

**NEPTUNE TOWNSHIP RENT LEVELING BOARD
REORGANIZATION
MEETING MINUTES**

January 5, 2023

The Rent Leveling Board Attorney, Gene Anthony, called the Regular Meeting to order at 6:00pm and requested the Secretary, Dainene Roberts, to call the roll. The following members were present: James Manning, Stephen Lella, Naomi Riley, and Wendel Thomas. Members Absent: Jim Webb.

The Rent Leveling Board Secretary stated an adequate notice of this meeting as required by P.L. Chapter 231 has been provided by notice in the Coaster, which was posted on the bulletin board of the Municipal Complex and filing a said notice with the Municipal Clerk.

FLAG SALUTE

DISCUSSION OF CHAIR AND VICE CHAIR

Resolution #23-01: Resolution Appointing the Chairperson for 2023

**RESOLUTION APPOINTING CHAIRPERSON
FOR THE NEPTUNE TOWNSHIP RENT LEVELING BOARD**

WHEREAS, the Neptune Township Rent Leveling Board selects a Chairperson among its members during its Reorganization Meeting held in January of each year.

NOW, THEREFORE, BE IT RESOLVED, by the Neptune Township Rent Leveling Board that the Board hereby selects **Stephen Lella** to serve as the Chairperson of the Neptune Township Rent Leveling Board for the year 2023.

Offered by:	<u>James Manning</u>	Seconded by:	<u>Wendel Thomas</u>						
Stephen	Naomi	James	Wendel	Jim					
<i>Vote:</i> Lella	<u>X</u>	Riley	<u>X</u>	Manning	<u>X</u>	Thomas	<u>X</u>	Webb	<u>ABSENT</u>

Resolution #23-02: Resolution Appointing the Vice Chairperson for 2023

**RESOLUTION APPOINTING VICE-CHAIRPERSON
FOR THE NEPTUNE TOWNSHIP RENT LEVELING BOARD**

WHEREAS, the Neptune Township Rent Leveling Board selects a Vice Chairperson among its members during its Reorganization Meeting held in January of each year.

NOW, THEREFORE, BE IT RESOLVED, by the Neptune Township Rent Leveling Board that the Board hereby selects **Naomi Riley** to serve as the Vice Chairperson of the Neptune Township Rent Leveling Board for the year 2023.

Offered by:	<u>Wendel Thomas</u>	Seconded by:	<u>James Manning</u>						
Stephen	Naomi	James	Wendel	Jim					
<i>Vote:</i> Lella	<u>X</u>	Riley	<u>X</u>	Manning	<u>X</u>	Thomas	<u>X</u>	Webb	<u>ABSENT</u>

Resolution #23-03: Resolution Designating the 2023 Meeting Dates

RESOLUTION ESTABLISHING REGULAR AND SPECIAL MEETING DATES OF THE NEPTUNE TOWNSHIP RENT LEVELING BOARD AND SETTING FORTH PROCEDURES THEREFORE

WHEREAS, it is incumbent upon the Neptune Township Rent Leveling Board to reaffirm by annual resolution, the time and place of its regular meetings and its executive sessions to be held throughout the ensuing calendar year, as established in its adopted rules and regulations; and

WHEREAS, there was effective on January 19, 1976, throughout the State of New Jersey, the “Open Public Meetings Act” (N.J.S.A. 10:4-6 et seq) commonly referred to as the “Sunshine Law” requiring notification, publication and airing of all acts taken by the Rent Leveling Board of this municipality; and

WHEREAS, the Neptune Township Rent Leveling Board desires to implement the said act.

NOW, THEREFORE, BE IT RESOLVED, by the Neptune Township Rent Leveling Board that:

Regular meetings of the Neptune Township Rent Leveling Board for the year 2023 will be held at 6:00 p.m. on the second floor in the Township Committee Chambers, Neptune Township Municipal Building, 25 Neptune Blvd., Neptune Township, New Jersey, or any other designated location on the following meeting dates:

February 2, 2023
March 2, 2023
April 6, 2023
May 4, 2023
June 1, 2023
July 6, 2023
August 3, 2023
September 7, 2023
October 5, 2023
November 2, 2023
December 7, 2023

; and the Reorganization Meeting for the year 2024 will be January 4, 2024

Special meetings and executive sessions of the Neptune Township Rent Leveling Board shall be at the call of the Chairperson or upon the vote of the membership at a prior regular meeting or by motion to follow any particular regular meeting.

