

**MINUTES
FAIR RENT COMMISSION
REGULAR MEETING (HYBRID) OF JANUARY 14, 2026**

Present: Commissioner/Chair Rakim Grant; Commissioner Darrell Fennell; Commissioner Robert Rosenthal (remote); Commissioner Linette Gaunichaux; Commissioner Sal Calvo; Commissioner Robert Kronenberger (remote)

Staff: Atty. Philip G. Kent, as outside counsel for the Commission, along with Atty. Grace Ronayne (remote)

Public: Landlord's counsel Paul Small; Landlord's counsel Atty. Cristina Carabetta; tenant Robert Chasse; tenant Rosanna Barnaby; tenant Adrian Anthony; witness / property manager Jennyfer Torres (Kosel / Up Realty)

1. Call to Order:

Commissioner / Chair Grant called the Meeting to order at 7:04 p.m.

2. Public Comment:

The Chair called for public comment with no response.

3. Approval of Minutes

Commissioner Calvo made a MOTION to approve the minutes of the October 30, 2025 Special Meeting. Commissioner Gaunichaux seconded the motion, which passed unanimously without further discussion.

Commissioner Fennell made a MOTION to approve the minutes of the December 10, 2025 Regular Meeting. Commissioner Gaunichaux seconded the motion, which passed unanimously without further discussion, except Commissioners Kronenberger and Calvo abstained.

4. Correspondence

None reported.

5. New Business

A. Report in New Complaints / Jurisdictional Review / Pending Matters

Atty. Kent briefly summarized new complaints of Edward Burke and Julie Gillis v. Carabetta as to excessive rent allegedly due to conditions / code issues and Jamie Lynch v. Carabetta as to excessive rent allegedly due to conditions / code issues.

The Chair made a MOTION to accept jurisdiction over the Burke / Gillis complaint. Commissioner Calvo seconded the motion, which passed unanimously without further discussion.

Commissioner Calvo made a MOTION to accept jurisdiction over the Lynch complaint. Commissioner Gaunichaux seconded the motion, which passed unanimously without further discussion.

B. Annual Nomination / Election of Officers

Chair: Commissioner Fennell made a MOTION and nominated Rakim Grant to continue as the Chair. Commissioner Calvo, competing with several other commissioners, seconded the motion / nomination, which passed unanimously without further discussion, except that the Chair abstained.

Vice Chair: The commissioners inquired regarding Commissioner Duffy and brief discussion ensued. The Chair made a MOTION and nominated Commissioner Fennell to serve as Vice Chair. After brief discussion, Commissioner Rosenthal seconded the motion / nomination, which passed unanimously without further discussion, except that Commissioner Fennell abstained.

Secretary: This office is permitted under the bylaws but has not been filled to date. The commissioners discussed whether to nominate and elect a Secretary but determined that at present they saw no need to do so.

Thereafter, Commissioner Fennell made a MOTION to add to the agenda a new item so as to amend the notice of procedures to require motions being filed in matters to be filed seven (7) days prior to a hearing. Commissioner Rosenthal seconded the motion, which passed unanimously without further discussion.

The Chair further raised the issue whether the MFRC needed to approve suggested legislative language as to FRC statutes. After brief discussion, it was determined that the Chair may act independently as an individual with respect to same and if desired could ask for input as the Commission itself had not deliberated particular suggested legislative provisions to date.

6. Old Business

All parties and witnesses were sworn in for testimony.

The following is a summary only. Please see the hearing recording for more detailed information.

1. Hearing / deliberations / decision re Chasse v. Kosel Equity complaint

The Chair called the Chasse matter for hearing. Although Atty. Small asserted that a motion to disqualify Commissioner Fennell had been filed prior to a prior hearing date on this

matter, Commissioner Fennell noted that regardless of whether that occurred, he had determined independently to recuse himself from this matter in that at some prior time he had made a brief call on behalf of Mr. Chasse to the landlord / property manager to assist with a reimbursement issue. Thus, only the remaining five commissioners sat for and deliberated on this matter.

