstein, Yes
- 6) Bills
 - a) Rumpf Law Inv #18602
 - b) Motion: Frisch
 - c) Second: Norris
 - d) Roll Call
 - i) Ms. Frisch, Yes
 - ii) Ms. Sugden, Yes
 - iii) Ms. Norris, Yes
 - iv) Ms. Oresto, Abstain
 - v) Mr. Kerstein, Yes

7) Correspondence

- a) No correspondence to review.

8) Resolutions

a) Resolution #2024-02, Pine Ridge South CPI Increase

- i) Be it resolved by the local rent or control board attached to the Manchester Township, Ocean County of New Jersey as follows:

Whereas Pine Ridge South has calculated increases including the allocation for the real estate taxes and whereas a proper notice of the application was provided by the applicant and required by the ordinance and whereas a public hearing was held on January 18, 2024, in the Municipal Building of the Township of Manchester, and whereas Senate Board have conceded, set application for argument, testimony, and exhibits in the affinity based on the following findings.

Now, therefore, be it resolved by the board that on this first day of February 2024, based upon the findings herein, herein be resolved as follows:

- (1) The CPI increase including the tax auto-payment application is inaccurately and incorrectly calculated.
- (2) Accordingly, the CPI increase as requested does not comply with the ordinance and needs to be corrected.
- (3) The applicant is not barred from resubmitting an application using the correct rental income.

ii) Motion: Frisch

iii) Second: Sugden

iv) Mr. Kerstein: Discussion?

v) Roll Call

(1) Ms. Frisch, Yes

(2) Ms. Sugden, Yes

(3) Ms. Norris, Yes

(4) Ms. Oresto, Abstain

(5) Mr. Kerstein, Abstain

b) Resolution #2024-03, Establishment of CPI.

- i) Whereas the Consumer Price Index is a measure of the average change over time in the price paid by urban consumers for a market basket of consumer goods and services, and whereas monthly CPI indexes are available for the U.S., the four census regions, nine census divisions, two sites of city classes. Eight cross-classifications of regions and size classes in 23 local areas. And whereas the four census regions are the Northwest, I'm sorry, Northeast, Midwest, West, and South. And whereas New Jersey is included in the Northeast region, which includes the township of Manchester. And whereas section 326-2, parentheses, 2, states the percentage of increase of consumer price index shall be effective as of March 1st.

- ii) As of or after January 1, the Consumer Price Index was a region that included the county of Ocean during the month of September, and the previous year shall be the index utilized for this purpose. And whereas a public hearing was held on January 18, 2024, in the municipal building of the township of Manchester. And whereas State Board have considered the ordinance and evidence makes the following findings. Now, therefore, be it resolved by this board on this first day of February 2024, based upon the findings here and above, be it resolved as follows.

iii) The Consumer Price Index, all items in the region of the United States of which the township of Manchester, New Jersey is a part, published periodically by the Bureau of Labor Statistics, United States Department of Labor. This index will be utilized for the CPI-U associated with the rental increases, too. The 12-month monthly increase in the Consumer Price Index for items for the month of September, 2023, for the Northeast region was 3.03, therefore a 3.0% percentage increase for the year of 2024 that our landlord shall be entitled to without need for an application or a hearing under Section 326-2, parentheses 2 of the pistol ordinance.

iv) Motion: Frisch

v) Second: Sugden

vi) Mr. Kerstein: Discussion?

vii) Mr. Kerstein: Mr. Kerstein: Hearing none, we'll call.

viii) Roll Call

(1) Ms. Frisch, Yes

(2) Ms. Sugden, Yes

(3) Ms. Norris, Yes

(4) Ms. Oresto, Abstain

(5) Mr. Kerstein, Yes

9) Old Business

- a) The meeting commenced with a discussion on old business concerning Pine Ridge at Crestwood, carried over from the previous meeting.
- b) Mr. Christopher Dasti, Esquire, representing the township attorney, addressed the board regarding a recent letter received by the Board from Pine Ridge. Mr. Gatsby emphasized the importance of addressing this matter promptly and offered his insights.
- c) A discussion ensued between the board and Lori Greenberg, legal representation from Pine Ridge at Crestwood and Pine Acres, regarding the compliance of Pine Acres with the ordinance. It was noted that Pine Acres submitted a revised letter, which, upon review, was found to be in full compliance with the ordinance.
- d) Lori Greenberg, representing Pine Ridge at Crestwood, expressed objections to a late letter submission by Mr. Dasti, citing the terms of the settlement agreement and ordinance to support Pine Ridge at Crestwood's position.
- e) Mr. Dasti reiterated the legal perspective that rights cannot be waived retroactively and emphasized the need for agreements to be made prospectively.
- f) Joshua Forrest, from the Community Health Law Project, echoed Mr. Dasti's position regarding the need for agreements to be forward-looking and expressed support for his argument.
- g) Lori Greenberg countered Mr. Dasti's argument, emphasizing the language of the settlement agreement and ordinance, which, according to her, supports Pine Ridge's exemption from certain provisions.
- h) Mr. Dasti reiterated the legal principle that ordinances are prospective and emphasized the need for any exemptions to be agreed upon after the enactment of the ordinance.

