

NEPTUNE TOWNSHIP RENT LEVELING BOARD - AGENDA NOVEMBER 14, 2019- 6pm

Naomi Riley, Chairperson calls the meeting to order and requests the Secretary to call the roll:

ROLL CALL:

Catherine McAphee _____ Connie Holmes _____ James Manning, Jr. _____
Ruth Johnson _____ Naomi Riley _____ Alternate #I Jeff Klein _____
Alternate II Bryan Acianni _____

Flag Salute

Chairperson Riley announces that the notice requirements of R.S. 10:4-18 have been satisfied by the publication of the required advertisement in The Coaster, posting the notice on the Board in the Municipal Complex, and filing a copy of the said notice with the Municipal Clerk.

Consumer Price Index [October's price index was 279.255, **Area prices up 0.4 percent over the month and 1.8 percent over the year**]

Action Items:

Approval of Minutes – August 1, 2019.

Offered by: _____ Seconded by: _____

Vote:

McAphee _____; Holmes _____; Manning _____; Johnson _____; Riley _____;
Klein _____

Approval of Minutes – October 3, 2019.

Offered by: _____ Seconded by: _____

Vote:

McAphee _____; Holmes _____; Manning _____; Johnson _____; Riley _____;
Klein _____

Resolutions

NONE

DISCUSSION ITEMS:

HEARING Continued -Harlee Gardens vs Jadus McIntyre

PUBLIC PARTICIPATION:

ADJOURNMENT (Time): _____

Offered by: _____ Seconded by: _____

Vote:

McApee _____; Holmes _____; Manning _____; Johnson _____; Riley _____;

Klein _____

Economic News Release



Consumer Price Index Summary

Transmission of material in this release is embargoed until
8:30 a.m. (EST) November 13, 2019 USDL-19-1979

Technical information: (202) 691-7000 • cpi_info@bls.gov • www.bls.gov/cpi
Media Contact: (202) 691-5902 • PressOffice@bls.gov

CONSUMER PRICE INDEX - OCTOBER 2019

The Consumer Price Index for All Urban Consumers (CPI-U) rose 0.4 percent in October on a seasonally adjusted basis after being unchanged in September, the U.S. Bureau of Labor Statistics reported today. Over the last 12 months, the all items index increased 1.8 percent before seasonal adjustment.

The energy index increased 2.7 percent in October after recent monthly declines and accounted for more than half of the increase in the seasonally adjusted all items index; increases in the indexes for medical care, for recreation, and for food also contributed. The gasoline index rose 3.7 percent in October and the other major energy component indexes also increased. The food index rose 0.2 percent, with the indexes for both food at home and food away from home increasing over the month.

The index for all items less food and energy rose 0.2 percent in October after increasing 0.1 percent in September. Along with the indexes for medical care and for recreation, the indexes for used cars and trucks, for shelter, and for personal care all rose in October, though the increase in the shelter index was the smallest since October 2013. The apparel index fell in October, as did the indexes for household furnishings and operations, for new vehicles, and for airline fares.

The all items index increased 1.8 percent for the 12 months ending October, a slightly larger rise than the 1.7-percent increase for the period ending September. The index for all items less food and energy rose 2.3 percent over the last 12 months. The food index rose 2.1 percent over the last 12 months, while the energy index declined 4.2 percent over the last year despite increasing in October.

Table A. Percent changes in CPI for All Urban Consumers (CPI-U): U.S. city average

