

JACKSON TOWNSHIP RENT CONTROL BOARD  
MEETING OF JANUARY 28, 2010  
MINUTES

The meeting was called to order at 7:40 PM followed by a flag salute and reading of the Sunshine Law by Mr. Rumpf.

PRESENT: S. Williams, B. Speilman, R. Cruz, N. Stallone, D. Hopkins, R. Cohen, J. Bellu, CPA and B. Rumpf, Esq.

MINUTES OF JANUARY 14, 2010 – Motion to approve CRUZ / Stallone All Ayes

BILLS – Motion to pay all bills COHEN / Speilman All Ayes

CORRESPONDENCE

Received a corrected application for Luxury Mobile Home Park from Mr. Hanlon.

RESOLUTIONS

2010-07 – Regency Club CPI Increase – maximum of 5.3% effective 11/1/2009

MOTION to approve CRUZ / Cohen All ayes

2010-08 – Regency Club CPI Increase – maximum of 5.3% effective 12/1/2009

MOTION to approve COHEN /Cruz All ayes (Hopkins out of room – not voting)

2010-09 – Regency Club CPI Increase – maximum of 5.3% effective 1/1/2010

MOTION to approve COHEN / Cruz All ayes (Hopkins out of room – not voting)

FOUNTAINHEAD PARK- Mr. Mercante Application for Decrease

Present and sworn in are Mr. Mercante, Mr. Clem Caldarise of Fountainhead Park and Mr. Juan Bellu, Accountant for the Rent Control Board. Also present is Lori Greenberg, Esq. for Fountainhead Park.

Mr. Mercante noted that he has not deducted any rental from his payments. Mr. Mercante states that he has 45 years in the excavating business.

Shari Williams excuses herself as she feels there may be a conflict.

Ms. Greenberg objects to Mr. Mercante testifying as an expert witness, he is testifying only as a fact witness.

Mr. Rumpf notes that Mr. Mercante is not representing himself to be an expert witness. Mr. Rumpf states that the Township Engineer has prepared a report that has been reviewed by all. The report seeks to address drainage around the area where Mr. Mercante lives only.

Mr. Mercante has worked for the Silvermeade Park in Freehold. There is flooding resulting in his shed being flooded, he has been threatened and harassed. Mr. Mercante would like the landlord to put a new slab and new shed in for him.

Ms. Greenberg – refers to the Engineer report which does not report any problems. If Mr. Mercante wants to purchase a new shed, he is free to do so. This is not the responsibility of the landlord. The landlord is of the position that they did nothing wrong.

Mr. Caldarise states that the shed is not waterproof, the contents will get wet. The present shed is 6x10x6.

Mr. Cohen cites the Township Engineer's report that indicates that there are some issues, not all major, he feels some minor improvements could be made.

Ms. Greenberg again states that no action was requested by the Engineer Report.

Mr. Rumpf – Mr. Mercante feels he has lost the amenity of the use of his shed.

Ms. Hopkins – proposes that the park pour a new pad and Mr. Mercante purchases a new shed.

Clem Caldarise – he will pour the pad

Mr. Rumpf – Mr. Mercante will accept the landlord's offer of a larger pad, and provide a new larger shed for the pad. Mr.

Mercante must purchase his own shed and also that the size of the replacement pad is 8 by 12 or 9 by 9. The pad cannot be put in until Mr. Mercante removes the old shed. Mr. Mercante will notify the landlord as to the size of the pad. This action to be taken not more than 90 days after the adoption of the Resolution.

MOTION by COHEN / Cruz

Shari Williams – not voting

Cohen, Cruz, Stallone, Speilman, Hopkins – Ayes

#### PLEASANT GARDENS

Present for Pleasant Gardens is Saul Rothburg and Lori Greenberg, Esq. Mr. Rothburg is sworn in by Mr. Rumpf.

The application is seeking a CPI Increase from February 2010 to January 2011 increase of 5.3% (head provided) and from April 2010 to March 2011 increase of 1.1%. Mr. Rumpf notes that the application for decrease by Mr. Adolfinfe has been withdrawn as the landlord has taken care of all problems in the unit.

John McGarrigle of #101J Pleasant Gardens is having a problem with heat. The living room heat is fine but the bedroom and bathroom has no heat. Heat goes from 68 –70 degrees. Mr. Rothburg states that new heat pumps were put in along with digital thermometers and a new water system.

Mr. McGarrigle feels the windows are not properly sealed.

Ms. Greenberg stated that the landlord will go out to the home to see what else can be done.

