

NEPTUNE TOWNSHIP RENT LEVELING BOARD - AGENDA FEBRUARY 7, 2019- 6pm

Ruth Johnson calls the meeting to order and requests the Secretary to call the roll:

ROLL CALL:

Connie Holmes _____ James Manning, Jr. _____ Naomi Riley _____

Ruth Johnson _____ Catherine McAphee _____ Alternate #I Jeff Klein _____

Alternate #II Deacon Morrell Massicot _____

Flag Salute

Chairperson Johnson 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 [December's price index was 273.836, area prices down 0.2 percent over the month and up 1.6% increase over the year]

Action Items:

SWEARING IN OF MEMBERS:

Approval of Minutes - December 6, 2018.

Offered by: _____ Seconded by: _____

Vote:

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

Klein _____ Massicot _____. Highlighted in yellow are ineligible to vote.

Resolutions

1. Resolution #19-01 - Appoint Chairperson for 2019

Offered by:_____ Seconded by:_____

Vote:

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

Klein _____ Massicot _____

2. Resolution #19-02 - Appoint Vice - Chairperson for 2019

Offered by:_____ Seconded by:_____

Vote:

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

Klein _____ Massicot _____

3. Resolution #19-03 Designate 2019 Meeting Dates

Offered by:_____ Seconded by:_____

Vote:

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

Klein _____ Massicot _____

DISCUSSION ITEMS:

A. JUMPING BROOK APTS.

PUBLIC PARTICIPATION:

ADJOURNMENT (Time): _____

Offered by: _____ Seconded by: _____

Vote:

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

Klein _____ Massicot _____

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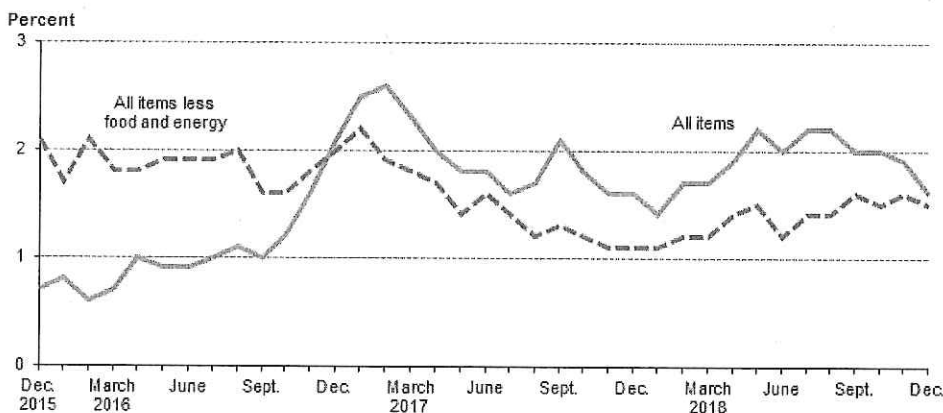
Consumer Price Index, New York-Newark-Jersey City – December 2018

Area prices down 0.2 percent over the month and up 1.6 percent over the year

Prices in the New York-Newark-Jersey City area, as measured by the Consumer Price Index for All Urban Consumers (CPI-U), edged down 0.2 percent for the second consecutive month in December, the U.S. Bureau of Labor Statistics reported today. Chief Regional Economist Martin Kohli attributed the downturn to lower prices for energy. (Data in this report are not seasonally adjusted. Accordingly, month-to-month changes may reflect the impact of seasonal influences.)

Over the year, the CPI-U increased 1.6 percent. The index for all items less food and energy advanced 1.5 percent. (See [table A](#) and [chart 1](#).) Price increases for shelter drove the 12-month change in both indexes. (See [table 1](#).)

Chart 1. Over-the-year percent change in CPI-U, New York-Newark-Jersey City, December 2015–December 2018



Source: U.S. Bureau of Labor Statistics.

Food

The food index rose 0.2 percent in December, after a 0.1-percent dip in November. Prices for food at home increased 0.2 percent, with higher prices in three of the six grocery groups. Among the grocery items with higher prices were lettuce, tomatoes, frozen fruits and vegetables, and pork chops. Prices for food away from home also rose 0.2 percent, after no change in the previous month.