	Seasonally adjusted changes from preceding month							Un-adjusted 12-mos. ended Oct. 2019
	Apr. 2019	May 2019	June 2019	July 2019	Aug. 2019	Sep. 2019	Oct. 2019	
All items.....	.3	.1	.1	.3	.1	.0	.4	1.8
Food.....	-.1	.3	.0	.0	.0	.1	.2	2.1
Food at home.....	-.5	.3	-.2	-.1	-.2	.0	.3	1.0
Food away from home(1)...	.3	.2	.3	.2	.2	.3	.2	3.3
Energy.....	2.9	-.6	-2.3	1.3	-1.9	-1.4	2.7	-4.2
Energy commodities.....	5.4	-.4	-3.5	2.4	-3.3	-2.3	3.5	-7.4
Gasoline (all types)....	5.7	-.5	-3.6	2.5	-3.5	-2.4	3.7	-7.3
Fuel oil.....	1.3	-.3	-2.3	.6	-.9	-.8	.8	-10.6
Energy services.....	-.1	-.8	-.7	.0	-.2	-.1	1.8	.4
Electricity.....	.0	-.8	-.8	.6	-.3	.0	1.6	.4
Utility (piped) gas service.....	-.8	-1.0	-.3	-1.8	.1	-.7	2.4	.2
All items less food and energy.....	.1	.1	.3	.3	.3	.1	.2	2.3
Commodities less food and energy commodities....	-.3	-.1	.4	.2	.2	-.3	-.1	.3
New vehicles.....	.1	.1	.1	-.2	-.1	-.1	-.2	.1
Used cars and trucks....	-1.3	-1.4	1.6	.9	1.1	-1.6	1.3	1.4

New York-New Jersey Information Office

SHARE ON: [f](#) [t](#) [in](#) Search New York-New J

[NY-NJ Home](#) | [NY-NJ Geography](#) | [NY-NJ Subjects](#) | [NY-NJ Archives](#) | [Contact NY-NJ](#)

[Geographic Information](#) > [New York-New Jersey](#) > [Table](#)

Consumer Price Index - New York-Newark-Jersey City, NY-NJ-PA (1982-84 = 100)

All Items (1982-84=100)

All Urban Consumers - (CPI-U)

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Avg
1989	127.0	127.6	128.9	129.5	130.2	130.5	130.6	130.9	132.2	132.8	133.2	133.3	130.6
1990	135.1	135.3	136.6	137.3	137.2	137.1	138.4	140.0	140.8	141.6	141.5	141.6	138.5
1991	143.0	143.6	143.4	143.7	144.0	144.6	145.2	145.4	145.8	145.7	146.6	146.6	144.8
1992	147.3	148.0	149.1	149.2	148.9	149.5	149.9	150.8	151.4	152.1	152.2	151.9	150.0
1993	153.0	153.6	154.1	154.0	153.8	154.2	154.3	155.3	155.3	155.5	155.4	155.6	154.5
1994	156.0	157.4	157.9	157.7	157.3	157.8	158.2	159.1	159.0	159.5	159.4	158.9	158.2
1995	159.9	160.3	160.9	161.4	161.8	162.2	162.3	162.8	163.2	163.6	163.8	163.7	162.2
1996	164.8	165.7	166.5	166.0	166.4	166.5	166.7	167.2	168.2	168.2	168.4	168.5	166.9
1997	169.1	170.1	170.7	170.2	169.9	170.3	170.8	170.8	171.7	172.3	172.0	171.9	170.8
1998	172.1	172.7	173.0	173.0	173.0	173.1	173.6	174.2	174.4	174.8	174.7	174.7	173.6
1999	175.0	175.1	175.5	176.0	176.1	176.8	177.2	177.6	178.2	178.9	178.8	178.6	177.0
2000	179.3	180.5	181.5	181.4	181.4	182.0	182.8	183.1	184.4	184.6	184.6	184.2	182.5
2001	184.9	185.3	186.4	186.6	187.3	188.3	187.8	188.1	188.0	187.8	187.8	187.3	187.1
2002	188.5	189.9	191.1	191.8	191.4	191.5	192.0	193.1	193.3	193.7	193.4	193.1	191.9
2003	194.7	196.2	197.1	196.7	196.8	196.9	197.7	199.1	199.6	200.0	199.4	199.3	197.8
2004	199.9	201.1	203.4	204.0	204.4	206.0	205.5	205.7	205.9	207.3	207.2	206.8	204.8
2005	208.1	208.9	212.4	212.5	211.4	210.7	212.5	214.1	215.8	216.6	215.3	214.2	212.7
2006	215.9	216.4	218.2	220.2	221.6	222.6	223.1	224.1	222.9	221.7	220.9	221.3	220.7
2007	221.767	223.066	224.551	225.780	227.146	228.258	228.628	228.326	228.308	228.552	229.504	229.395	226.940
2008	229.869	231.020	233.122	233.822	236.151	238.580	240.273	240.550	240.089	238.403	234.498	233.012	235.782
2009	233.402	234.663	235.067	235.582	235.975	237.172	237.600	238.282	238.568	238.380	238.777	238.427	236.825
2010	238.970	238.862	240.101	240.529	241.075	240.817	241.147	241.569	241.485	241.981	241.960	241.874	240.864
2011	242.639	243.832	245.617	246.489	248.073	248.505	249.164	250.058	250.559	250.051	249.317	248.307	247.718
2012	249.322	250.285	251.887	252.349	252.652	252.406	252.016	253.472	254.554	254.277	254.285	253.555	252.588
2013	254.807	256.234	256.589	255.967	256.270	256.911	257.326	257.659	258.504	257.069	257.377	257.284	256.833
2014	259.596	259.019	259.971	259.985	261.225	261.350	261.498	261.075	261.074	260.500	259.382	258.080	260.230
2015	258.376	259.240	259.647	259.959	261.066	261.512	261.199	261.347	261.887	261.515	261.009	259.941	260.558
2016	260.342	260.875	261.508	262.619	263.312	263.877	263.722	264.160	264.602	264.738	265.203	265.421	263.365
2017	266.917	267.662	267.582	267.948	268.183	268.666	268.051	268.657	270.059	269.575	269.381	269.564	268.520
2018	270.771	272.214	272.196	272.950	274.001	274.170	274.073	274.441	275.455	275.101	274.478	273.836	273.641
2019	275.144	275.823	276.570	277.441	278.068	278.802	278.817	279.428	279.338	279.255			

