

**MIDDLESEX BOARD OF HEALTH  
REGULAR MEETING MINUTES  
THURSDAY, FEBRUARY 8, 2024**

The meeting of the Middlesex Board of Health was held on the above date at the Recreation Building, 1400 Mountain Avenue and called to order at 7:00 p.m. by President Griggs with the following statement:

“This meeting is being held in compliance with the Open Public Meeting Law in that the requirements of the Law have been met by the Annual Meeting Notice forwarded to the Courier News, Star Ledger and posted in the Municipal Building on December 15, 2023, and filed in accordance with the law.”

**Roll Call**

Steve Ember – Vice President	<input checked="" type="checkbox"/>	
John Ellery, Alt. 1	<input type="checkbox"/>	- Absent
Melissa Fedosh	<input checked="" type="checkbox"/>	
Rich Gianchiglia, Sr. Alt. 2	<input checked="" type="checkbox"/>	
Ken Griggs - President	<input checked="" type="checkbox"/>	
Thomas Harrity	<input type="checkbox"/>	- Absent
Kevin Nelson	<input checked="" type="checkbox"/>	
Robert Sherr	<input checked="" type="checkbox"/>	
Laura Steinau	<input checked="" type="checkbox"/>	

**Others in attendance:**

Council Representative, Councilman Quinn  
Patricia Clemente – REHS  
Les Jones, County Health Director/Health Officer

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**Minutes** – Board Member Sherr made a motion to accept the January 11, 2024 Re-Organization meeting minutes and the January 11, 2024 regular meeting minutes, seconded by Board Member Laura Steinau, and carried by the following roll call vote by members present. Ayes: Ember, Fedosh, Gianchiglia, Griggs, Nelson, Sherr, and Steinau. No: None Abstain: None

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**Reports:**

A. Monthly REHS Activities Report – January 2024 – Patricia Clemente, REHS, presented the January 2024 REHS report. There was discussion about the re-inspection of Terras Ceviche. Violations have been abated. Ms. Clemente informed the members that Texas Wiener was inspected in September, but it was not reflected in the September report. Vice President Ember informed the members that he maintains a listing of establishments that require inspections and that all establishments were inspected in 2023, with the exception of the Little League and High School Economics Room. Board Member Gianchiglia inquired about the difference between Risk 2 & 3. Ms. Clemente addressed the matter.

Board Member Sherr made a motion to accept January 2024 Monthly REHS Activities Report and the amended December 2023 Monthly REHS Activities report, second by Board Member Gianchiglia. All in favor.

- B. Monthly Environmental Summary Report – January 2024 – TABLED – Insufficient data and information listed on the report.

Board Member Sherr made a motion to table the January 2024 Summary report, seconded by President Griggs. All in favor.

- C. Monthly Communicable Diseases Report – January 2024 – TABLED – Insufficient data and information listed on the report..

Board Member Sherr made a motion to table the December 2023 Communicable Diseases Report second by President Griggs. All in favor.

- D. Registrar’s Reports – January 2024 – Board Secretary presented the Registrar’s Report for January 2024.

Seeing that there were no comments or questions, Board Member Sherr made a motion to accept the January 2024 Registrar’s Report seconded by Board Member Fedosh and carried by the following roll call vote by members present. Ayes: Ember, Fedosh, Gianchiglia, Griggs, Nelson, Sherr, and Steinau. No: None Abstain: None

- E. Board of Health Report – January 2024 – Board Secretary presented the Board of health Reports for January 2024.

The Board Secretary informed the members that we will start to see funds collected starting in April as the new licensing year beings in May. Seeing that there was no data to report, Vice President Ember made a motion to accept the January 2024 Board of Health report seconded by Board Member Sherr. All in favor.

- F. Council Representative Report – Nothing new to report. Council Representative Quinn Stated that the council currently appointed two (2) councilmanic committee members.

**Correspondence** - None

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### **Unfinished Business**

- A. Budget & Finance (includes License Fees) – Nothing new to report. The budget has been submitted, but they have not received final approval.
- B. Website – Vice President Ember stated that he has not worked on what he would like added to the website. He would like to add contact information regarding injured wildlife. Link to be provided.
- C. NJ Local Board of Health Association (NJLBHA) – Vice President Ember informed the members that a meeting was held on January 20<sup>th</sup>. He also stated that the article in the New Jersey Spotlight regarding COVID funding has not been published. Public Health

Officials were not consulted; therefore, they do not know where the information came from. He stated that there was no real discussion or public input regarding the new bill that would allow the Mayor and Council to fulfill the role of health boards in towns. He also informed members that the casino's smoking ban bill failed. He informed the members that he is now a member of the (PHACE) Public Health Associations' Collaborative Effort Committee. The Committee held their re-organization meeting on January 29<sup>th</sup>.

- D. Publicity (includes Newsletter and other outreach) – Members discussed participating in the Borough's Community Day event. The event is scheduled to take place sometime in June.
- E. Straight Edge – Board Member Sherr informed the members that Straight Edge is in the preliminary stages of approval of their move to 700 South Avenue. They expect final approval at the next JLUB meeting. They hope to have complete operation built and moved to that location by December. They further discussed the fence that was supposed to be installed. Board Member Sherr stated that the fence will not be installed.
- F. Potential Changes to Chapter 272 of the Code Book for Massage and Bodywork Therapy Establishments – Vice President Ember stated that the proposed changes look good. Council Representative Quinn recommended that the board send the Council their recommendations. There was a consensus to have Vice President Ember and Board Member Sherr work together on the letter of recommendation for the Council.
- G. Planning for 2024 (includes review of last year) – There was a consensus to skip this item.
- H. Health Clubs, Gyms, Exercise Establishments (BOH Licenses) – President Griggs stated that he has a listing of these establishments. The Board Secretary informed the members that they need to identify what constitutes an exercise establishment. Item to be discussed at the next meeting.
- I. Opioid Advisory Council – The Council has not formed a committee yet to address the matter. The plan is to form a committee consisting of the Fire Department, Police Department, Board of Education, Board of Health, and the Rescue Squad.