Over the year, the food index rose 2.2 percent. Food-away-from-home prices were 2.7 percent higher, and food-at-home prices were 1.8 percent higher.

Energy

The energy index declined 2.8 percent for the second consecutive month. Gasoline prices fell 6.7 percent, after a 4.4-percent drop during the previous month. Household energy prices were unchanged with price declines for electricity (0.5 percent) and for fuel oil and other fuels offsetting a 5.6-percent price increase for natural gas.

For the year ended in December 2018, the energy index increased 1.0 percent. Gasoline prices were up 1.3 percent, and household energy prices, 0.8 percent. Within household energy, natural gas prices were 7.7 percent higher, while electricity prices were 3.1 percent lower.

News Release Information

19-55-NEW
Friday, January 11, 2019

Contacts

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[CPI Overview Table](#)

[CPI Chart Package](#)

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Table 1. Consumer Price Index for All Urban Consumers (CPI-U): Indexes and percent changes for selected periods, New York-Newark-Jersey City, NY-NJ-PA, not seasonally adjusted (1982-84=100 unless otherwise noted)

Item and Group	Indexes			Percent change from-		
	Oct. 2018	Nov. 2018	Dec. 2018	Dec. 2017	Oct. 2018	Nov. 2018
Expenditure category						
All items	275.101	274.478	273.836	1.6	-0.5	-0.2
All items (1967=100)	795.280	793.479	791.621			
Food and beverages	268.054	267.789	268.413	2.3	0.1	0.2
Food	267.978	267.775	268.381	2.2	0.2	0.2
Food at home	257.363	256.920	257.467	1.8	0.0	0.2
Cereals and bakery products	296.814	297.196	299.450	2.6	0.9	0.8
Meats, poultry, fish, and eggs	254.372	254.660	254.975	0.1	0.2	0.1
Dairy and related products	228.127	226.092	224.573	0.4	-1.6	-0.7
Fruits and vegetables	327.795	332.100	336.830	4.4	2.8	1.4
Nonalcoholic beverages and beverage materials ⁽¹⁾	252.442	248.387	246.390	0.9	-2.4	-0.8
Other food at home	227.388	225.480	225.145	1.9	-1.0	-0.1
Food away from home	290.286	290.423	291.130	2.7	0.3	0.2
Alcoholic beverages	264.580	263.475	264.326	3.4	-0.1	0.3
Housing	299.024	298.697	299.249	1.8	0.1	0.2
Shelter	378.368	378.954	379.546	2.0	0.3	0.2
Rent of primary residence	391.085	392.388	392.999	2.0	0.5	0.2
Owners' equivalent rent of residences ⁽²⁾	386.618	387.794	388.356	2.5	0.4	0.1
Owners' equivalent rent of primary residence ⁽²⁾	386.139	387.314	387.875	2.5	0.4	0.1
Fuels and utilities	196.518	193.428	193.771	1.3	-1.4	0.2
Household energy	188.009	184.917	184.852	0.8	-1.7	0.0
Energy services	175.830	173.185	176.312	0.9	0.3	1.8
Electricity	182.879	172.410	171.536	-3.1	-6.2	-0.5
Utility (piped) gas service	154.772	164.370	173.498	7.7	12.1	5.6
Household furnishings and operations	109.369	107.772	108.368	0.3	-0.9	0.6
Apparel	129.684	121.875	117.528	-0.5	-9.4	-3.6
Transportation	223.267	221.386	216.186	0.4	-3.2	-2.3
Private transportation	210.526	207.861	204.137	0.7	-3.0	-1.8
New and used motor vehicles ⁽³⁾	89.117	89.145	89.426	-2.7	0.3	0.3
New vehicles ⁽¹⁾	202.076	202.727	201.708	-0.9	-0.2	-0.5
Used cars and trucks ⁽¹⁾	261.472	264.798	264.360	1.2	1.1	-0.2
Motor fuel	236.304	225.903	210.915	1.3	-10.7	-6.6
Gasoline (all types)	235.198	224.810	209.860	1.3	-10.8	-6.7
Gasoline, unleaded regular ⁽⁴⁾	234.450	223.756	208.405	1.2	-11.1	-6.9
Gasoline, unleaded midgrade ⁽⁴⁾⁽⁵⁾	242.481	233.920	220.941	2.0	-8.9	-5.5
Gasoline, unleaded premium ⁽⁴⁾	242.405	234.106	222.012	1.9	-8.4	-5.2
Motor vehicle insurance ⁽¹⁾	757.522	756.979	756.993	4.4	-0.1	0.0
Medical care	494.226	496.557	497.055	3.3	0.6	0.1
Recreation⁽³⁾	121.709	123.800	124.279	0.4	2.1	0.4
Education and communication⁽³⁾	142.845	142.920	142.726	0.4	-0.1	-0.1
Tuition, other school fees, and child care ⁽¹⁾	1,190.756	1,195.654	1,197.848	2.7	0.6	0.2
Other goods and services	430.881	430.765	432.511	2.9	0.4	0.4
Commodity and service group						
All items	275.101	274.478	273.836	1.6	-0.5	-0.2
Commodities	193.314	190.751	188.586	0.9	-2.4	-1.1
Commodities less food and beverages	147.651	144.192	140.883	-0.2	-4.6	-2.3
Nondurables less food and beverages	191.513	185.396	179.128	-0.1	-6.5	-3.4