Urban Wage Earners and Clerical Workers - (CPI-W)

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Avg
1989	125.1	125.5	126.8	127.5	128.2	128.7	128.7	128.9	130.3	130.8	131.3	131.3	128.6
1990	133.0	133.1	134.5	135.0	134.9	135.0	136.0	137.4	138.7	139.5	139.5	139.5	136.3
1991	140.3	140.6	140.5	141.0	141.4	142.1	142.3	142.6	143.2	143.0	144.0	143.9	142.1
1992	144.4	144.8	145.8	145.9	145.8	146.5	146.6	147.6	148.3	149.1	149.2	149.1	146.9
1993	149.9	150.3	150.7	150.7	150.4	150.7	150.7	151.7	151.8	152.1	152.0	152.1	151.1
1994	152.4	153.5	154.0	153.9	153.6	154.2	154.4	155.3	155.5	156.0	155.9	155.4	154.5
1995	156.3	156.6	157.1	157.5	158.0	158.4	158.3	158.9	159.5	159.7	159.9	159.9	158.3
1996	160.9	161.7	162.5	162.2	162.8	162.8	162.8	163.3	164.4	164.4	164.7	164.7	163.1
1997	165.1	166.2	166.6	166.1	166.0	166.2	166.6	166.7	167.7	168.1	168.0	167.7	166.8
1998	167.7	168.2	168.2	168.5	168.6	168.8	169.1	169.7	169.9	170.5	170.5	170.5	169.2
1999	170.8	170.6	170.8	171.3	171.5	172.1	172.5	173.2	173.9	174.5	174.6	174.3	172.5
2000	174.7	176.0	176.7	176.8	177.0	177.6	178.4	178.5	179.9	180.2	180.1	180.0	178.0
2001	180.6	180.8	181.8	181.9	183.0	183.8	183.5	183.5	183.6	183.3	183.3	182.8	182.7

Source: U.S. Bureau of Labor Statistics (BLS).

NEPTUNE TOWNSHIP RENT LEVELING BOARD

Minutes – August 1, 2019

Mrs. Riley called the meeting to order at 6:00 pm and requested the Secretary to call the roll. The following members were present: Ruth Johnson, Catherine McAphee, Jeff Klein and Naomi Riley. Absent: James Manning Jr. and Connie Holmes.

Mrs. Riley stated 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.

Mrs. Riley announced the Consumer Price Index [June's price index was 278.802, area prices up 0.3 percent over the month and up 1.7% over the year].