10) 2. Public Comment:

- a) The floor was opened for public comments regarding the Pine Ridge at Crestwood issue.
- b) John Finley- expressed concerns about the impact of rent increases on low-income residents and questioned the fairness of the process, particularly regarding the timing and implications of rent agreements.

- c) The Board acknowledged Mr. Finley's concerns and assured him that they would take them into consideration while deliberating on the matter.
- d) John Jasonowitz expressed concerns regarding the terms of the lease, particularly highlighting issues related to late fees, disputes, and feeling trapped by the lease terms.
- e) John Murcer raised questions regarding the cap for 2024, referencing a settlement agreement between Pine Ridge at Crestwood and the township.
- f) Barbara Donnelly inquired about the Pine Ridge rent increase for 2024 and raised concerns about past lease agreements and their compliance with the ordinance.
- g) Ann Douma, a long-term resident, voiced concerns about the deterioration of property maintenance over the years and dissatisfaction with the landlord's responsibilities.
- h) Therese Vera questioned the validity of lease agreements after being informed of their nullification and shared her experience of not signing a new lease despite rental increases.
- i) The board provided legal clarifications and responses to the concerns raised by attendees, highlighting the limitations of the board's jurisdiction and advising attendees on appropriate actions to address their concerns.
- j) John Finley voiced concerns regarding the recent rent increases and questioned the justification for the 3% increment. He emphasized the importance of understanding the services provided in exchange for the increased rent and expressed dissatisfaction with the current state of maintenance and amenities.
- k) Several residents echoed Mr. Finley's sentiments, highlighting issues such as irregular lawn maintenance, inadequate amenities, and discrepancies in the lease agreements. They emphasized the need for transparency regarding rent increases and expressed frustration with the lack of clarity in communication from the management.
- l) Ms. Greenberg addressed the concerns raised by residents and provided clarification on the notice to quit. She explained that while the language in the notice may be unfavorable, it serves a legal purpose and reaffirms the existing lease agreement if tenants choose to stay.
- m) Close of Public Comment

11) Pine Ridge at Crestwood Decision

- a) The board deliberated on whether Pine Ridge at Crestwood should be exempt from the rent cap specified in the ordinance. There was a discussion regarding the interpretation of the ordinance and the obligations of the landlords to adhere to its provisions.
- b) Following the discussion, Mr. Kerstein made a motion to address the issue and clarify the application of the rent cap to Pine Ridge at Crestwood. The motion aimed to ensure consistency and fairness in rent regulations across all properties.
- c) Board members engaged in further discussion, considering the implications of the motion and the potential impact on residents. Clarifications were sought regarding the legal framework and the board's authority in determining rent regulations.
- d) After thorough deliberation, a vote was called to decide whether Pine Ridge at Crestwood should be exempt from the rent cap. The motion was seconded, and a vote was taken, resulting in a decision that Pine Ridge at Crestwood are not exempt from the rent cap specified in the ordinance.
- e) Motion: Kerstein
- f) Second: Sugden
- g) Roll Call
- i) Ms. Sugden, Yes

- ii) Ms. Oresto, I disagree
- iii) Mr. Kerstein, Yes
- h) Ms. Oresto explained that she would like an explanation of the pass-throughs and if they are subject to the ordinance which states what is allowed in the utilities section.
- i) Mr. Kerstein explains that the board ruled Pine Ridge at Crestwood is not exempt from the cap and that they can take their issue to court or comply with the ruling.

12) Public Comment and Concerns

- a) Motion to open Public Comment
 - i) Motion: Oresto
 - ii) Second: Norris
- b) Mr. Forrester from the Community Law Project addressed the board, seeking clarification on the proper procedure for submitting applications. He emphasized the importance of establishing a user-friendly application process to facilitate communication between tenants and the board.
- c) Richard Rosine raised questions regarding the rent increase for Pine Ridge South and sought information on the status of the appeal process. He expressed concerns about the rental amount and the landlord's communication regarding the appeal.
- d) Mr. Finley returned to the podium to seek guidance on rent payment amidst the ongoing discussions and decisions. He sought clarity on whether to pay the increased rent amount or adhere to previous payment figures, reflecting the uncertainty among tenants regarding their obligations.
- e) The board provided responses to the public comments, emphasizing the importance of seeking legal advice and clarifying the board's decisions regarding rent regulations and appeals. They reiterated the need for tenants to engage with legal counsel for personalized guidance on rent payments and appeals.
- f) Motion to Close Public Comment
 - i) Motion: Frisch
 - ii) Second: Sugden

13) Executive Session and Future Actions

- a) The board discussed the possibility of convening an executive session to finalize details regarding rent regulations and application procedures. However, it was determined that such a session was not immediately necessary, and decisions could be deferred to future meetings.

14) Adjournment

- a) With no further business to discuss, the board entertained a motion to adjourn the meeting.
- b) Motion: Sugden
- c) Second: Norris
- d) All in Favor, AYE