Mr. McGarrigle states that this would be satisfactory for the landlord to come check for drafts.

Mrs. Gerber of #103A does not understand how CPI is calculated. Mr. Bellu explains the formula for her.

MOTION to approve CPI Increase of 5.3% from February 2010 to January 2011 and Increase from April 2010 to March 2011 of 1.1% COHEN / Williams All Ayes

#### PSL (LUXURY MOBILE HOME PARK)

Present for PSL is Patti Kearns, who is sworn in by Mr. Rumpf and Christopher Hanlon, Esq.

Mr. Hanlon noted that the filing for this increase has been delayed due to other hearings, Mr. Terhune's vacancy decontrol issues, being heard by the board.

Mr. Hanlon notes the correct number of lots in the park is 57.

Mr. Bellu states the application is seeking a CPI increase of 3.8% effective September 1, 2009. Per Mr. Hanlon, the license fee has been paid.

Mr. Rumpf notes license for PSL, LLC Luxury Park is paid through 4/14/2009 expiration of 1/31/2010.

Mr. Hanlon states that the residents were notified of the 3.8% increase.

In response to a question by Mr. Cohen if there is any litigation, Mr. Hanlon stated there is litigation pending with Earl Terhune, 1 unit and Scott Terhune, 21 units.

#### PUBLIC

Ms. McLean of 43 Luxury Circle feels her unit is decontrolled. Mr. Hanlon replies that her unit is not decontrolled, that is only the wording of the notice, as the landlord is required to notify the tenant of the decontrolled amount.

Ms. McLean states there are cats roaming the property, the park is unsanitary, garbage is all over and there is no curfew enforced.

Ms. Williams stated that Ms. McLean should review the Township Ordinance for family parks, and submit complaints to the Township Council.

Ms. Hopkins has been through the park at various times of the day and has seen piles of garbage, animals running loose and teens loitering in the park.

Ms. McLean also states that there are dead trees hanging over her house that are ready to fall.

Mr. Hanlon – If Ms. McLean provides him with names of teens loitering, he will file notices. He cannot do anything without names and witnesses.

Earl Terhune – 76 Lewis Lane – states there is an odor from Unit #34, there are trees falling on his unit. He has pictures.

Ms. Kearns – Unit #34 was abandoned by the resident, the tenant was evicted, and they are proceeding against the home to gain control. The trash was picked up. Lot #19 is in bankruptcy. They are proceeding with action against this unit.

John Griffith of 39 Coleman Way – agrees with everything said. There is zero maintenance at the park. Falling trees have dented his truck.

Ms. Kearns has started pruning around the roadway area. On October 1, 2009 \$3,003 was spent on tree pruning. The lease requires trees on tenant lots be trimmed by the tenants.

Ms. Hopkins – there are two licensed tree arborists in the State, would the park be willing to have them come out to make a safety assessment.

Mr. Hanlon – this would depend on the finances, present working on a back-up well.

Mr. Cohen feels safety should supersede profit.

Ms. Kearns will take care of the tree issues.

Mr. Griffith notes that there are dirt bikes running through the park.

David Miller of 45 Arlington Avenue, Bayville refers to #5 Luxury Circle and the Notice to Quit by Mr. Hanlon's office dated January 14, 2010. Mr. Rumpf notes that this is a statutory formality.

Donna Feathers of 23 Coleman Way asks if the increase will be retroactive.

Mr. Hanlon states that the park will spread the increase out over several months

John Delaney of 45 Luxury Circle is also concerned about dead branches.

Gary Black of 76 Lewis Lane questions if park has passed water testing.

Mr. Hanlon replies that all tests were passed on the primary well.

MOTION to approve CPI increase of 3.8% effective September 1, 2009 (landlord to extend retro-active amount over a seven month period to 8/1/2010) WILLIAMS / Stallone

Cohen – Abstains

Williams, Cruz, Spielman, Stallone, Hopkins – Ayes

#### REAL ESTATE TAX INCREASE FOR LUXURY PARK

2008 - \$24.09, 2009 - \$31.55. Mr. Bellu has reviewed the application and finds all to be in order.

MOTION to approve Real Estate Tax Increase of \$7.46, with a maximum of \$31.55

CRUZ / Cohen All Ayes

#### PUBLIC

Mr. Mercante questions what type of shed he is allowed to purchase.

Mr. Rumpf replies that Mr. Mercante may purchase a vinyl clad or metal shed.

MEETING ADJOURNED 10:04 pm

Minutes prepared and submitted by:

Kathleen Sevckenko  
Secretary