



BOROUGH OF BERGENFIELD  
**RENT LEVELING BOARD**  
[jluppino@bergenfieldnj.gov](mailto:jluppino@bergenfieldnj.gov)

**Meeting Minutes**  
**April 1<sup>st</sup>, 2026**

**Chairman, Robert Policano called the meeting to order at 7:00pm, with reading the Open Public Meetings Act Statement.**

**Roll Call**

Present: Robert Policano, Christopher Arp, Diane Carlson, Andy Lehr, Maureen Sullivan, Brenda Virtusio

Absent: Catherine Steinel, Marc Pascual, Councilman

Also Present: Jaime Luppino, Clerk; Emma Rush, Borough Attorney

**Pledge of Allegiance**

Led by Robert Policano.

**New Business**

- A. Brenda Virtusio was sworn in, by Emma Rush, finishing Sylvia Rosario term on the board.
  
- B. **19-21 Home Place, Apt 2A, Bergenfield, NJ 07621- Application for Exemption**  
**Christopher Arp recused himself.**

Application for Exemption from Rent Control was submitted by the landlord, Christopher Arp d/b/a AVB Home Place LLC on February 24, 2026. Hearing was set for March 11, 2026. Motion was made at the March meeting by Catherine Steinel to postpone hearing to April 1, 2026. Diane Carlson seconded the motion.

Landlord appeared before the Board, with his attorney, Elliot Malone. The tenant, Gloria Rivas and her daughter, appeared, with council David Arnold of North East NJ Legal Services. Borough Attorney, Emma Rush summarized the testimony of both parties from the March 11<sup>th</sup> meeting. Both parties agree the summary was correct. The board received a brief from Mr. Arnold about his clients position. Mr. Arnold explains that his client has a Section 8 Housing Choice voucher, and that the Borough's ordinance states that dwellings can be exempt if they are subject to state or federal preemption. Unlike many of the state or federal voucher, the Housing Choice voucher is different because HUD has said local rent control remains in place, showing the unit is not preempt. Making the requirement under the local law not present. Mr. Arnold feels if the board votes yes, it would be favoring a resolution outside of its power. The settlement discussed at the original hearing may be something that should be considered, however the danger to her voucher outweighs that. Discussed that voting yes, would leave one unit in the building exempt from Rent Leveling and that the instructions for a Hardship should be reviewed by the Landlord. Emma Rush, clarified that the unit would revert back to the rent prior to the exemption.

Mr. Malone expresses that Mr. Arnold's brief is flawed based on law and facts. Suggesting that the board can't do its job and that Section 8 is not a state or federal statute. If his client violated any of the state or federal laws, he would be hit with lawsuits. The analysis of her voucher is based on her income not the rent. States Section 8 is not in attendance, suggesting that they would not have an issue with having the unit exempt from local rent control. Mr. Malone also



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states that as per the ordinance, if the tenant was to move out, the vacant apartment could be brought to market value. He agrees with Mr. Arnold that a settlement of limiting the increases could cause a problem and should be avoided. That nothing will be harmful to the tenant.

Emma Rush explained that 2 items need to be identified to be considered. 1<sup>st</sup> requirement of receiving the voucher was met. Requirement 2 of what makes it preemptive. Mr. Malone states that the brief given confirms that Section 8 is a state or federal statute. When asked if the preemption was explicit or implicit, Mr. Malone believes it is both. Because it is Section 8, the decision to increase the rent, is not the boards or the landlords, it is Section 8's. The board's has the ability to approve the application, which will allow landlord to negotiate with Section 8 who will make the final decision.

Motion was made by Diane Carlson to go into closed session for legal advice. Maureen Sullivan seconded the motion.

Roll Call	Yes	No	Abstain	Absent	Recuse
Robert Policano, Chairman	✓				
Catherine Steinel, Co-Chairman				✓	
Christopher Arp					✓
Diane Carlson	✓				
Andy Lehr	✓				
Maureen Sullivan	✓				
Brenda Virtusio			✓		

Board members entered into closed session at 7:50pm.

Motion was made by Maureen Sullivan to return to open session. Andy Lehr seconded the motion.

Roll Call	Yes	No	Abstain	Absent	Recuse
Robert Policano, Chairman	✓				
Catherine Steinel, Co-Chairman				✓	
Christopher Arp					✓
Diane Carlson	✓				
Andy Lehr	✓				
Maureen Sullivan	✓				
Brenda Virtusio			✓		

Board members returned to open session at 8:07pm.

The board had the opportunity to ask questions. Question was brought up that if granted, we don't know what the rent would be, and other concern being, while trying to protect tenant and landlord, that the tenant's portion would go up. Emma Rush stepped in to help facilitate a conversation. Concluded. Hearing portion is closed, this is about discussing the case. Looking to see if the



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requirements of an exemption have been met. The board discussed the application in some length to help work towards a vote. Emma Rush suggested more time would be needed. Motion was made by Maureen Sullivan to table decision to May meeting. Robert Policano seconded the motion. All present voting in favor, none opposed.

**C. Resolutions**

**2026-01/ Authorization to Enter into Closed Executive Session**

Motion by Maureen Sullivan, seconded by Diane Carlson, that Resolution #2026-01 be approved.

Roll Call	Yes	No	Abstain	Absent	Recuse
Robert Policano, Chairman	✓				
Catherine Steinel, Co-Chairman				✓	
Christopher Arp	✓				
Diane Carlson	✓				
Andy Lehr	✓				
Maureen Sullivan	✓				
Brenda Virtusio			✓		

**2026-02/ Cagdas Gayretli- 294 S Washington Ave, Bergenfield**

Motion by Maureen Sullivan, seconded by Diane Carlson, that Resolution #2026-02 be approved.

Roll Call	Yes	No	Abstain	Absent	Recuse
Robert Policano, Chairman	✓				
Catherine Steinel, Co-Chairman				✓	
Christopher Arp	✓				
Diane Carlson	✓				
Andy Lehr	✓				
Maureen Sullivan	✓				
Brenda Virtusio			✓		



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**2026-03/ Marie Eriksen- 19-21 Home Pl., Bergenfield**

Motion by Maureen Sullivan, seconded by Andy Lehr, that Resolution #2026-03 be approved.

Roll Call	Yes	No	Abstain	Absent	Recuse
Robert Policano, Chairman	✓				
Catherine Steinel, Co-Chairman				✓	
Christopher Arp					✓
Diane Carlson	✓				
Andy Lehr	✓				
Maureen Sullivan	✓				
Brenda Virtusio			✓		

**D. Update to Ordinance**

Motion by Diane Carlson, seconded by Andy Lehr, that approve changes to the ordinance. Resolution #2026-03 be approved. All present voting in favor, none opposed.

- E. Motion to approve March 2026 Meeting Minutes was made by Robert Policano. Seconded by Maureen Sullivan. All present voting in favor, none opposed.
- F. Motion to approve monthly reports and to issue second summons to 215 Hickory Ave was made by Maureen Sullivan. Seconded by Robert Policano. All present voting in favor, none opposed.
- G. Motion to move May meeting to May 13<sup>th</sup> was made by Maureen Sullivan. Seconded by Andy Lehr. All present voting in favor, none opposed.

**Complaints- None**

**Old Business- None**

**Public Comments- None**

**Adjournment-**

- A motion to adjourn the meeting was made by Maureen Sullivan. Seconded by Robert Policano. All present voting in favor, none opposed. Meeting adjourned at 9:02pm.

Respectfully submitted, *Jaime Luppino*  
Jaime Luppino, Recording Secretary