Footnotes

- (1) Indexes on a December 1977=100 base.
(2) Indexes on a December 1982=100 base.
(3) Indexes on a December 1997=100 base.
(4) Special index based on a substantially smaller sample.
(5) Indexes on a December 1993=100 base.

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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
1988	121.3	121.1	121.5	122.6	122.7	123.1	123.6	124.2	126.0	126.2	125.9	126.0	123.7
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

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

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Avg
1988	119.6	119.3	119.7	120.6	120.7	121.2	121.7	122.2	124.1	124.3	124.1	124.1	121.8
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

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

NEPTUNE TOWNSHIP RENT LEVELING BOARD

Minutes – DECEMBER 6, 2018

Mrs. Johnson , Chairperson, called the meeting to order at 6:09 pm and requested the Secretary to call the roll. The following members were present: James Manning, Jr; Ruth Johnson, Catherine McAphee, Alternate #1 Jeff Klein; Alternate #2 Naomi Riley; absent: Connie Holmes and Morrel Massicot.

Mrs. Johnson stated adequate notice of this meeting as required by P.L. Chapter 231 has been provided by notice in the Coaster on January 12, 2017, which was posted on the bulletin board of the Municipal Complex and filing a said notice with the Municipal Clerk.

Mrs. Johnson announced that the Consumer Price Index [October's price index was 275.101, area prices down 0.1 percent over the month and up 2.0% over the year].

APPROVAL OF MINUTES

Mrs. Johnson offered a motion, moved and seconded by Mrs. Riley to approve the minutes of the meeting for September 6, 2018; all were in favor. (Manning and McAphee were not eligible)

RESOLUTIONS

The Board had a discussion regarding amendments to the resolution for capital improvements for Jumping Brook Apts. Mr. Anthony read a summary of the amended resolution prior to voting. Mr. Manning offered the following amended resolution, moved and seconded by Mrs. Riley that it be adopted:

**RESOLUTION OF LANDLORD/APPLICANT JUMPING BROOK APARTMENTS
3633 HIGHWAY 33 AND 3805 HIGHWAY 33, NEPTUNE TOWNSHIP, NEW JERSEY
SEEKING CAPITAL IMPROVEMENT SURCHARGE**

WHEREAS, Jumping Brook Apartments, legally known as JB Neptune Holdings, LLC, presented an application through their attorney, Paul H. Schneider, Esq., of the Law Firm of Giordano, Halleran and Ciesla, for a Capital Improvement Surcharge encompassing a two phase plan of upgrades and improvements associated therein. The aforesaid application was dated

January 10, 2018 and filed January 25, 2018, with the Neptune Township Rent Leveling Board and the Rent Board Attorney, Gene J. Anthony, Esq.; and

