

BOARD OF HEALTH MEETING MINUTES  
September 10, 2015

The meeting of the Middlesex Board of Health was held on the above date in the Municipal Building and called to order at 7:00 p.m. by the Board President with the following statement:

“This meeting is being held in compliance with the Open Public Meeting Law in that all the requirements of the Law have been met by the Revised Sunshine Law Meeting Notice forwarded to the Courier News posted on the website and in the Municipal Building.

**Roll Call**

Amy Bigge  
Amy Burke  
Charles Corcoran  
Melissa Fedosh  
Thomas Harrity  
Bob MacDonald  
Ceil Slauson

Others in Attendance:      Kevin Dotey, Liaison  
   Terry Brundage, SREHS

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**Minutes**

Board Member Corcoran made a motion to accept the June 11, 2015 meeting minutes, seconded by Board Member Burke and carried by the following roll call vote. Ayes: Bigge, Burke, Corcoran, Fedosh, MacDonald, and Slauson. No: None. Abstain: None.

**Executive Session:** None

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**Presentation -** None

**Reports**

- A.      Activities Report – SREHS, Terry Brundage presented the Activities Report for June, July, and August, 2015. REHS Inspector Brundage stated that the weekly pool lab reports for the summer were satisfactory. Also on Monday,

September 14, 2015 there will be spraying for Mosquitos between 7:00 pm – 12 pm. Board Member Corcoran made a motion to accept the Activities Report seconded by Board Member Bigge and carried by the following roll call vote. Ayes: Bigge, Burke, Corcoran, Fedosh, MacDonald, and Slauson. No: None. Abstain: None.

- B. Monthly Activities Environmental Report – SREHS, Terry Brundage presented the May, June, July 2015 Monthly Activities Environmental Report. President Harrity noted that we just received these tonight and the Board has not had a chance to look at these reports. President Harrity suggested that we review these reports at the next meeting. Board Member Corcoran made a motion to review the Environmental Reports at the next meeting seconded by Board Member Fedosh and carried by the following roll call vote. Ayes: Bigge, Burke, Corcoran, Fedosh, MacDonald, and Slauson. No: None. Abstain: None.
- C. Registrar’s Report - Board Secretary presented the Registrar’s Report for June, July, August, 2015. Board Member Corcoran made a motion to accept the Registrar’s Report seconded by Board Member Bigge and carried by the following roll call vote. Ayes: Bigge, Burke, Corcoran, Fedosh, MacDonald, and Slauson. No: None. Abstain: None.
- D Board of Health Licensing Report – Board Secretary presented the Board of Health Licensing Report for June, July, and August, 2015. Board Member Corcoran made a motion to accept the Board of Health Licensing Report seconded by Board Member Bigge and carried by the following roll call vote. Ayes: Bigge, Burke, Corcoran, Fedosh, MacDonald, and Slauson. No: None. Abstain: None.
- E. Environmental Report from Les Jones – None

Board President Harrity stated that we didn’t receive the Monthly Activities Report until tonight’s meeting. These reports were to be emailed the week before the meeting. Les Jones, County Health Officer failed once again to give us an Environmental Report. President Harrity is frustrated with the county and feels they are not meeting our requirements. Board Member Fedosh suggested we speak with the County Freeholders.

Board Member Fedosh also discussed the rising heroin increase in New Jersey and asked if we could have the Health Education Department come to one of our meetings. President Harrity will contact the Health Education Department and find out what program are available.

REHS Inspector Brundage reminded the Board that the Rabies Clinic is the first Saturday in November from 10:00 a.m. – 12:00 p.m. at the DPW Garage.

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Bill List – Resolution to Acknowledge All Claims: \$95.00. Board Member Corcoran made a motion to accept the Bill List seconded by Board Member Fedosh and carried by the following roll call vote. Ayes: Bigge, Burke, Corcoran, Fedosh, MacDonald, and Slauson. No: None. Abstain: None

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**Correspondence** - None

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**Public Hearing**

- A. The Board Secretary read Ordinance No. 141-15 by title saying it had been posted on the bulletin board, published by title in the newspaper and made available for any person who wanted a copy.