Mr. Chasse testified regarding a number of issues in connection with his excessive rent complaint, which challenged an alleged increase from \$1425 to \$1600 per month. Mr. Chasse had been employed by the prior owner to maintain the pool and described how the pool was now out of order for various reasons and how he had advised the owner / management concerning same but declined further employment under the new owner and management. He testified concerning health department involvement with the pool as well. Further testimony involved front door and security issues, including intruders in the game room as result; issues with large dogs, including being jumped on by a dog, and dog feces on the grounds; parking issues; dumpster and garbage issues; poor landscaping; potholes; and lack of hot water numerous times due to poor maintenance.

On cross examination by Atty. Small, with five exhibits being submitted, Mr. Chasse admitted that numerous rent ledger issues had been corrected in reference to his rental charges, except a \$125 charge. He further admitted the potholes had been repaired. As to the dogs, he admitted there was an area provided with doggie bags for dogs to be walked, that he had not made a maintenance ticket for the issue, and that it did not affect habitability. As to parking, Mr. Chasse continued to question why his assigned parking had been removed. Upon review of certain comparables supplied by Atty. Small, Mr. Chasse admitted that his unit, now at \$1425 per month, was less expensive to rent because it was not renovated.

Mr. Chasse offered no closing. Atty. Small offered that the rent was in line with the market, and habitable, and the proposed rent is not harsh but rather fully justified. On questioning from Commissioner Calvo, Atty. Small also argued the \$125 issue was not subject of the complaint. Commissioner Gaunichaux addressed the potholes briefly. The Chair clarified the current rent and inquired concerning hot water, which Mr Chasse stated was no longer an issue. As to the pool, Jennyfer Torres testified that in the Spring of 2026 the landlord would be preparing the pool to be opened for the summer, “guaranteed.” She also testified that the game room and library would be opened starting on Monday from 9 a.m. to 4:30 p.m. She testified that the library was closed due to certain water issues, and that the main door was now fixed to disallowed access without a key.

On deliberations, the Chair noted that most issues seemed fixed and that the proposed rent, as such, was not unconscionable. Commissioners Gaunichaux, Calvo and Kronenberger concurred.

Thus, Commissioner Kronenberger made a MOTION to deny relief under the complaint, which Commissioner Gaunichaux seconded. The motion passed unanimously, without further discussion, except that Commissioner Fennell recused himself from all discussion and voting on the matter, as follows:

Grant: aye; Gaunichaux: aye; Calvo: aye; Kronenberger: aye; Rosenthal: aye

2. Hearing / deliberations / decision re Barnaby-Anthony v. Kosel Equity / Up Realty complaint

After a brief recess, the Chair called the Barnaby-Anthony matter for hearing. Atty. Small offered brief argument in support of a motion to disqualify Commissioner Fennell based on his tenancy at the Kosel property and indicated he will leave that decision to Commissioner Fennell. Commissioner Fennell inquired whether any witness was being presented, to which Atty. Small said no. Commissioner Fennell asked about any supporting documents for the motion. Atty. Small stated the motion “is what it is” and that it was Commissioner Fennell’s role to rule on it. Commissioner Fennell pointed to Judge Esperance-Smith’s decision related to the issue of recusal of Commissioner Fennell from another matter. Atty. Small reviewed that decision briefly. Commissioner Fennell submitted the Ethics Board opinion allowing him to sit on Kosel matters. He then noted that the motion lacked merit and that he would not recuse himself from this matter. Atty. Small rebutted the decision by referencing that Judge Esperance-Smith did not address the merits of the recusal issue and that the other case was not dismissed after the judge reversed a portion of her ruling in the other matter. The matter under consideration then proceeded with all six commissioners sitting on the hearing and decision below.