WHEREAS, Chapter IV, §4-30, entitled “Rent Control” of the Revised General Ordinances of the Township of Neptune, Volume I, and in particular, §4-30.4, entitled, “Appeal by Landlord” provides that, “Landlord may seek additional surcharges for Major Capital Improvements or services. To qualify for a major improvement surcharge, claimant must show a benefit to the Tenant, in the form of improved lifestyle, convenience, ease and/or security, and compliance with the definition of Capital Improvements found in the Internal Revenue Code. The landlord must notify each Tenant of the total costs of the completed Capital Improvement or service, the number of years of useful life of the improvement as claimed by the landlord for purposes of depreciation for income tax purposes, the cost of the improvement, the total number of square feet to the dwelling or garden apartment complex, the total square feet occupied by the Tenant and the capital improvement surcharge he is seeking from each Tenant. The landlord seeking the Capital Improvement or service surcharge shall appeal for the surcharge to the Rent Leveling Board who shall determine if the improvement is a major improvement, and if so, may permit such increase to take place and may direct that the increase shall be collected in equal monthly payments spread over the useful life of the Capital Improvement. If the increase is granted it shall not be considered rental and calculated in the cost of living increases. In any event, no increase authorized by this section shall exceed 15% of the Tenant’s rent”; and

WHEREAS, the hearing before the Neptune Township Rent Leveling Board was originally scheduled for April 5, 2018, but due to a request by the applicant, was adjourned to May 3, 2018 and continued to June 14, 2018 and to August 9, 2018, with a confirmation of background documents on December 6, 2018; and

WHERAS, present at the hearings for the applicant throughout the proceedings was the attorney for the applicant, Paul H. Schneider, Esq. of the Law Firm of Giordano, Halleran and Ciesla; and testifying on behalf of the Landlord/Applicant were Mr. Jack Adler; Mr. Isaac Gluck and Mr. Biegeleisen, all of whom testified as to the general improvements and background of the intended improvements; invoices and contracts entered into and paid for by the applicant and improvements yet to be completed, and participated in public comments and questions from the Board throughout the proceedings, including May 3, 2018; June 14, 2018 and August 9, 2018, with comments and questions posed to the applicant's attorney on supporting documentation on September 6, 2018 and ;December 6, 2018; and

WHERAS, the Rent Leveling Board attorney found that appropriate notice was provided to all parties pursuant to local ordinance and Rules and Regulations; that pre-certification from the Housing and Construction Department of Neptune Township that the buildings and grounds are in substantial compliance with the Municipal Property Maintenance Ordinance, Uniform Construction Code, and Multiple Dwelling Law, and that the same was satisfied and that all pre-hearing requirements were satisfied allowing the hearing to proceed; and

WHERAS, the Landlord/Applicant presented its application seeking surcharges in a 100 percent residential development containing 308 rental units (104 units on the west side and 204 units on the east side) seeking a surcharge of \$1,998,283.52 in Capital Improvements which had either been completed and fully paid for, or, in a few instances, near final completion and payment, and in addition, a Phase 2 project of Capital Improvements yet to be started, which would provide for additional surcharges to cover the renovation of the gymnasium, balcony renovations and unit upgrades; and

WHEREAS, as a result of all hearings and concluded testimony of the Landlord/Applicant and its witnesses with regard to proposed and existing Capital Improvements, issues were raised concerning whether all of the improvements undertaken or proposed in the future were Major Capital Improvements and actually satisfied the definition of Capital Improvements under the Municipal Ordinance, and what the future intention of the Landlord/Applicant was in seeking the Capital Improvements, and ultimately under a separate hearing in the future, what the calculation of the surcharge would be for those Capital Improvements that were approved by the Board, if any.

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

- A. That the Rent Leveling Board had jurisdiction to hear the application of the Landlord/Applicant, Jumping Brook Apartments, also known as JB Neptune Holdings, LLC, that all notice requirements were satisfied as well as conditions concerning construction and maintenance code compliance.
- B. That exhibits were submitted into evidence and accepted by the Board as follows:
 1. A-1 – Application by the Landlord/Applicant for Capital Improvements in a package form, which included notice to Tenants posted in the building; notice mailed to Tenants regarding the hearing before the Neptune Township Rent Leveling Board; current resident directory and roommates at Jumping Brook Apartments and original receipts of certified mail to all current Tenants at Jumping Brook Apartments.