**ORDINANCE NO. 141-15**

**AN ORDINANCE ESTABLISHING BY-LAWS FOR THE BOARD OF HEALTH OF THE BOROUGH OF MIDDLESEX, COUNTY OF MIDDLESEX, NEW JERSEY, CHAPTER 48 HEALTH BOARD OF, SECTION 48-6 BY-LAWS**

**ARTICLE 1**

**ORGANIZATION**

**SECTION 1. Purpose**

These By-Laws are intended to govern the administration of the Board of Health of the Borough of Middlesex (hereinafter "Board of Health"), organized in accordance with the provisions of the Act of the Legislature of New Jersey, entitled "An Act to Establish in This State Boards of Health and a Bureau of Vital Statistics, and to Define Their Respective Powers and Duties," under N.J.S.A. 26:3-1 et seq., which was approved March 31, 1887, and the several supplements thereto.

**SECTION 2. Fiscal Year**

The Members shall determine the fiscal year of the Board of Health.

**SECTION 3. Principal Office**

The principal office of the Board of Health is located at 1200 Mountain Avenue, Middlesex, NJ 08846.

**ARTICLE II**

## **MEMBERS**

### **SECTION 1. Express and Implied Powers and Duties**

The business and affairs of the Board of Health shall be conducted under the management, direction and control of the Board of Health members (hereinafter "Members"), which shall have all those powers granted to it by these By-Laws and by law. The Members may delegate to duly established committees, to the Board of Health President (hereinafter "President"), or to any other employee or duly appointed agent, such duties and functions as it deems necessary. Such duties and functions shall include, but shall not be limited to:

1. Selecting, employing and evaluating the Health Officer with such corporation that provides the services of a Health Officer, who reports to the Board of Health and is responsible to it.
2. Hiring, employing and evaluating a Secretary and Registrar.
3. Determining and adopting written policies to govern the operation of the Board of Health including financial and policy decisions regarding purposes, functions, goals and activities.
4. Reporting to and cooperating with other public officials, boards and the community as a whole to provide essential public health services.
5. Passing ordinances.
6. Assisting in the preparation of, and seeking support for, the annual operating budget.

### **SECTION 2. Number and Qualifications**

Pursuant to Middlesex Code §48-2 Composition; term; vacancies, the Board of Health shall consist of seven regular members. All members of said Board of Health, hereafter appointed, shall be appointed pursuant to Middlesex Code Section 48-2 and shall hold said office for the term of four years, except in the case of vacancies; vacancies shall be filled for the unexpired term.

Alternate members. The Mayor shall appoint two alternate members of the Board of Health who shall have the right to attend all meetings of the Board and participate in discussions of any proceedings but may not vote except in the absence of a regular member. In the event that a choice must be made as to which alternate member is to vote, Alternate No. 1 shall vote first. Said alternate members shall be designated at the time of appointment by the

Mayor as Alternate No. 1 and Alternate No. 2. Such alternate members shall serve for a term of two years, except that the terms of the alternate members first appointed shall be two years for Alternate No. 1 and one year for Alternate No. 2, so that the term of not more than one alternate member shall expire in any one year. A vacancy occurring other than by expiration of term shall be filled by the Mayor for the unexpired term only. Alternate members shall be considered for purposes of establishing Quorum.

### **SECTION 3. Officers**

The Officers shall be President and Vice President. The officers shall be elected at the annual Reorganization Meeting of the Board of Health. Officers shall be nominated by Member(s) and shall be elected by a quorum. Officers shall serve for a term of one year from the annual meeting, at which they are elected.