APPROVAL OF MINUTES

Mr. Klein offered a motion, moved and seconded by Mrs. Johnson to approve the minutes of the meeting for June 6, 2019; all that were eligible to vote were in favor.

RESOLUTIONS

Mr. Anthony stated basically there were deficiencies but the Board could not act upon them because Ms. Seward was receiving a subsidy and she's waiting on Code Enforcement.

Mrs. Johnson offered the following resolution, moved and seconded by Mrs. Riley:

Resolution # 2019-07

**RESOLUTION OF THE NEPTUNE TOWNSHIP RENT LEVELING BOARD OF
TENANT'S COMPLAINT OF ROSE SEWARD**

WHEREAS, the Neptune Township Rent Leveling Board was presented with a complaint by ROSE SEWARD, residing at 1516 Monroe Avenue, Apt. 18A, Neptune Township, New Jersey, alleging reduction in services in violation of Section 4-30.9, entitled, "Standards of Service" of the Neptune Township Rent Control Ordinance, and sought relief as a result thereof; and

WHEREAS, a hearing on the Complaint was scheduled and heard on June 6, 2019, after service was made upon the Landlord, namely, Harlee Garden Neptune Housing, 4403 15th Avenue, Suite 192, Brooklyn, NY 11219, as submitted by the Complainant, within the time period prescribed by local ordinance; and

WHEREAS, on June 6, 2019, the Complainant, ROSE SEWARD appeared before the Neptune Township Rent Leveling Board and testified, with no one appearing on behalf of the Landlord and no witnesses; and

WHEREAS, the Neptune Township Rent Leveling Board, per the aforesaid Complaint, received the following grievances and requests for relief:

1. That the Complainant's unit is one of 12 units in the apartment complex, and she has lived in the complex since February 1, 2016 and has had complaints with the Township of Neptune Code Enforcement Department resulting in Notices of Violation since December of 2018 for various maintenance issues, and has during the time period allowed by the Rent Leveling Board Ordinance, had problems concerning mold and mildew, floors arising up, which has caused the Complainant who has asthma, coughing and sneezing spells and difficulty breathing at times
2. That the Complainant has made Complaints with the Neptune Township Code Enforcement Department, who issued a Notice of Violation and Order to Correct, dated December 26, 2018 concerning leaks in the bathroom ceiling and the need to replace bathroom ceiling tiles, buckling floor in the hallway between the bathroom and the bedroom, and the need to repair chain guard on the front door, with a further violation issued on January 28, 2019 for the same offenses.
3. That the Complainant indicated that the rent from February 1, 2016 through 2018 was \$1,095.00 per month, and commencing January 1, 2019 was \$1,142.00 per month, but that she does not pay rent and that a sponsor pays the rent under the category of "Hurricane Sandy Victim," which allows housing to take place on a temporary basis until her house is rebuilt, which is expected within this year.

NOW, THEREFORE, BE IT RESOLVED, by the Neptune Township Rent Leveling Board, that the Neptune Township Rent Leveling Board has found the following facts:

- i. That the Board finds that appropriate due process notice was given to the Landlord. Appropriate notice was made in accordance with the law set forth more fully in the case of Ivy Hill Park, Section 3 v. Abutidze, 371 N.J. Super. 103 (2004), as indicated by certified mail receipts attached to the Complaint.
- ii. That the Neptune Township Rent Leveling Board has subject matter jurisdiction over the tenant and Landlord, and the tenant/Complainant has been a tenant in the subject apartment complex, and the

tenant/Complainant's unit is one of well over five (5) residential units in the apartment complex.

- iii. That the Complainant, ROSE SEWARD, has occupied a unit at 1516 Monroe Avenue, Apt. 18A, Neptune, New Jersey, since February 1, 2016, at a present rent of \$1,142.00 per month, of which, all rent is paid by "Sandy Funds" and the Complainant has alleged reduction in services not yet totally resolved.

With regard to reduced services above the Board finds:

1. The Board finds that it is unrefuted that there is mold and mildew issues in the subject property and based on the Notices of Violation by the Code Enforcement Department of Neptune Township, a leak in the bathroom ceiling and floor buckling in the hallway between the bathroom and the bedroom and repair needed to the chain guard on the front door.