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## **New Business**

- A. Resolution BH# 1-2024 – Awarding the Board of Health Attorney contract to Timothy P. Beck of the Law offices of DiFrancesco, Bateman, Kunzman, Davis, Lehrer & Flaum, P.C.

Board Member Sherr informed the members that the only proposal received in response to an RFP for a Board of Health Attorney was from Timonthy P. Beck. Mr. Beck was highly recommended due to his background and past experience. He is currently the Board of Health Attorney for another municipality.

Board Member Sherr made a motion to adopt Resolution BH #1-2024 awarding the Board of Health Attorney contract to Timothy P. Back of the Law offices of DiFrancesco, Bateman, Kunzman, Davis, Lehrer & Flaum, P.C. at a contract rate of \$175.00/hr. seconded by Vice President Ember and carried by the following roll call vote by board members present. Ayes: Ember, Fedosh, Gianchiglia, Griggs, Nelson, Sherr, and Steinau. No: None Abstain: None

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**Public Portion** – Board Member Sherr made a motion to move the public portion of the meeting before the Executive Session and seconded by President Griggs. All in favor.

Mrs. Valenti of Sherman Avenue was in attendance. Mrs. Valenti wanted an update on Straight Edge. She wanted to know why Straight Edge is not installing a fence. Members discussed the issue with the fence surrounding the business. There was discussion regarding how long it's going to take Straight Edge to move to their new location. Board Member Sherr stated that Straight Edge is having problems receiving approval from the NJDEP. Mrs. Valenti stated that the odor and noise issues don't stop. There was also discussion about the fines associated with the violations. Mrs. Valenti wanted to know if it's a possibility that the town is going to allow the same type of business in that location after Straight Edge moves. She was informed by Board Member Sherr that the plans for that property are not known. All applications go before JLUB. Mrs. Valenti questioned if the tanks will be removed from the property. Board Member Sherr was uncertain of the removal of the tanks. He stated that the tanks affect the property value. It's a liability to have tanks on the property.

Mr. Steve Sabik of Wilton Avenue was in attendance. Mr. Sabik questioned if Board of Health meetings were recorded. He stated that 80% of the conversion during the November meeting were not reflected in the minutes. Board Member Sherr and the Board Secretary addressed the matter. Mr. Sabik stated that his one concern during the last JLUB meeting was that nothing was asked about the current situation with respect to chemicals, noise, and odor. Board Member Sherr addressed the matter. Mr. Sabik mentioned that Straight Edge's proposal included a solid fence, and it has yet to be installed. Mr. Sabik expressed his frustrations regarding the installation of the fence. He informed the members that speeding is still an issue. He also reiterated that for the last 5 years, he has not been able to open his windows due to the odor and the health issues with dogs. It was discussed that the fence is a zoning issue, not a Board of Health issue. Mr. Sabik stated that he is concerned that the same type of business will occupy that location and whether or not the town is protecting itself. He also discussed the time it takes for authorities to arrive after a complaint has been filed.

There was discussion about the fines assessed for violations and the level of fines. Board Member Sherr addressed the matter.

Board Member Sherr advised the residents to continue to file their complaints.

Board Member Sherr encouraged both residents to attend the next JLUB meeting to further discuss issues and concerns regarding the use of the property.

There was discussion about the possible formation of an Environmental Commission in March or April. The council is looking for members. The lack of volunteers seems to be an issue. Anyone interested in volunteering should contact the Mayor. Vice President Ember stated that he spoke with Council President Conahan on two (2) separate occasions regarding the matter. He stated that Council President Conahan is in favor of forming an Environmental Commission. He further stated that there will have to be some negotiations regarding the roles of the Board of Health and the Environmental Commission.

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## **Executive Session**

- A. **County Contract** – County performance and personnel matter. Board Secretary Carmen Modica read the following resolution:

**RESOLUTION No. BH #2-2024  
EXECUTIVE SESSION**

**WHEREAS**, N.J.S.A. 10:4-12 allows for a Public Body to go into closed session during a Public Meeting; and

**WHEREAS**, the Board of Health of the Borough of Middlesex has deemed it necessary to go into closed session to discuss certain matters which are exempted from the Public which include County Performance; and

**WHEREAS**, the regular meeting of the Board of Health will reconvene.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Health of the Borough of Middlesex will go into closed session for the following reason listed below as outlined in N.J.S.A. 10:4-12 and the minutes will be kept, and once the matter involving the confidentiality of the items no longer require confidentiality, the minutes can be made public.

Board Member Sherr made a motion to accept the Resolution BH #2-2024 to go into closed session, seconded by President Griggs and carried by the following roll call vote by members present:

Roll Call	Yes	No	Abstain	Absent
John Ellery				X
Steve Ember	X			
Melissa Fedosh	X			
Rich Gianchiglia, Sr.				
Ken Griggs	X			
Thomas Harrity				X
Kevin Nelson	X			
Robert Sherr	X			
Laura Steinau	X			

Contract between the Middlesex Board of Health and Middlesex County.

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**Adjournment**

Board Member Fedosh moved for adjournment seconded by Board Member Steinau and carried by a unanimous vote. Next meeting will be held March 14, 2024.

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Carmen Modica, Board Secretary