### **SECTION 4. Vacancies in Office**

In the event of a vacancy in the office of President, the Vice President shall assume the office for the remainder of that term. In the event of a vacancy in any other office, the Officer shall be nominated by Member(s) and shall be elected by a quorum.

### **SECTION 5. Duties of Officers**

- A. The President shall preside at all meeting of the Board of Health, authorize calls for any special meetings, appoint all committees, execute all documents authorized by the Board of Health, serve as an ex-officio member of all committees, and generally perform all duties associated with the office of President. In the event of the absence of the President from a Board meeting, the Vice President, or a temporary chairperson selected by the Members present, shall assume and perform the duties and functions of the President.
- B. The Vice President shall assist the President in all matters and perform all the duties of the President during his/her absence, and generally perform all the duties associated with the office of Vice President.

### **SECTION 6. Meetings of the Board of Health; Notices; Waiver of Notice**

The first meeting of the Board of Health after January 1 of each year shall be the Reorganization Meeting of the Board of Health, at which time officers shall be elected as provided in Article II, Section 3.

Regular meetings of the Board of Health shall be held monthly on a day and time set by the Board. Meetings shall be held each month, with the exception of July and August. All meetings will be held in accordance with the Open Public Meetings Act (Chapter 231, P.L. 1975: see also N.J.S.A. 10:4-6). Notice of regular meetings of the Board of Health shall be given to each Member by hand delivery, mail or email at least three (3) days prior to the day of the meeting.

Special meetings of the Board of Health may be called by the President or upon request of 4 Members. Notice of such meetings must state the purpose. Except in cases of emergency, 48 hours' notice shall be given to the Members of a special meeting. All meetings will be held in accordance with the Open Public Meetings Act (Chapter 231, P.L. 1975: see also N.J.S.A. 10:4-6).

In the event an emergency meeting is required to deal with matters of such importance that delay for the purpose of providing adequate notice (as required above) would likely result in substantial harm to the public interest, such meeting may be held provided it conforms to the provisions of N.J.S.A. 10:4-9.

Except as herein provided, the conduct of meetings shall be governed by ROBERT'S RULES OF ORDER, latest edition.

The order of business for regular meetings shall include, but not be limited to, the following items, which shall be covered in the sequence shown so far as circumstances will permit:

1. Call to Order
2. Announcement of compliance with Open Public Meeting Law
3. Roll call of Members
4. Approval of minutes of prior meeting(s)
5. Executive Session
6. Reports
  - a. Activities Report
  - b. Registrar's Report
  - c. Board of Health Report
  - d. Other reports
7. Financial Report/Funds Collected/Payment of Claims
8. Correspondence
9. Unfinished Business
10. New Business
11. Public Discussion
12. Adjournment
13. Closed Session (if required)
14. Adjournment of Closed Session

## **SECTION 7. Quorum and Adjourned Meetings**

At all meetings of the Board of Health, a majority of the Members shall constitute a quorum for the transaction of business. For purposes of establishing a quorum, "majority" means more than one-half the total Members then presently existing on the Board of Health.

The votes of a majority of the Members present and voting at a meeting at which a quorum is present shall constitute a valid decision. If at any meeting of the Board of Health there shall be less than a quorum present, the meeting shall be adjourned to a new date.

The vote of a majority of those Members present at a Board of Health meeting at which a quorum is present shall be necessary for valid action by the Board of Health on any matter except as otherwise provided herein.

The President shall not vote, unless there is the need to break a tie vote.

## **SECTION 8. Indemnification**

Each Member of the Board of Health shall be indemnified and held harmless by the Board of Health against the actual amount of net loss including counsel fees, reasonably incurred by or imposed upon him/her in connection with any action, suit or proceedings to which he/she may be a party by reason of his/her being or having been a Member, officer or committee member.

## **SECTION 9. Immunity**

Unless acting in reckless regard for the duties imposed by the position, neither the Board of Health as a body nor any Member, officer or any committee member, shall be personally liable for any damages, claims, losses or injuries for any action or lack of action arising out of the execution of his/her office to the fullest extent available pursuant to N.J.S.A. 2A:53-A7.3 (c. 1989, c.171-1).