2. The Board finds it difficult to act under the Ordinance with regard to relief sought by the Complainant. Under the Reduction of Service Clause of the Rent Control Ordinance, the only relief under the said clause for reduced services is a reduction or credit to rent due and owing and/or paid by the tenant. In the instant matter, the tenant/Complainant is not paying the rent. There is a possible remedy under the Penalty Clause of the Rent Control Ordinance which provides for a recommendation by the Rent Leveling Board to the Township Committee to pass a Resolution ordering the Code Enforcement Department to issue Summonses for violation of the Rent Control Ordinance. Such Summonses would be heard by the Municipal Court of Neptune Township, which may result in an issuance of fines and other penalties

3. The Board however finds that despite that fact that it could request the Township Committee to require Code Enforcement to issue Summonses for violations of the Rent Control Ordinance, and may have to do so in the future, the Code Enforcement Department has already issued Notices of Violation and apparently Summonses against the Landlord for violations of the Property Maintenance Ordinance, which in some cases overlaps in terms of what the violation is in the Reduced Services Clause of the Rent Control Ordinance, but is treated separate and distinct in terms of Ordinance violations, and therefore, it might be appropriate to allow the Code Enforcement Department of the Township of Neptune to

finalize its legal actions before the Rent Board takes any action with regard to violation of the Rent Control Ordinance.

The Neptune Township Rent Leveling Board hereby finds that it would be most appropriate to allow the Code Enforcement Department of Neptune Township to complete its investigation and legal action against the Landlord with regard to similar violations related to the Property Maintenance Ordinance of the Township of Neptune, rather than the Rent Control Ordinance of Neptune Township, to determine whether those actions may result in remedies for the tenant/Complainant and remediation of the apartment before any further action be taken by the Rent Leveling Board of Neptune Township, and that the Neptune Township Rent Leveling Board shall stay any further action with regard to the Complaint filed by the tenant/Complainant, ROSE SEWARD, Case No. 19-03, filed on March 29, 2019, until the Code Enforcement Department completes its actions, but shall retain jurisdiction to hear this matter further upon complete adjudication of the Neptune Township Code Enforcement Department's Complaint, Summons No. SC-019077, with the understanding that the Board does find that the allegations made by the tenant/Complainant represent reduced services, but postpones its decision concerning relief under the Rent Control Ordinance at this time.

IT IS FURTHER ORDERED AND DETERMINED, that the municipal attorney is hereby authorized to provide the Landlord, Harlee Garden Neptune Housing, 4403 15th Avenue, Suite 192 Brooklyn, NY 11219, with a new address of 5308 13th Avenue, Ste. 469, Brooklyn, NY 11219, and the tenant/Complainant, ROSE SEWARD, 1516 Monroe Avenue, Apt. 18A, Neptune Township, NJ 07753, with a written notice of this decision by copy of this resolution effective the date of execution of this resolution by supplying the same pursuant to Ordinance and that either the Landlord or the tenant/Complainant shall have a right within twenty (20) days of the date of receipt 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.

OFFERED BY BOARD MEMBER:

SECONDED BY BOARD MEMBER: Ruth Johnson

AND ADOPTED ON ROLL CALL BY THE FOLLOWING VOTES: Naomi Riley

ROLL CALL

Affirmative: McAphee, Johnson, Riley, Klein

Negative:-----

Absent: Holmes, Manning

Dated: August 1, 2019

NAOMI RILEY, CHAIRWOMAN

ATTEST:

PAM HOWARD, SECRETARY

I hereby certify the foregoing to be a true copy of the resolution adopted by the Neptune Township Rent Leveling Board at a meeting held on August 1, 2019.

ATTEST:

PAM HOWARD, Secretary

Mr. Anthony announced that with this resolution the landlord has the responsibility to notify tenants and the Township of Neptune of change of address.