This notice shall be posted upon the public bulletin board in the main entranceway of the Township Municipal Building and shall remain so posted for at least one month.

A copy of this resolution shall be mailed by the secretary of the Rent Leveling Board or the attorney of the Rent Leveling Board to the official newspapers of the Township of Neptune and the Neptune Township Rent Leveling Board.

The secretary, on behalf of the Rent Leveling Board, shall be authorized to direct that any other necessary action be performed by the appropriate officials or employees of the Borough to fulfill the mandates of the "Open Public Meetings Act" insofar as the same is applicable to the work and activities of the Rent Leveling Board.

This notice shall be published in the official newspapers of the Township of Neptune and the Neptune Township Rent Leveling Board within seven (7) days from the date hereof.

Offered by:	<u>James Manning</u>	Seconded by:	<u>Naomi Riley</u>						
Stephen	Naomi	James	Wendel	Jim					
<i>Vote:</i> Lella	<u>X</u>	Riley	<u>X</u>	Manning	<u>X</u>	Thomas	<u>X</u>	Webb	<u>ABSENT</u>

APPROVAL OF MINUTES

December 1, 2022

Offered by:	<u>Naomi Riley</u>	Seconded by:	<u>James Manning</u>						
Stephen	Naomi	James	Wendel	Jim					
<i>Vote:</i> Lella	<u>X</u>	Riley	<u>X</u>	Manning	<u>X</u>	Thomas	<u>ABSTAIN</u>	Webb	<u>ABSENT</u>

CONSUMER PRICE INDEX:

The November's Consumer Price Index was at 314.975. The area prices are up 0.1 percent over the month and up 7.1 percent over the year.

HEARING(S)

H1) Maria Kapetanovich vs. McNeely Property Management (Continued Testimony, Conclusion and Deliberation)

The Rent Leveling Board offered Michael Myrne, Esq., Counsel to McNeely Property Management, the opportunity to allow their Witness, Dean White of B Gone Exterminator, to cross exam and continue their testimony.

Counsel asked Mr. White questions regarding the location of the bed bugs and the suggestion of vacation since the Tenant, Maria Kapetanovic, vacated the premises. Mr. White shared that there were skeletal bed bugs in the couch and did not tell the Tenant to vacate. Counsel further asked questions to the Witness regarding the first treatment process for the bed bugs and had no further questions.

The Rent Leveling Board Attorney, Gene Anthony, continued with the cross-examining Mr. White, to ask when the first treatment process for the Tenant was. Mr. Anthony asked the Witness if any point in time if he worked for the Landlord in which the Witness responded that they did not until they noticed the situation was more serious. Mr. Anthony confirmed with the Witness that they had did an inspection at the Tenant's boyfriend's home, under the order of the Landlord in which the Witness did confirm. It was concluded from the Witness, from his findings, the bed bugs would have to come from somewhere closer than the home of the boyfriend's home. No further questions were asked of Mr. White.

Mr. Anthony opened the floor to allow Counsel of the Landlord of McNeely Property Management, Barbara Elmer, to testify. Counsel started with asking the Landlord to share recollection of the infestation issue at Maria Kapetanovich's apartment/unit. The Landlord went down the timeline of events alongside the breakdown of the Tenant's rent payments, after the initial treatment in May until

present day, January 5th, 2023. The Landlord shared that the Tenant paid partial rent in July and in August, with a credit toward the Tenant's rent due to payment toward the exterminator service. The September and October rent were not paid, and November and December's rent were paid. The January rent has not been paid. Counsel asked if the Tenant removed any clothing or furniture and the Landlord confirmed that the Tenant's items did remain in the apartment. The Counsel asked the Landlord if the premises, of their opinion, deemed unlivable, and to their response they answered no. There were no further questions from their Counsel.