Ms. Barnaby presented her case including issues of garbage in the building, moldy and dirty washing machines, feeling unsafe especially where she is handicapped and had been prevented from access her vehicle due to the landlord’s failure to de-ice the handicapped-accessibility ramp. She pointed to a news article also detailing conditions at the property last summer. She indicated the ice and debris near the dumpsters were safety issues, and that pests and rodents were located at the dumpsters. Ms. Barnaby further noted that despite the Ordinance and MFRC notice, the landlord had still raised her rent after the filing of her MFRC complaint. The complainant agreed she wanted her documents entered as exhibits, including newer photos she submitted prior to the hearing. In addition, she noted that the panic button in the laundry area appeared to be inoperable and unknown to landlord staff. She also indicated her rent increased some 90% over the years and is not refurbished compared to other apartments. She also noted she filed a complaint the day of the hearing with the Middletown Health Department concerning the dumpsters/rodents.

Atty. Small cross examined. Ms. Barnaby testified that snow removal was a prior issue from January 2025. Ms. Barnaby agreed that the increase being challenged is the recent \$50 increase. Atty. Small established that the tenants do receive trash service, and Barnaby agreed landlord must remove snow/ice to allow access to that service. Atty. Small established there were days without hot water, and Barnaby submitted maintenance tickets that were eventually addressed. Barnaby also indicated some maintenance tickets about mold in her bathroom in 2021 were not addressed. The landlord’s exhibit concerning tickets was admitted as an exhibit. Barnaby addressed that mold herself after about 17 days of waiting. The lease does not provide for security/cameras. Atty. Small indicated the panic button is being removed. As to rodents, Barnaby noted that the landlord must maintain clean common areas, including the dumpsters and must remove the garbage that accumulates outside the dumpsters to avoid rodents. As to code violations, the health department complaint is based on the dumpsters issue. Ms. Torres also

testified that hot water was fixed, she has provided some tenants with heaters, and that landlord salts everywhere re ice/snow and she was not aware of tickets re same. Torres also testified that there are small dumpsters for tenants, that the maintenance crew picks up loose trash on the grounds, and that they spray and use pellets to try to control pests, which come from the wooded area nearby. Barnaby noted that she had complained about ice issues, and that she had no heat or hot water for 18 days, received no heater, and that her mother had to be bathed with water they boiled to use for that purpose in that time in 2021. Barnaby also noted she is being charged a holdover fee of \$100 per month without notice and against the Ordinance. She also stressed having to miss medical appointments and the impact on her health due to ice issues. Barnaby acknowledged her lease but noted that the Ordinance precludes a rent charge being raised while her complaint is pending.

Barnaby offered a brief closing summarizing her issues above. Atty. Small also offered a closing indicating the property does not have to be perfect, that the landlord had no lease violations and no code issues, and that the increase sought is reasonable. Small also objected to consideration of the new health department complaint concerning the dumpsters/rodents and objected to escrowing any rent at the tenants' request.

Commissioner Fennell confirmed on questioning to the tenant Barnaby that she is over 62 years old, that her rent was \$1900, but was raised to \$2000 during the pendency of the complaint, and that her rent had increased about 94% since 2019 while CPI was 25% in the same period such that her rent went up 4x the cost of living. Small objected to Commissioner Fennell inquiring about the property manager Torres' length of employment with Kosel. Commissioner Fennell confirmed that during the nearly \$1000 increase in rent over time tenant received no new investment in her unit, although she got a new stove after it broke and a new refrigerator because it was leaking on the bottom. He also confirmed that heat / hot water issues were common. He also pointed out issues with flies from the neighboring unit shown in the maintenance tickets.

The Chair noted that another unit was only \$1650 and there was discussion about whether Barnaby would transfer. Atty. Small argued with Commissioner Fennell about his questions of the tenant. The Chair inquired about the charges for other units, and Atty. Small indicated he was unsure of what units were charged what rent. Torres testified that she was unsure while Barnaby indicated a neighboring remodeled unit was less than her unit, which was not remodeled. The Chair confirmed that the washing machine mold had not been addressed, but the garbage in the lobby was cleared up, and the dog feces were resolved just before town officials came to the property. Torres testified that Barnaby was offered a renovated unit but that Torres had not seen Barnaby's unit. The Chair asked whether unrenovated units were less expensive, but Torres was unable to confirm. Barnaby explained that when she was offered a renovated unit it was related to elevator repairs and she was offered a 1 bedroom unit while she lived in a 2 bedroom unit. The Chair also confirmed that this year the ramp was not an issue because it had not snowed.