Mrs. Riley offered the following resolution, moved and seconded by Mrs. McAphee:

Resolution # 2019-08

**RESOLUTION AMENDING THE RULES
AND REGULATIONS OF THE
RENT LEVELING BOARD**

WHEREAS, the present Rules and Regulations of the Neptune Township Rent Leveling Board were adopted on December 17, 2013. The Rules and Regulations were amended on November 3, 2016 to provide for a Hardship Application Form, and again on February 2, 2017 to provide for a Capital Improvement Form. Thereafter, on March 1, 2018, it was amended to provide for a specific amount of copies to be provided to the Rent Board Secretary, and on May 3, 2018 it was amended with regard to the Landlord's Application for a Hardship or Capital Improvement, including in addition to the original application, attachments and exhibits, copies of the application and all attachments and exhibits are to include copies of all applications and attachments and exhibits for all regular members of the Rent Leveling Board, as well as additional copies for all appointed alternate members and a copy for the Board Attorney. There is now a need to further amend the Rules and Regulations to amend Clause VII,

entitled "Notice" to add (E.) to place responsibility on the landlord for notifying both tenants and the municipality of any change of address, and that failure to do so will deny the landlord the argument on appeal that the landlord was not properly served with notice at their most recent address.

NOW, THEREFORE, BE IT RESOLVED, that the Neptune Township Rent Leveling Board of the Township of Neptune hereby amends the Rules and Regulations as set forth more fully in the attached copy of the Rules and Regulations to this Resolution, to provide that Clause VII, entitled "Notice" (E.) place responsibility on the landlord for notifying both tenants and the municipality of any change of address, and that failure to do so will deny the landlord the argument on appeal that the landlord was not properly served with notice at their most recent address.

A true copy of the Rules and Regulations, and in particular the Amendment to Paragraph VII, entitled "Notice" (E.) is attached to the within Resolution as Exhibit A.

OFFERED BY BOARD MEMBER: Naomi Riley

SECONDED BY BOARD MEMBER: Catherine McAphee

AND ADOPTED ON ROLL CALL BY THE FOLLOWING VOTES:

ROLL CALL

Affirmative: McAphee, Johnson, Riley, Klein

Negative: -----

Abstain:-----

Absent: Holmes, Manning

Dated: August 1, 2019

NAOMI RILEY, Chairwoman

ATTEST:

PAM HOWARD, Secretary

I hereby certify the foregoing to be a true copy of the Resolution adopted by the Neptune Township Rent Leveling Board at a meeting held on August 1, 2019.

ATTEST:

PAM HOWARD, Secretary

DISCUSSION ITEMS

Appeal of Harlee Gardens vs Jadus McIntyre – Mr. Anthony stated he could not hear the appeal and that Michael Celli would have to handle it and it would be up to the Township Committee to decide. He stated the landlord could not stop the credits until coming before the board regarding remediation.

PUBLIC PARTICIPATION

None

Mrs. Johnson offered a motion to adjourn the meeting, moved and seconded by Mrs. Holmes. All were in favor.

Pamela D. Howard
Secretary

NEPTUNE TOWNSHIP RENT LEVELING BOARD

Minutes – October 3, 2019

Mrs. Johnson called the meeting to order at 6:00 pm and requested the Secretary to call the roll. The following members were present: Ruth Johnson, Connie Holmes, and Jeff Klein. Absent: James Manning Jr., Catherine McAphee and Naomi Riley

Mrs. Johnson stated 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.

Mrs. Johnson announced the Consumer Price Index [August’s price index was 279.428, **Area prices up 0.2 percent over the month and 1.8 percent over the year**]

APPROVAL OF MINUTES

Approval of Minutes for August 1, 2019 was carried over to the next meeting.

RESOLUTIONS

There were no Resolutions.

DISCUSSION ITEMS

HEARING – HARLEE GARDENS vs JADUS MCINTYRE

Tenants - Jadus McIntyre and Yolanda Brown of 1516 Monroe Avenue Apt 19a both were present and sworn in.

Owner and Staff – Andreas Steiner, Lester Aviles, Javier Malare – all were sworn in.

Attorney – W.Peter Ragan, Jr.

Mr. Anthony stated the purpose of the hearing was not to appeal the case and credits would continue until deficiencies were corrected. This hearing would be to end credits.

Mr. Ragan stated he believed his client has remediated all issues and would like to charge full rent. He stated from Harlee Gardens prospective they alleviated the problems and they were satisfactory to Code Enforcement and they submitted additional information regarding a mold inspection which showed no mold.