2. A-2 – Invoices and documentation from Roofing Master concerning roofing, gutter and soffit/fascia improvements, along with spreadsheet concerning the same.
3. A-3 – Spreadsheet concerning hot water system and boiler schedule, and letter from Gluck Plumbing concerning boiler rooms 2, 5, 8 and 9.
4. A-4 – Documents concerning pool opening and Rules and Regulations and pictures concerning outdoor lighting.
5. A-5 – Invoice from Chinchilla Projects concerning pressure washing at 29 building's siding.
6. A-6 – Documents from "Above and Beyond" concerning inspection and condition of mold and fungal growth in the buildings.
7. A-7 - Site improvements and renovations before and after pictures.
8. A-8 – Work order spreadsheet.

C. After hearing testimony on May 3, 2018 and public comments, and further public comments on June 14, 2018 and questions from the Board, the Board began deliberations on June 14, 2018 and August 9, 2018 over the question of what proposed Capital Improvements were either to be Capital Improvements subject to a surcharge under the Municipal Ordinance, or not, pursuant to the decision of Green Acres of Verona v. Borough of Verona, 146 N.J. Super. 468 (App. Div. 1977) and as further defined by Tenant's Association v. Georgian Gardens 249 N.J. Super. 475 (1991), and pursuant to the Board's reading of the Municipal Ordinance's definition of Major Capital Improvements, and the Board raised issues concerning supporting documentation for amounts of capital expenditures at the August 9, 2018 hearing,

with further documentation submitted on September 6, 2018 and December 6, 2018 by the Applicant.

PHASE 1

- a. Roofs and gutters and soffit/fascia are classified as substantial Capital Improvements; and documents showing a correlation between actual bills and spreadsheet at a cost of \$420,434.00; rather than the original claim of \$423,297.84 are acceptable to the Board.
- b. Upgrading of hot water heaters on the west side of the complex only are considered as Capital Improvements at a cost of \$62,158.00; said improvements of which have been completed. Boilers are Capital Improvements to be completed and approved by separate application within two years.
- c. Brick pointing and cleaning are not considered Capital Improvements at \$11,281.00.
- d. Breezeway upgrades are considered a Capital Improvement at \$592,013.75, and are completed.
- e. Management office renovation is not considered a Capital Improvement at \$3,500.00.
- f. Gym renovation is not considered a Capital Improvement at a budgeted amount of \$30,000.00.
- g. Pool renovations and furnishings are not considered Capital Improvements at \$11,700.00.
- h. Exterior lighting upgrades are considered a Capital Improvement at \$28,169.71.
- i. Landscaping, tree removal and grading are not considered Capital Improvements at \$315,823.50.
- j. Mold prevention and remediation are not considered Capital Improvements at \$184,097.55.
- k. Parking lot repaving is considered a Capital Improvement at \$447,984.00.
- l. Security cameras and their installation are considered a Capital Improvement at \$35,290.41.
- m. Property and building signage upgrades are not considered a Capital Improvement at \$24,254.88.
- n. Electric service upgrades (exterior) are not considered a Capital Improvement at \$30,117.00.

Total items in Phase 1 classified as Capital Improvements total: \$1,586,049.87

Total items in Phase 1 not classified as Capital Improvements total: \$610,773.93

PHASE 2

- a. Renovation of gymnasium is not considered a Capital Improvement.
- b. Balcony renovations are considered a Capital Improvement.
- c. Unit upgrades were withdrawn by the Landlord/Applicant.

Total items in Phase 2 classified as Capital Improvements shall be approved based on calculations and surcharge in second application under Phase 2 once completed by the Landlord/Applicant.

Phase 1 items classified as Capital Improvements shall be approved based on calculations on completed and paid amounts. Additional costs for incomplete items would be subject to an additional application.

D. The Board also finds that the useful life, depreciation per year and rental amount included in the formula for determining the calculated surcharge and amortization period is per Page 11 of the clarification document entitled, "Documentation of Costs and Payment for Approved Capital Improvements" dated October 11, 2018, and submitted to the Board for its December 6, 2018 hearing.

