

**NEPTUNE TOWNSHIP RENT LEVELING BOARD
MEETING MINUTES
December 1, 2022**

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: Ruth Johnson, James Manning, Stephen Lella, and the Chairperson Naomi Riley. Members Absent: Alternate #1, Jeff Klein and Wendel Thomas.

Chairperson Riley stated an adequate notice of this meeting as required by P.L. Chapter 231 has been provided by notice in the Asbury Park Press, which was posted on the bulletin board of the Municipal Complex and filing a said notice with the Municipal Clerk.

FLAG SALUTE

APPROVAL OF MINUTES

October 20, 2022

Mr. Manning offered a motion to approve the minutes, moved and seconded by Ms. Johnson. All were in favor.

CONSUMER PRICE INDEX

The October's Consumer Price Index was at 314.338. The area prices are up 0.1 percent over the month, and up 6 percent over the year.

HEARING

H1) Maria Kapetanovich (Tenant/ Complainant) vs. McNeely Property Management (Landlord)

Maria Kapetanovich, tenant, addressed the Board to share that witnesses will be joining the hearing to speak on her behalf.

Maria Kapetanovich, at the residence of 43 Webb Ave, Apt. E, Ocean Grove, New Jersey, the tenant's first witness, Steven Wiscowski, at the residence of 614 11th Ave, Belmar, New Jersey, and the Property Manager of the apartment building and of the McNeely Property Management, Barbara Elmer, at the residence of 20 3rd Ave, Neptune City, New Jersey, were sworn in.

The Rent Leveling Board Attorney, Gene Anthony, offered the Tenant to start with any opening statements.

The Tenant shared that she moved into the apartment of 43 Webb Ave, Apt. E, Ocean Grove on April 1st, 2022. On April 13th, 2022, the Tenant started to feel an itch and welts upon the skin. On April 19th, 2022, the Tenant notified the Property Management Company. The Tenant is wanting the rent money back for the time that the apartment space was uninhabitable and demanding justice.

The Rent Leveling Board Attorney offered Counsel (Michael Mirne, Esq.) the opportunity for opening statement. Counsel waived.

The Rent Leveling Board Attorney posed questions to the Tenant regarding her lease and rent payments. Ruth Johnson of the Board wanted the Tenant to confirm the current rent is being paid, the last payment that was made, and why has the Tenant decided to pay for that specific month.

The Rent Leveling Board Attorney wanted the Tenant to share when she first saw the first bed bug(s). The Tenant saw the first specimen on April 19th and notified the Property Manager, Barbara Elmer. Between May 5th to May 9th the bites were worse and found them in more common areas. The Tenant sent photos to the Property Manager via text. On May 23rd the Tenant found even more bed bugs and reached out to the

Property Management Company. The Property Management Company notified the Tenant that a dog will be brought in to sniff out the bugs and as a result found bugs only in her apartment after the search of the building. Ruth Johnson asked if the dog went into the other apartments and the Tenant responded that they went into all of the apartments. The Tenant never received a report on the search.

The Tenant further shared she wanted to bring in her own exterminator, so she did not have to incur any additional charges on her monthly rent. The Property Management Company confirmed that the Tenant's personal exterminator would be on the Tenant's expense. Ruth Johnson asked the Tenant if she has been reimbursed for the pest control services. The Tenant confirmed that she has not been reimbursed. The Tenant then shared that Property Management shared that a credit will be applied to her monthly rent but has yet to receive the credit.

The Rent Leveling Board Attorney wanted the Tenant to further confirm the timeline of events. The pest control services, B Gone Exterminator, came to exterminate on May 27th, second treatment on June 13th, third treatment on June 25th, fourth treatment on July 18th, fifth treatment on August 23rd, and the sixth November 28th. It was also discovered that the source was found the floor/ apartment below the Tenant's apartment, Apartment C. Since the November 28th treatment the Tenant has not felt bites.

The Property Management Company wanted the Tenant to have their one of her witness's home to be inspected to confirm if their home was the source of the bed bugs since the Tenant was staying at that residence before and during her displacement. The pest control service did not find any bed bugs.

The Tenant further shared in her testimony the Health Department came out to the apartment building for inspection and Apartment C refused the Health Department to come inspect their apartment.

Jim Manning, of the Board, asked the Tenant to confirm if the source of the bed bugs is in Apartment C and the Tenant lives in Apartment E.

The Counsel started their cross examination with asking the Tenant to confirm their prior place of residence and questioned as to why the Tenant left and if she brought any furniture from that residence to the current apartment. The Tenant confirmed that she purchased the couch from Facebook Marketplace as a used couch.

The Counsel asked the Tenant if they are making any allegations if they any bed bugs existed prior to the Tenant moving in. Counsel further asked the Tenant questions regarding the logistics of the Tenants living arrangements during the time of her displacement. Counsel wanted the Tenant to confirm if the Property Management Company paid for the fourth treatment on July 18th, fifth treatment on August 23rd, and the sixth November 28th of the pest control services. The Tenant responded that she does not know as she spoke to the exterminator and did not receive a confirmed response. Counsel further questioned the Tenant on the amount of rent paid for the past few months and her being the source of the bed bugs.

The Rent Leveling Board Attorney shared with Counsel that the complaint was filed with the Rent Leveling Board first before Superior Court and is pending. The Tenant is entitled to her defense and should not be evicted before decision of the Neptune Township Rent Leveling Board of the Hearing.

The Tenant brought forward her witness. Jamie Cowling, at the residence of 43 Webb Ave, Apt. D, Ocean Grove, New Jersey, was sworn in as witness. Ms. Cowling shared that the Tenant sought some help from her as she believed she might have experienced the same thing.

The Tenant brought forward her witness. Steven Wiscowski shared that while his girlfriend, the Tenant, was displaced, she stayed at his residence in the middle of June until September, with belongings in her car in fear of infestation coming into his residence. The witness further shared that the Property Management Company

would not allow the pest exterminator to take further action of treating the apartment until they inspected the witnesses home.

Counsel brought in their witness. Dean White of B Gone Exterminator was sworn in as witness. Cross examination began. Mr. White confirmed his experience as an exterminator and further shared that in his years of being in this field, he has not treated bed bugs of that many occasions. Mr. White further shared that he discovered that the source is not the Tenant but rather from the apartment below her, Apartment C.

Jim Manning asked Mr. White if he provided any reports to the Tenant, who is typically responsible for the treatment and oversight of the pest control services, and did he do any sealing of the cracks of the walls where perhaps the bugs may be coming from. Mr. White responded that only a verbal report was provided, either the Landlord covers the cost or reimbursement, and he did not do any repairing of the cracks of the walls.

Counsel followed with a question for the witness, Mr. White, asking that a spraying of the Tenants apartment would lead to the bed bugs going to the Apartment C's dwelling. Mr. White responded that Apartment C is the source.

Ruth Johnson had to leave the dais and meeting. The Rent Leveling Board Attorney did not want the Hearing the resume without the member present. The Hearing will resume after the Reorganization of the Board.

DISCUSSION ITEMS

PUBLIC PARTICIPATION

There was no public participation during the meeting.

Jim Manning offered a motion, moved and seconded by Steve Lella to adjourn the meeting. All were in favor. The meeting was adjourned at 7:58pm. The next meeting will be held on Thursday, January 5, 2022 at 6pm for Reorganization of the Board and Regular Meeting.

Dainene Roberts, Rent Leveling Board Secretary