

Meeting was called to order at 6:00 PM by Mayor Kilpatrick followed by a salute to the flag.

Clerk announced the proper Notice of Publication.

Roll Call: Councilpersons Balka, Conti(via electronic communications), Novak, Onuoha (arrived at 6:01 pm), Roberts.

Absent: None

Others Present: Mayor Victoria Kilpatrick (via electronic communications)  
Municipal Clerk Morelos  
Business Administrator Skarzynski  
Borough Attorney Sean Kean  
Brian Bontempo, Esq – Rent Leveling Board Attorney

Others Absent: None

Borough Attorney Kean stated that this is an appeal made by Camelot at Townelake of the Sayreville Rent Control ordinance. He stated the Rent Leveling Board's decision was that Camelot was not exempted from rent control. Mr. Kean stated that there were documents submitted by the counsel for the Borough, counsel for the Rent Leveling Board and counsel for Camelot at Townelake. He stated the issue is that is Camelot at Townelake be exempt for the rent control ordinance after they didn't comply with state statute which requires several things.

- Bret Kaplan, Camelot at Townelake Counsel

Mr. Kaplan requested that he receive a copy of the documentation submitted by Brian Bontempo for the Rent Leveling Board. He stated the three types of notice that they have to provide in order to be exempt from rent control and unfortunately they did not comply with that for the residents that are in the units now. Mr. Kaplan stated that his client was not aware of the statute and no one at the Borough told them that they had to do this. The argument he is making is for new leases or for lease renewals they would be able to comply with the notices according to state statute.

Borough Attorney Kean questioned if a tenant is presently living in an unit and they are covered by the rent control ordinance and if the lease is up, the landlord compliant with the statute would then make that unit exempt from the ordinance.

Mr. Kaplan responded that is correct and the tenant would then have the option to continue that lease or move.

Borough Attorney Kean questioned then in a year that every unit would be exempt from rent control because they would comply with all of the requirements.

Mayor questioned how many of the 184 units are under affordable housing.

Mr. Kaplan responded there are no affordable housing units in this development.

- Brian Bontempo, Rent Leveling Board Attorney

Mr. Bontempo stated that in April 2022 they received an email from the property manager inquiring if they were exempt from rent control. He stated he received another email from counsel admitting they were not aware of these state statutes and requirements. Mr. Bontempo stated they received a complaint from a tenant that they are charging 6% rent increase and were not provided with any information that the property was exempt from rent control. He stated that they wrote several letters to Camelot stating their position and researched that they didn't file this notice with the construction office 30 days prior to the issuance of a certificate of occupancy. Mr. Bontempo stated the board issued a determination in December 2022.

Councilman Conti questioned if they went thru with the increases despite this dispute.

Mr. Bontempo responded that he doesn't know if they are continuing to charge the increase rents but in October 2022 they received the complaint.

Councilman Conti asked for clarification on existing tenants versus new tenants.

Mr. Bontempo responded that existing tenants were not given the notice they were entitled to receive and the Willow Ridge case is similar. He explained the requirements again to be exempt from rent control.

Mayor Kilpatrick asked for clarification if any reimbursements been given to the tenants who already seen that increase.

Mr. Kaplan responded that there haven't been and ceased the increases in December, 2022. He stated during Covid and the past few years there weren't any increases. Mr. Kaplan stated there are no increases above the 3% that the Rent Leveling Board passed. He stated that when a new lease or new unit to be rented there is a new co that the applicant has to get. Mr. Kaplan stated they will be able to comply with the requirements of the law for lease renewals and new leases.

Mayor questioned how many units received increases above the allotted 3%.

Mr. Kaplan responded that there were about 30 units that received a 4% increase and 35-40 that received a 5% increase and none that received a 6% increase.

Mayor stated when she read the state statute that a requirement was a certificate of occupancy for newly constructed multiple dwellings.

Councilwoman Novak questioned if any rebates were given to those tenants.

Mr. Kaplan responded no. He questioned what the permitted rent increase was for two years prior to 2022.

Mr. Bontempo responded it was either 2 or 3%.

Mr. Kaplan stated they did zero.

- **EXECUTIVE SESSION ITEMS -**

The Clerk read the following Resolution into record:

**RESOLUTION FOR CLOSED SESSION**

**WHEREAS**, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975 permits the exclusion of the public from a meeting in certain circumstances, and

**WHEREAS**, this public body is of the opinion that such circumstances presently exist;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Borough Council of the Borough of Sayreville, County of Middlesex, State of New Jersey, as follows:

1. The public portion of this meeting is hereby adjourned in order that the Governing Body may meet in a closed, private session for approximately 15 minutes to discuss the following matters:

Litigation

2. Following the conclusion of said closed session, the Governing body shall reconvene the open portion of this meeting to consider any other matters which may be properly brought before it at this time.

3. Minutes will be kept and once the matter involving the confidentiality of the above no longer requires that confidentiality, then the minutes can be made public.

**NOW, THEREFORE BE IT RESOLVED** that the public be excluded and this resolution shall take effect immediately.

/s/ Mary J. Novak, Councilwoman

APPROVED:

/s/ Victoria Kilpatrick  
Mayor

Councilwoman Novak moved the Executive Session Resolution be adopted on Roll Call Vote. Seconded by Councilwoman Roberts.

Roll Call: Councilpersons Novak, Balka, Conti, Onuoha, Roberts, all Ayes.

Time: 6:37 PM

**RECONVENE:**

Councilwoman Novak made a **motion to reconvene**. Motion was seconded by Councilwoman Roberts.

Roll Call: Voice Vote, all Ayes.  
Time 6:52 PM

- **PUBLIC PORTION**

Mayor Kilpatrick opened the meeting to the Public for any and all questions.

There being no appearances, Councilwoman Novak moved the Public Portion be closed. Seconded by Councilwoman Roberts.

Roll Call: Voice Vote, all Ayes.

- **ADJOURNMENT**

No further business, Councilwoman Roberts made a motion to adjourn the meeting. Seconded by Councilwoman Novak.

Roll Call: Voice Vote, all Ayes.

Time: 6:53 P.M.

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Jessica Morelos, RMC  
Municipal Clerk

Approved on: \_\_\_\_\_