E. It is recognized by the Board that although the Landlord/Applicant has submitted the cost amounts for Capital Improvements and proof of invoices and contracts for performing said improvements, and has stated in testimony that the costs set forth in exhibits and testimony is highly accurate, with regard to installation of boilers on the west side in Phase I and the balance in Phase II, said figures do not represent actual receipts or invoices for Capital Improvements not already completed, but merely those projected to be completed under the project, and the Board retains jurisdiction to rehear and approve any deviation from those costs set forth in testimony and exhibits that may change when the project completes installation of boilers on the west side and balconies, and in turn, further retains jurisdiction to make necessary adjustments to the proposed and actual approved rent surcharges to reflect any changes in actual costs, as well as adjustments made for those proposed improvements that were not found to be Capital Improvements by the Board.

BE IT FURTHER RESOLVED, that the Municipal Board Attorney, Gene J. Anthony, Esq., is hereby authorized to provide the Landlord/Applicant through its attorney, Paul H. Schneider, of Giordano, Halleran and Ciesla, with offices located at 125 Half Mile Road, Suite 300, Red Bank, New Jersey, 07701 with a written notice of this decision, a copy of the Resolution effective the date of execution of this Resolution, and the Landlord/Applicant may implement all actions necessary with regard to the Resolution, including removing for consideration all proposed improvements which were classified as Non-Capital Improvements, and resubmitting to the Board proposed rent surcharges based on those adjustments, and returning to the Board by subsequent application for Phase 2 when completed as to any new calculations of cost which deviate from those proposed and approved by this Board under this Resolution for subsequent Board review and approval or adjustments.

BE IT FURTHER RESOLVED, that all Tenants shall receive a copy of this Resolution submitted by regular mail by the Landlord/Applicant, and will eventually receive a subsequent Resolution as to the approved surcharges with regard to Phase 1, and additional Resolutions after all work has been completed in Phase 2 and that portion of Phase 1 yet to be completed with final costs and calculated surcharges as reviewed and approved by the Board, and written notice is provided by the Landlord/Applicant to each existing Tenant with proof that the Board had approved the final calculations, work is completed, and costs along with proposed rent surcharges by further submitting copies of any subsequent resolutions.

BE IT FURTHER RESOLVED, that future Tenants shall be put on written notice of the surcharge to be imposed upon Tenant prior to or at the time of execution of a written lease or commencement of tenancy.

BE IT FURTHER RESOLVED, that pursuant to §4-30.7 of the Rent Control Ordinance of the Township of Neptune, both the Landlord/Applicant and any Tenant may appeal in writing the finding of the Board to the governing body within twenty (20) days from the date of receipt of the determination pursuant to the Rules and Regulations set forth for the Rent Leveling Board and the Municipal Ordinance for such appeals.

OFFERED BY BOARD MEMBER: James Manning

SECONDED BY BOARD MEMBER: Naomi Riley

AND ADOPTED ON ROLL CALL BY THE FOLLOWING VOTES:

ROLL CALL

Affirmative: Manning, Johnson, McAphee, Klein, Riley

Negative: ...

Abstain: ...

Absent: Constance Holmes, Morrel Massicott

Dated: December 6, 2018

RUTH JOHNSON, 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 December 6, 2018.

ATTEST:

PAM HOWARD, Secretary

The resolution was adopted on the following vote: Manning, aye; Johnson, aye; McAphee, aye; Klein, aye; Riley, aye;

Mr. Manning questioned whether new applicants were given notice that an application for capital improvements was submitted.

Mr. Anthony stated the ordinance really doesn't address it and we cannot be held responsible but stated perhaps we can address it.

Mr. Manning stated he felt it would be a good idea that notices should be given to new applicants.

Mr. Anthony stated he would prepare an amended ordinance to allow for notification to new tenants.

Mr. Manning offered a motion for Mr. Anthony to proceed with an amended ordinance, moved and seconded by Mrs. Riley. All were in favor.

DISCUSSION ITEMS

Elizabeth Byce # 250, building 17, questioned how would the burnt units affect the tenants.

Mr. Schneider stated every tenant would be assigned a share and if no one is in the apartments and it's vacant the landlord cannot collect. He can only collect when someone moves in.

