



Select Board

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Rent Control Board Meeting Minutes

April 3, 2024

Quorum present: Members; Kathleen Kereseay, Chair, Andrew Krouss, Andrew Potter, and Town Administrator Marie Ryan.

Also Present: Town Counsel Tim Zessin, Trailer Park Owner Tom Lennon and Attorney for Tom, John Prettyman.

Kathleen opened the meeting at 6:06 PM.

Kathleen introduced Trailer Park Resident Sissy Astore's attorney, Dan Ordorica and invited him to speak first.

Attorney Ordorica stated that he was hired by Sissy Astore to protect the trailer park residents' interests. He said that the process to determine the rent at the trailer park is a simple equation, however, he took issue with the numbers used for the expenses the owner had presented.

The value of the trailer park listed by the Assessors' Office is \$888,100. The owner insists that his professional independent appraiser assessed the property at \$1.8 million. Attorney Ordorica insisted that the Rent Control Board clearly understand that the value of the property where the trailers are is only 25% of the property and should be estimated on the Assessor's value. He said there is no sufficient evidence to deviate from the assessed value.

Attorney Ordorica had several issues with regard to expenses claimed by the owner. He had an issue with the amount of taxes paid to the Town by the owner. He said that the owner should not be able to include the whole tax payment as an expense since the trailer park is on only 25% of the property. Similarly, he felt that the owner should only claim 25% of the insurance he paid on the property.

Attorney Ordorica questioned a copy of a water bill included in the expense documents provided by the owner. He suggested that the water bill included water for the house and apartment on the property not just for the trailer park and therefore, the entire amount of the bill not be included in the expenses for the trailer park.

The expenses submitted by the owner also included an estimate for landscaping and snow removal. There are no invoices to support those expenses and therefore should not be included at that cost. Attorney Ordorica also insisted that the legal fees listed by the owner should also not be included in the expenses because costs associated with the purchase of a property do not qualify as an expense to operate the trailer park.

Attorney Ordorica also discussed the question of property management. The residents have stated that they not seen someone on site to manage the property. There are no copies of any invoices or payments to an employee to manage the property. He would like to see some proof of payment to an employee that may manage the property.

The final expense issue discussed by Attorney Ordorica involves capital improvements which are charged back to the residents. He said that the Attorney General has regulations that state the owner is not allowed to charge back the cost of capital improvements unless that has been included in their occupancy agreement. Currently, the residents do not have such a signed agreement that would allow him to charge the residents.

Town Counsel Tim Zessin then had a few questions for Attorney Ordorica. Tim asked if there is any proof that the owner was required to fix the water system, if the residents have a signed occupancy agreement, if the residents had any issues with the electrical bill expenses, and if the residents have any issue with the trailer excise tax bill that the owner used as an expense. Attorney Ordorica answered no to all questions and added that that the Board of Health had suggested that the water system needed improvements.

Owner Tom Lennon's attorney, John Prettyman, was allowed to speak at this time. Attorney Prettyman requested that the letters from Stockbridge Select Board Member Patrick White not be included in the record since they were emotional and personally opinionated letters. Kathleen stated that they are not part of the official record.

Attorney Prettyman stated that the assessed value that the owner received was completed by a professional appraiser and that he received two amounts, one for the whole property and one for the property that contains only the trailer park, which is the amount the owner has used in the equation for the rent increase.

Town Counsel Tim Zessin questioned why the expenses for snow plowing and landscaping were only given as estimates with no back up of invoices or payments. Owner Tom Lennon explained that the person who performs those jobs is a resident at the trailer park and has provided these services for years. Tom decided to continue to hire him do the jobs. This resident performs the work in leu of rent for the whole year. Tim stated that this rent amount times 12 months is only about \$3000 however, Tom included an estimate amount of \$12000 for plowing and asked why there is such a big difference for this expense. Tom explained that if the resident decided not to continue to plow, the \$12000 is what the cost would be to hire a business to plow.

Tom suggested that people go through the property at the trailer park and look at the condition of it. He wants people to see that he is trying to improve the conditions there but that it costs money and that he is paying over \$5000 per month out of pocket to keep things going there while trying to make improvements. It is not sustainable which is why he is requesting a rent increase. As for the expense of the property management, he hired two employees who work to maintain the property management at several of his parks. They pay bills, collect rent,

arrange for improvements and much more for him. This trailer park requires more time and attention than his other properties therefore, he needs to pay more of their salary out of this park's expense. He relayed his frustration with the process of the needing to go through the Rent Control Board to be able to increase the rent to cover expenses. Andy Potter explained this is what has been adopted in West Stockbridge to protect the residents and is a much needed process to be fair to the owner and the residents of the trailer park.

Attorney Prettyman requested time to research if an occupancy agreement had been signed by the residents in order to include the cost of the water system improvements as an eligible expense to be included in the equation for the rent increase request by the owner. The Board agreed.

Attorney Ordorica also requested that any documents submitted by the owner to be forwarded to him for review as well and the Board agreed.

Town Counsel Tim Zessin explained that the Rent Control Board would like to have this issue resolved as soon as possible for both parties and understands this is an urgent matter. The Board will meet again and hopes to have a determination and decision soon at a public hearing in the near future.

Past trailer park resident, Evie Kerswell addressed the Board and thanked them for doing the research with all of the documents presented. She encouraged the Board to use their power to reject this application for a rent increase and request a new application with only relevant information for the Board to be able to make a determination on a rent increase.

Kathleen made a motion, seconded by Andy Potter to adjourn at 7:46 PM.

All were in favor, meeting adjourned.

Respectfully submitted,

Marie Y. Ryan

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Town Administrator