

## **NEPTUNE TOWNSHIP RENT LEVELING BOARD**

### **Minutes – DECEMBER 5, 2019**

Ms. Riley , Chairperson, called the meeting to order at 6:00 pm and requested the Secretary to call the roll. The following members were present: Constance Holmes, Ruth Johnson, James Manning, Jr; Naomi Riley, Alternate #1 Jeff Klein; Alternate #2 Bryan Acianni.

Ms. 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.

Ms. Riley announced that the 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]

### **APPROVAL OF MINUTES**

Mrs. Holmes offered a motion, moved and seconded by Mrs. Johnson to approve the minutes of the meeting for October 3, 2019; all were in favor.

Mrs. Riley offered a motion, moved and seconded by Mrs. McAphee to approve the minutes of the meeting for November 14, 2019; all were in favor.

### **RESOLUTIONS**

None

### **DISCUSSION ITEMS**

Continuation of Hearing - Harlee Garden vs Jadus McIntyre.

Mr. Anthony announced that this was a continued hearing and that credits would be continued until certified remediation was done. He stated Mr. Manning was not present at the first hearing no was Mr. Acianni. He stated Mr. Manning and Ms. Riley listened to the tapes and everyone can participate except Mr. Acianni who could listed.

Mr. Ragan had three witnesses of which was James Dallas who was the primary witness who performed a mold assessment on the property in question. All three were sworn in by Mr. Anthony.

Mr. Dallas an environmental consultant with Centric Environmental Solutions provided testimony. He stated he was familiar with the apartment and he has inspected the property twice. He stated he did not discover mold mainly dust. He stated in the second report he did additional air samplings to determine if mold spurs were present which were detected with rare to low counts. He stated he did not feel there was a mold problem.

Mr. Klein stated there's many types of mold that could be found in the home.

Mr. Dallas discussed what would be considered dangerous and stated he did not find anything that would alert him.

Mr. Klein questioned whether he tested for all different types of mold.

Mr. Dallas confirmed that he did.

Mr. Klein questioned whether any harmful mold was indicated.

Mr. Dallas confirmed there wasn't any.

Ms. Riley questioned the difference between black mold and mold.

Mr. Dallas stated black mold was bred through standing water.

Mrs. Johnson questioned whether the mold problem has been abated and there's no mold.

Mr. Dallas stated yes.

Mr. Anthony questioned whether the reference to stains meant there was mold in the past.

Mr. Dallas stated the stains weren't tested just suspected.

Mr. Anthony stated he used the word dust quite a bit in the report.

Mr. Dallas stated because dust could have mold spurs.

Mr. Ragan questioned whether this apartment needed further remediation.

Mr. Dallas stated the only recommendation was in his report.

Mr. Anthony questioned whether he received a report that stated remediation was correctly done.

Mr. McIntyre also crossed examined Mr. Dallas.

Mr. Anthony questioned what could have caused the mold on Mr. McIntyre's shoes.

Mr. Dallas stated they could have gotten wet and condensation could have occurred.

Mr. Klein questioned if it was his professional opinion that there's good air quality and no danger.

Mr. Dallas stated he could only testify there was no elevated mold spurs.

Ms. Riley stated the report stated there's still health hazards presents. She questioned what was causing the moisture to the extent of creating mold.

Mr. Dallas stated some homes do not have air conditioners.

Mr. McIntyre stated he had an air conditioner.

Mr. Klein questioned whether there was black mold.

Mr. Dallas stated there was no black mold.

Mr. Manning questioned whether the landlord was going to do what was recommended.

Mr. Steiner stated he was willing to do it to make Mr. McIntyre happy.

Mr. McIntyre stated he had a picture on his phone of the heater that was taken during the inspection when it was swabbed.

Mr. Dallas stated where the dust was located in the home was in the vents.

Ms. Riley questioned who cleaned up the mold.

Mr. Anthony stated they did.

Mr. Dallas stated he was never provided with a report of cleaning of the crawl space.

Mr. Anthony stated the question is has the mold been cleaned to the point the board is satisfied and then is the cut off for credits.

Ms. Riley stated she thought they were suppose to have someone certify that it was remediated.

Mr. McIntyre stated Janvier never provided a certification. He also stated Mr. Dallas was a professional and refused to have him video the inspection.

Ms. Riley questioned how could one room be remediated of mold in one area and it's located in so many places.

Mr. Anthony stated you cannot remediate it if it doesn't exist.

Mr. Manning stated the tenant has the right to file a new complaint if there's a problem.

Ms. Riley stated she did not like the fact that they are saying it's remediated.

Mr. McIntyre stated they've had to go to the Drs.

Mrs. Johnson asked Mr. McIntyre if he had any reports from going to the doctor.

Mr. McIntyre stated yes.

Mr. Ragan stated there was no dangerous mold based on testimony and they've presented what's required.

Mr. Manning offered a motion to close testimony, moved and seconded by Mrs. Johnson all were in favor.

Mr. Anthony questioned whether the mold has been eradicated. Mr. Manning stated yes he was satisfied based on the testimony. Ms. Riley stated she was not ok with them treating one area and not done by an accredited company. They only treated the area under the crawl space.

Mr. Manning offered a motion that the mold was eradicated and they were satisfied, moved and seconded by Mrs. Johnson; all were in favor with the exception of Ms. Riley.

Mrs. Johnson offered a motion to cut off the credits effective November 11, 2019, moved and seconded by Mr. Manning; all were in favor with the exception of Ms. Riley.

Mr. Anthony stated he would do a resolution effective November 11<sup>th</sup> and it can be appealed. He stated the landlord would put the dehumidifier in crawl space within 30 days and the landlord agreed..

Mr. Manning stated also the cleaning of the heater should be done within 30 days.

Yolanda Brown also brought up the issue regarding the subflooring and stated Code Enforcement stated they wanted it to come up.

Mr. Ragan stated at the last meeting he submitted proof of a sign off.

Mr. Anthony stated it was true and it has been dismissed by Code Enforcement.

Mr. Ragan stated Code Enforcement signed off on June 24, 2019, then another on July 5, 2019.

Mr. Anthony stated it should be the date it was dismissed in court which was July 25, 2019.

Mr. Ragan stated to repair beyond court is not correct. He also stated he could only advise his client to remediate what's in the resolution.

Mr. Anthony stated basically you're relying on code enforcement report for trip hazard.

Mr. Manning stated based on the resolution passed and code dismissing it, It's been resolved.

Mr. Klein suggested the tenant inspect it again and come before the board again if they feel it's not done properly.

Mr. Manning made a motion to end the 5% credit effective July 25, 2019, moved and seconded by Mrs. Johnson; All were in favor with the exception of Mrs. Holmes and Ms. Riley.

Mr. Manning offered a motion, moved and seconded by Mrs. Johnson to close the hearing. All were in favor.

**PUBLIC PARTICIPATION**

None

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

Pamela D. Howard

Secretary