Mr. Manning questioned if the repairs that would be done by the insurance company would offset anything for the tenants.

Mr. Klein stated the board is reimbursing them for monies already paid and the insurance would pay for damages recently incurred.

Ms. Kennedy, # 252 questioned how much would they have to pay in surcharges.

Mr. Anthony stated the owners must come back with a separate hearing saying what they're going to charge.

Tracey Daniels complained that she's called Jumping Brook's answering service and no one ever calls her back. She stated she had an issue with her stove and was afraid her apartment would catch fire.

Mr. Anthony informed her that she could file a complaint with the board and also contact Code Enforcement.

PUBLIC PARTICIPATION

Mr. Anthony stated he could not make next month's meeting and recommended canceling January's meeting and meet in February to which the Board agreed.

Mr. Klein recommended that for next year the Chairperson and Vice - Chairperson should be Mr. Manning and Mrs. Riley. He felt that Mr. Massicott should become an alternate member.

Mr. Anthony stated he sent a letter to Mr. Massicott and he expressed an interest to stay.

Mr. Manning offered a motion to adjourn the meeting @ 7:43pm, moved and seconded by Mrs. Johnson. All were in favor.

Pamela D. Howard

Secretary

RESOLUTIONS

RESOLUTION #19-1
APPOINTING CHAIRPERSON
FOR THE NEPTUNE TOWNSHIP RENT LEVELING BOARD (2019)

WHEREAS, the Neptune Township Rent Leveling Board selects a Chairperson among its members during its Reorganization Meeting.

NOW, THEREFORE, BE IT RESOLVED, by the Neptune Township Rent Leveling Board that the Board hereby selects _____ to serve as the Chairperson of the Neptune Township Rent Leveling Board for the year 2019.

OFFERED BY BOARD MEMBER:

SECONDED BY BOARD MEMBER:

AND ADOPTED ON ROLL CALL BY THE FOLLOWING VOTES:

ROLL CALL

Affirmative:

Negative:

Abstain:

Absent:

Dated: February 7, 2019

Chairperson

ATTEST:

PAMELA 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 February 7, 2019.

PAMELA HOWARD
Secretary

RESOLUTION #19-2

APPOINTING VICE-CHAIRPERSON
FOR THE NEPTUNE TOWNSHIP RENT LEVELING BOARD (2019)

WHEREAS, the Neptune Township Rent Leveling Board selects a Vice-Chairperson among its members during its Reorganization Meeting.

NOW, THEREFORE, BE IT RESOLVED, by the Neptune Township Rent Leveling Board that the Board hereby selects _____ to serve as the Vice-Chairperson of the Neptune Township Rent Leveling Board for the year 2019.

OFFERED BY BOARD MEMBER:

SECONDED BY BOARD MEMBER:

AND ADOPTED ON ROLL CALL BY THE FOLLOWING VOTES:

ROLL CALL

Affirmative:

Negative:

Abstain:

Absent:

Dated: February 7, 2019

Chairperson

ATTEST:

PAMELA 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 February 7, 2019.

PAMELA HOWARD
Secretary

RESOLUTION #19-3

ESTABLISHING REGULAR AND SPECIAL 201 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:

1. Regular meetings of the Neptune Township Rent Leveling Board for the year 2019 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 7, 2019; March 7, 2019; April 4, 2019; May 2, 2019; June 6, 2019; July 11, 2019; August 1, 2019; September 5, 2019; October 3, 2019; November 14, 2019; December 5, 2019 and the Reorganization Meeting for the year 2019 will be January 2, 2020.

2. 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.

3. 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.

4. 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.

5. 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.

6. 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 BOARD MEMBER:

SECONDED BY BOARD MEMBER:

AND ADOPTED ON ROLL CALL BY THE FOLLOWING VOTES:

ROLL CALL

Affirmative:

Negative:

Abstain:

Absent:

Dated: February 7, 2019

Chairperson

ATTEST:

PAMELA HOWARD
Secretary

I hereby certify that the foregoing is a true copy of the resolution adopted by the Neptune Township Rent Leveling Board at a meeting held on February 7, 2019.

ATTEST:

PAMELA HOWARD
Secretary