Commissioner Gaunichaux asked Torres about use of the dumpsters, use of sprays/pellets, the trash pick-up schedule, and possible use of gating around dumpsters. Torres denied any fault with the dumpsters and indicated gating was not required. Torres believed that gating would make things harder for elderly residents.

The Chair confirmed that the washing machines were broken and still moldy. Torres indicated that the washing machines were dealt with by an outside vendor and landlord was not responsible for them. Commissioner Gaunichaux inquired further re same and there was discussion concerning electrical and operability issues with some machines.

In deliberations, the Chair noted that the rent nearly doubled over time and was arguably harsh and excessive, or unfair and unreasonable per Commissioner Fennell's reference to the good cause eviction statute. The Chair referred to the frequency and rate of increases and the current mold issue. The extra rent charge of \$100 / month was also raised, not as retaliation, but due to the fact that this is a rental charge that was not permitted. The Chair recognized that past issues were resolved. Commissioner Rosenthal questioned, however, that older rent was unfair too under prior issues. Commissioner Fennell noted that there has been no investment / improvements under factor 13 and stressed how the rent increased 94% versus CPI of 25% and was not fair and equitable. The Chair noted that even at \$100 / year the rent would only go to \$1750 per month and the mold should be addressed. Commissioner Fennell agreed. The Chair also expressed that the extra rent change needed to be refunded. Atty. Small objected to dealing with any retaliation issue or issues not noticed in the hearing notice. The Chair indicated the Commission was not dealing with retaliation and pointed to several factors being considered under the excessive rent rubric. Atty. Kent clarified that escrow is not being addressed either.

The Chair made a MOTION to find that the existing rent was excessive, harsh and unconscionable, unfair and unreasonable under Ordinance §§ 14-78 (A) (2) (sanitary conditions), (12) (amount and frequency of increases in rental charges) and (13) (extent increases were or will be reinvested in improvements), such that the rent should be reduced to \$1,750 per month and that \$600 in rental charges increased after filing of the complaint and paid by the tenants should be remitted by Respondents to the tenants forthwith. In addition, the Respondents are to repair / remediate the mold in the common area washing machines within 14 days of the issuance date of the decision in this matter and until such time as the mold is corrected and confirmed at a compliance / violation hearing the rent shall be reduced to \$1650 per month. Commissioner Calvo addressed the mold issue to a 14 day timeframe, as indicated above, and the commissioners had additional discussion around the mold issue. Commissioner Gaunichaux seconded the motion. The motion passed unanimously without further discussion, as follows:

Grant: aye; Gaunichaux: aye; Fennell: aye; Calvo: aye; Rosenthal: aye; Kronenberger: aye

3. Muscatello v. Carabetta

At approximately 10:00 p.m., the Chair called the Muscatello matter for hearing, but Ms. Muscatello did not appear for the hearing in person or remotely. Attorney Kent reported having received no email or communication from her concerning this evening's hearing but that due notice issued. It appears the complaint is based largely on an allegedly broken light switch. The commissioners briefly discussed options for continuing the matter or defaulting and/or dismissing the matter. In this instance, the commissioners were mindful that the complaint had been continued from a prior hearing date and briefly considered the substance of the complaint regarding the light switch. Atty. Carabetta was present remotely and reported that she had

reached out numerous times to the complainant to try to resolve the matter without success. She also reported that the switch issue had been fixed.

Commissioner Kronenberger made a MOTION to dismiss the complaint. Commissioner Salvo seconded the motion. The motion passed unanimously without further discussion, as follows:

Grant: aye; Gaunichaux: aye; Fennell: aye; Calvo: aye; Rosenthal: aye; Kronenberger: aye

7. Executive Session

Not applicable.

8. Adjournment:

The Chair made a MOTION to adjourn, and Commissioner Calvo seconded the motion, which passed unanimously without further discussion. The meeting adjourned at 10:11 p.m.