# **ARTICLE III**

## **POWORS AND DUTIES OF THE BOARD OF HEALTH**

### **SECTION 1. General Powers and Privileges**

The Board of Health shall have the independent power to manage and operate the Board of Health and all those powers specifically prescribed in

N.J.S.A. 4:54-1 et seq., together with such other powers as may be provided herein which may be necessarily implied.

## **SECTION 2. Duties and Responsibilities**

It shall be the obligation and duty of the Board of Health to perform the following duties, and/or contract for health services of a technical and professional nature as more fully set forth below, provided in accordance with the Public Health Practice Standards of Performance for Local Boards of Health in New Jersey as set forth at N.J.A.C. 8:52.

### **a. ADMINISTRATION**

### **b. HEALTH EDUCATION**

### **c. COUNTY ENVIRONMENTAL HEALTH ACT (CERA) ENVIRONMENTAL PROGRAMS**

Air Pollution Inspections  
Water Pollution Inspections  
Noise Pollution Inspections  
Solid Waste Inspections  
GIS Recording Activities  
Pesticide Program  
Hazardous Materials Response  
Hazardous Materials Billback and Cost Recovery Program  
Occupational Health Services

### **d. PUBLIC HEALTH NURSING**

Reportable Diseases and Investigation  
Public Health Clinic Services  
Tuberculosis Control  
Rape Crisis Intervention Center  
Maternal Health  
Adult Health Services  
Flu Clinics  
Child Health Conferences  
Childhood Lead Poisoning Prevention Program  
School Immunization Audits  
Special Child Health Services

### **e. PUBLIC HEALTH INSPECTION**

Retail Food Inspection Program

Foodborne Illness Investigations  
Public Health Complaint Investigations  
Recreational Bathing Inspections  
Public Kennel and Pet Shop Inspections  
Body Art Inspections  
Rabies Specimen Transportation to State Lab

**f. EPIDEMIOLOGY AND BIOTERRORISM**

Epidemiology and Disease Surveillance Bioterrorism Planning  
Practice Standards  
Health Education/Risk Communication  
Local Information Network and Communications System  
(LINCS) Monitoring

**ARTICLE IV**

**COMMITTEES**

**SECTION 1. Committees**

The President shall appoint committees of one or more members each for such specific purposes as the business of the Board of Health may require.

Special committees for the study and investigation of special problems or to deal with special issues shall be considered to be discharged upon the completion of the purpose for which they were appointed and after their final report is made to the Board of Health.

All committee reports are to be presented and conveyed to the Secretary for inclusion in the meeting minutes. Progress reports shall be presented to the Board of Health at each of its meetings and be included in the meeting minutes.

No committee shall have other than advisory powers unless, by suitable action of the Board of Health, it is granted specific power to act.

**ARTICLE V**

**FINANCIAL REPORTING**

**SECTION 1. Annual Financial Reporting**

The Board of Health shall make an annual report to the Chief Financial Officer (CFO) of the Borough as provided in N.J.S.A. 40A:54-15, to detail all

public revenues received, State aid, all expenditures, and balances of all funds.

## **ARTICLE VI**

### **AMENDMENTS**

These By-Laws may be amended at any regular meeting of the Board of Health by an affirmative vote of two-thirds (2/3) of the Members present, provided written notice of the proposed amendment shall have been mailed to all members at least ten (10) days prior to the meeting at which action is proposed to be taken.

## **ARTICLE VII**

### **NOTICE**

Any notice required to be sent by the By-Laws shall be deemed to have been properly sent and notice thereby given when hand delivered, mailed by regular post with postage prepaid, or when emailed as provided herein.

Board President Harrity opened the Public Hearing on Ordinance #141-15. Seeing no public participation, Board President Harrity closed the Public Hearing on Ordinance #141-15.