Mr. Anthony asked if the Tenant had any questions for the Landlord. The Tenant asked the Landlord the last time the apartment has been inspected. The Landlord responded that it was inspected in November of 2022. The Tenant wanted the Landlord to clarify what apartment was inspected. The Landlord confirmed that the apartment below the Tenant, in which is in question to be the source of the bed bugs, was last inspected in November and December by the Landlord and not an Exterminator.

Mr. Anthony asked the Landlord if there had been a history of bed bugs in the buildings since 2020. The Landlord confirmed. Mr. Anthony further asked questions regarding the Landlord's statements that were made during their timeline of events that were given and their response to rectify any issues that the Tenant may have had.

James Manning, of the Rent Leveling Board, asked the Landlord a few questions about their thoughts regarding the comfortability of the Tenant's living arrangements.

Mr. Anthony asked the Landlord to confirm if they told the Tenant to not tell the other Tenants of the bed bug issue. The Landlord confirmed that this was valid.

Naomi Riley, of the Rent Leveling Board, asked the Landlord if they were vigilant during this time frame. The Landlord responded that it was responded to the issue right away.

Counsel had no further questions.

The Rent Leveling Board and Mr. Anthony had no further questions.

The Tenant shared her closing statements.

Counsel and the Landlord on behalf of the McNeely Property Management shared their closing statements.

The Hearing concluded for purposes of fact finding. The Rent Leveling Board worked on a deliberation.

Deliberation concluded with the decision of:

The Rent Leveling Board determined that the appropriate due process notice was given to the Landlord. The Rent Leveling Board finds that bed bug infestation is undeniable proven to exist in the Tenant's unit and within the apartment complex. The Rent Leveling Board also finds that the bed bug infestation does represent a significant deficiency. The Landlord was given adequate notice by phone and text on numerous occasions as set by the Tenant's testimony and Exhibits presented. The Rent Leveling Board further finds that the Landlord did respond; not necessarily within a reasonable time, but certainly not in an effective manner. Lastly, the Tenant is deemed credible and correct in their testimony unrefuted in terms of bed bug infestation and the time period in which they not reside in the property temporarily.

Also deliberated was the reduced credits in which the Rent Leveling Board deemed was owed to the Tenant. The following calculations were made with the original monthly rent payment, which was only reduced by up-front payments by the Tenant. The Rent Leveling Board finds that bed bug infestation is a significant deficiency; resulting in a reduced rental value starting from April 19, 2022 through November 26, 2022.

Original Monthly Rent Payment: \$1,500.00

- April 19 to June 14, 2022, 56 days
 - 75% credit/ \$2,100.00
- June 15 to September 26, 2022 (No occupancy in the Tenant’s apartment due the increase of infestation), 103 days
 - 100% credit/ \$5,150.00
- September 27, 2022 to November 26, 2022, 60 days
 - 75% credit/ \$2,250.00

Total Credits Due to the Tenant: \$9,500.00

Mr. Anthony concluded that a written notice of this decision, by copy of this resolution and effective the date of execution of this resolution by supplying the same pursuant to Ordinance and that either the Landlord or the Tenant shall have a right within twenty (20) days of the date of the determination in accordance with the Neptune Township Rent Control Ordinance, Rules And Regulations of the Neptune Township Rent Leveling Board to file an appeal before the Neptune Township Committee.

CLOSE OF HEARING: MARIA KAPETANOVICH VS. MCNEELY PROPERTY MANAGEMENT

Offered by:	<u>James Manning</u>	Seconded by:	<u>Wendel Thomas</u>		
Stephen	Naomi	James	Wendel	Jim	
<i>Vote:</i> Lella	<u>X</u> Riley	<u>X</u> Manning	<u>X</u> Thomas	<u>X</u> Webb	<u>ABSENT</u>

DISCUSSION ITEMS

PUBLIC PARTICIPATION

There was no public participation during the meeting.

OATHS OF OFFICE

Jim Manning offered a motion, moved and seconded by Steve Lella to adjourn the meeting. All were in favor. The meeting was adjourned at 8:06pm. The next Rent Leveling Board meeting will be held on Thursday, February 2, 2023 at 6:00pm via Zoom.

Dainene Roberts, Rent Leveling Board Secretary