

**Town of West New York
Hudson County, N.J.
Rent Control Board**

Minutes of Meeting
September 17, 2018

Meeting is called to order.

Pledge to the Flag

Open Public Meeting Act Notice was read by Chairwomen Lizzett Cuervo

Roll Call board secretary:

	Present	Absent
Lizzett Cuervo	<input checked="" type="checkbox"/>	
Marileidys Baldeo	<input checked="" type="checkbox"/>	
Lizzett Cuervo	<input checked="" type="checkbox"/>	
Carlos Barros	<input checked="" type="checkbox"/>	
Cindy Trejo	<input checked="" type="checkbox"/>	
Andrea S. Pena	<input checked="" type="checkbox"/>	
Maria E. Reina	<input checked="" type="checkbox"/>	

Also present:

Irene Asbury- Board Attorney
Sol Villon - Board Translator
Ana Luna - Board Secretary
Gary Motanaro - Court Security
(Metropolitan Court Reporter)

There is quorum and the meeting continued

- (Lizzett Cuervo) next I'd like to memorialize the resolution for the Capital improvement for the property address 6001 Monroe Pl. A motion was made by Marileidys Baldeo, it was seconded by Cindy Trejo. All members voted in favor, motion passes.

(Lizzett Cuervo) Ok great I will like to bring the board the capital improvement application for 5601 Blvd East. (Ken Porro, Esq. representing the applicant) presented the project, also with him was Mr. Conforto (owner) Mr. Raftein project manager.

(Chairwomen Cuervo) asked when the application was submitted. (Mr. Porro) it was submitted in April 2018 and the cost of the improvement is \$683,000 and the formula will be \$9.49 per room.

(Chairwomen Cuervo) so it should last six years, from 2020 to 2026, the cost per room will be \$9.49 and there is a one bedroom, 2 bedroom and three bedrooms.

There is a discussion and clarification after some question from the tenant and the board that concluded in the detail of; the increase will be starting January 2020 until August 2026 with an increase of \$9.49 per room plus the yearly CPI increases.

(Chairwomen Cuervo) so if no one has any more questions regarding this, would the board like to make a motion? A motion was made by Ms. Baldeo; it was seconded by Ms. Pena. All members voted in favor, motion passes.

- (Chairwomen Cuervo) Ok let's call the meeting to order again.

(Board Attorney) for the record this is Irene Asbury acting counsel for the evening. Agenda item D for the overcharge application for P/A, actually D and E are the same item 120 62nd apt #8. It is my understanding that the tenant applicant has been call away for an emergency, he is a member of the National Guard and he has been call away for the California's.

(Tenant advocate) The tenant called today and indicated that he was on the road and he would try to get back to us if his contingent stopped. Ms. Ehrlich is here. I spoke to her when she got here so that she didn't have to weight and explained that he was not here and could not be here, and I was going to ask on his behalf to carry this application. I met with Mr. Balbuena in regard to this application. Because he is on an emergency, I would ask that we extend this application.

Ms. Ehrlich: expressed that she is very discontent and I want to finish with this; also that she have an operation schedule and may not be able to attended the next meeting.

(Chairwomen Cuervo) I think it would be better if he is here to speak for himself. Does the board object to adjourning this matter? It is an emergency. It is an emergency. It is just for one meeting. And if he is absent the next meeting then we have to proceed.

Tenant advocate: ok that is fair.

Ms. Ehrlich: it is not ok I have all the proof here and I can show you.

(Chairwomen Cuervo) you will receive a notice for the meeting for October 15th. I am really sorry. If you cannot make it you can request the adjournment and the board will be glad to grant it to you.

(Chairwomen Cuervo) Next matter for 401 52nd street.

Tenant advocate: tenants fill application due to the building being overcharged, this resulting in it being illegal. Landlord wanted eviction against the tenants since they didn't pay due to the overcharge at the moment.

Mr. Granda (attorney for the Landlord) claims Ms. Walrod shouldn't be able to practice in this court. He's aware this doesn't come to the case but it's something he wanted to put out there.

The Tenant Advocate goes over the numbers of the exact amount being overcharged to the tenants, to later justify why she asked for the \$1000 per unit penalty.

Mr. Granda discusses that these numbers are based on 2001 numbers. He believes that D'Amico the prior tenant advocate have computed the rent records from 2001 and on.

The Tenant advocate thinks it'd be good to roll back the rents to the amount shown in Ms. Luna's calculation. She wants that the tenants should get credit because of the damage caused by the rent overcharge.

Mr. Sulamani comes in and he declares himself as the 50% owner of the building, but he is listed as the superintendent, not owner.

He is asked many times to show proof that he is the owner and all he says is “Do you have proof that Nazar is the owner as well?”

Since Mr. Nazar just brought the building a short time ago, he says that the people living there were quite happy and never complained with the rent amount. Mr. Nazar claims the tenants signed the lease/agreement and that they are happy with their rent and that they never complained as it was increased.

Mr. Granda says his clients went to the Rent Leveling Board trying to find out what the rents were. They were given certain information and relied on it. He wants equitable estoppel.

The Tenant Advocate says there isn't any equitable estoppel allowed by the ordinance. The Tenant Advocate states the ordinance says that whenever you buy a property it's a “buyer beware” deal that you as a buyer are supposed to know what you're buying. She also retaliates to Granda's claims by saying that if they had the other information, they still made up the numbers of the very first document that they filed, and therefore it doesn't matter.

Mr. Nazar wants to ask a couple of more questions but he's told to sit down instead.

(Chairwomen Cuervo) The board concluded that each attorney will submit a writing statement by September 30th, no more testimony will take place, October 15 will be for any question that the board have in reference to what was submitted.

Motion to open the floor for any questions from the public. No one came forward.

- Motion to close the meeting, all agreed. The Floor is closed for the night; the meeting is adjourned.