Board Member Bigge moved for adoption of Ordinance #141-15 seconded by Board Member Fedosh and carried by the following roll call vote: Ayes: Bigge, Burke, Corcoran, Fedosh, MacDonald, and Slauson. No: None. Abstain: None .

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B. The Board Secretary read Ordinance No. 142-15 by title saying it had been posted on the bulletin board, published by title in the newspaper and made available for any person who wanted a copy. .

### **ORDINANCE NO. 142-15**

**AN ORDINANCE BANNING HYDRAULIC FRACTURING AND THE TREATMENT, DISCHARGE, DISPOSAL, APPLICATION TO ROADWAYS, OR STORAGE OF WASTEWATER, WASTEWATER SOLIDS, SLUDGE, DRILL CUTTINGS OR OTHER BYPRODUCTS FROM NATURAL GAS EXPLORATION OR PRODUCTION USING HYDRAULIC FRACTURING IN THE BOROUGH OF MIDDLESEX, MIDDLESEX COUNTY, NEW JERSEY**

**WHEREAS**, the hydraulic fracturing (fracking) for natural gas involves the use of chemicals and hazardous materials during construction, drilling, hydraulic

fracturing, gas production and delivery, well maintenance, and work over operations, and

**WHEREAS**, hydraulic fracturing of underground geologic formations is often accomplished by injecting a complex mix of fluids and chemicals, including large volumes of water, on average 4.5 million gallons per well, under very high pressure to create fractures in gas bearing geologic formations; and

**WHEREAS**, the US Geological Survey has identified what could be up to 1.6 trillion cubic feet of gas in the South Newark Basin and has yet to access the North Newark Basin, which likely has trillions of cubic feet of gas as well.

**WHEREAS**, many of the chemical constituents injected during hydraulic fracturing have documented adverse health effects and/or adverse environmental impacts; and

**WHEREAS**, there have been more than 1,000 documented cases of water contamination near fracking sites; some people who live near these sites can now light their drinking water on fire; and

**WHEREAS**, wastewater from fracking may contain radioactive elements and other toxic components and has been discharged into rivers that supply drinking water for millions; and

**WHEREAS**, Pennsylvania's Department of Environmental Protection has documented three facilities in NJ as accepting waste from hydraulic fracturing operations, posing a direct threat to NJ's drinking water.

**WHEREAS**, use of these hydraulic fracturing mixes exposed air, aquifers and adjacent land and surface waters to the risk of contamination through spills and accidents, open pit storage, truck transport on roadways, and activities during well development; and

**WHEREAS**, Former President George W. Bush's EPA point person on water now admits fracking should never have been exempted from regulation; and

**WHEREAS**, New Jersey's Legislature and Governor have enacted a one-year moratorium on fracking that expired in January of 2013; and

**WHEREAS**, since the New Jersey Legislature originally acted to ban fracking, the case for a ban on fracking is strengthened by a US EPA report of contaminants associated with fracking being found in an aquifer in Pavilion Wyoming, and separate incidents involving earthquakes in Ohio linked to fracking waste disposal using injection wells; and

**WHEREAS**, wastewater, wastewater solids or sludge, drill cuttings and/or other byproducts from the fracking process are known to contain toxic levels of contaminants, including unknown quantities of undisclosed chemical additives used in hydraulic fracturing fluid, as well as contaminants from sources underground; Benzene, naphthalene, formaldehyde, cadmium, mercury, arsenic, total dissolved solids, and radioactive material, such as radium, are among the known contaminants; and

**WHEREAS**, methods of treatment and disposal for fracking waste do not eliminate the risks that hydraulic fracturing wastewater, wastewater solids or sludge, drill cuttings and/or other byproducts pose to human health and the environment; and

**WHEREAS**, A575/S253 passed the NJ Legislature in June 2012 with strong bipartisan support, and would prohibit treatment, discharge, disposal, or storage of waste from hydraulic fracturing in New Jersey; and