Lester Aviles, Superintendent of Harlee Gardens stated he was familiar with the apartment in question. There were a number of violations which were corrected. They contracted Janvier to clean up the basement and there were no conversations with code enforcement to remediate the mold. He stated there was no leaking since July 4th

Mr. McIntyre stated code enforcement came last weekend and they just fixed it.

Mr. Klein questioned whether all the leaks were in the bathroom.

Mr. Aviles confirmed that they were.

Mr. Klein questioned how old were the bathrooms.

Mr. Aviles stated approximately 6 or 7 years old.

Mr. Anthony stated that could be a subject for another complaint and the leak is not a part of this resolution any more.

Mr. Klein questioned the scope of work that was done in the basement.

Mr. Aviles stated there was mold remediation and it was cleaned from top to bottom.

Mr. McIntyre asked if he replaced the subflooring.

Mr. Aviles stated he only changed the part that was damaged.

Mr. McIntyre stated code enforcement stated they wanted the sub-flooring replaced. He stated he had a problem with how it was done.

Janvier Malare stated he was told of the problem and he cleaned the basement.

Mr. Anthony asked when did he clean the basement and he stated he was not sure.

Mr. Anthony asked if he had a written contract. Mr. Malare stated he didn't.

Mr. Klein asked where he had a cancelled check. Mr. Malare stated it was in his phone but was unable to locate it.

Mr. Malare stated he only worked in the crawl space, he took out the insulation, wiped beams down and used mold spray and anti microbial. It took two days and he did it by himself.

Mr. Klein asked if he was told what type of mold he was cleaning.

Mr. Malare stated he wasn't told.

Mr. Klein asked if the company that hired him did an airborne analysis.

Mr. Ragan stated it was never done.

Mr. Anthony asked if he had a certification to remove mold on him.

Mr. Malare stated he did not but he went to school in Freehold for Cerpo and training was three days.

Mr. Anthony asked what did he do with the items of debris.

Mr. Malare stated he put it in the garbage in the back dumpster.

Mr. Anthony questioned whether he sold mold in the basement.

Mr. Malare stated he did.

Mr. Ragan called Mr. Steiner to testify. He's been the owner since February 2018 and became aware of the problem the end of March/April 2019. He stated as soon as he was made aware of it he went to Lester to see the problem and he took care of the problem. He stated he had CES do a mold inspection and there were no findings of mold and if there were more he would have had it remediated. He stated there was no other mold in this property.

Mr. Klein asked if he had CES come out before remediation.

Mr. Steiner stated he did not.

Mr. Klein stated if mold was found in certain areas why didn't they test in it's entirety.

Mr. Anthony asked if he read the report.

Mr. Steiner stated he did.

Mr. Anthony asked if the company consulted with Janvier.

Mr. Steiner stated he did not know.

Mr. Ragan stated there were surface samples from the crawl space.

Mrs. Holmes stated she had a problem with the report because it states that it is limited and reports laws in New York City. She stated it bothered her as to how accurate it is.

Mr. Anthony asked Mr. Steiner if he felt the report was adequate.

Mrs. Holmes asked Mr. Steiner if he read the report.

Mr. Steiner stated as much as he could.

Mrs. Johnson stated there were no sampling in the bedroom where proof was provided for high levels of mold. She stated this concerned her.

Mr. Klein asked whether he's seen Mr. McIntyre's report.

Mr. Steiner stated not until he heard of the meeting.

Mr. Klein asked whether he received a warranty from the testing people.

Mr. Steiner stated he did not know.

Mrs. Johnson stated we have to look at all rooms for mold.

Mr. Ragan requested a five minute recess to speak with his client.

When Mr. Ragan returned he requested an adjournment so that his client could obtain another mold inspection that would include every room.

Mr. Anthony stated he did not have a problem adjourning the hearing.

It was agreed that the next meeting would be held on November 14, 2019 at 6pm.

PUBLIC PARTICIPATION

None

Mrs. Holmes offered a motion to adjourn the meeting, moved and seconded by Mrs. Johnson. All were in favor.

Pamela D. Howard
Secretary