**WHEREAS**, Governor Christie vetoed A575/S253 in September 2012; and

**WHEREAS**, fracking is exempt from important regulations meant to protect public health and the environment, specifically sections of the Clean Water Act, Clean Air Act, Safe Drinking Water Act, Superfund, National Environmental Policy Act, Resource Conservation and Recovery Act; and

**WHEREAS**, at least five pipeline expansion projects, which will transport fracked gas, are planned for NJ, passing through densely populated communities like Jersey City and environmentally sensitive areas in the NJ Highlands and Pinelands, encompassing protected land paid for and owned by the people of New Jersey to be preserved as open space to protect water resources; and

**WHEREAS**, historically 100% of US produced gas has been used domestically, and now 12% of US produced gas is being exported to international markets via liquefied natural gas (LNG) terminals, and 25% of gas production has been approved for export through these terminals; and

**WHEREAS**, previous decisions to halt the construction of LNG facilities in New Jersey and off our coast could be reversed to profit gas companies who can charge six to eight times as much for gas in Europe and Asia, respectively, as they can in the US; and

**WHEREAS**, the wise stewardship of our natural resources involves protection of New Brunswick's air, water supplies and water resources for generations to come; and

**WHEREAS**, protection of Middlesex Borough's air, water supplies and resources is better accomplished by prevention of contamination and environmental

degradation, rather than attempting to cleaning up contamination and restoring degraded environments after the fact; and

**WHEREAS**, under existing State law regulating drilling for oil and natural gas under *N.J.S.A. 13:1M-18* and *N.J.S.A.13.1M-1 et seq.*, a local governing body may ban drilling for natural gas, and exploration for natural gas beyond the "reconnaissance" phase.

**BE IT ORDAINED**, THEREFORE, BY THE BOARD OF HEALTH OF THE BOROUGH OF MIDDLESEX, MIDDLESEX COUNTY, NEW JERSEY, THAT:

Section 1. Drilling for natural gas, using the drilling technique of hydraulic fracking and exploring for natural gas beyond the reconnaissance phase is prohibited within the Borough of Middlesex, Middlesex County, New Jersey,

Section 2. Further, that the treatment, discharge, disposal, application to roadways, or storage of wastewater, wastewater solids, sludge, drill cuttings or other byproducts produced from natural gas exploration or production using hydraulic fracturing is prohibited within the Borough of Middlesex, Middlesex County, New Jersey.

Section 3. This Ordinance shall take effect upon its passage and publication as required by law.

Board President Harrity opened the Public Hearing on Ordinance #142-15. Seeing no public participation, Board President Harrity closed the Public Hearing on Ordinance #142-15.

Board Member Corcoran moved for adoption of Ordinance #142-15 seconded by Board Member Slauson and carried by the following roll call vote: Ayes: Bigge, Burke, Corcoran, Fedosh, MacDonald, and Slauson. No: None. Abstain: None.

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### **Unfinished Business**

A. Banning Tobacco to Individual under 21 - Board discussed the ordinances sent from other towns banning tobacco sold to individuals under 21. Questions came up regarding the new Vapor controlled substances as well as the new store opened in town and whether or not we should license it. A sub-committee was formed consisting of Members Corcoran, Harrity, and Burke and they will report back to the whole board at the next meeting.

B. Publicity Outreach Protocol for Board of Health Issues – The sub-committee formed at the last meeting put together the public service announcement in the

“About Our Town” publication for October. President Harrity noted that he would go to certain parts of town and hand deliver. Below is the announcement.

#### Important Information from the Middlesex Borough Board of Health

It is important to maintain the best air quality in our town. Whenever your enjoyment of outside activities is interfered with by any strange or synthetic odors, it is important to report the problem. By reporting the occurrence of the odor, we can work toward correcting the situation. The Board of Health has arranged for the investigation of odor concerns with the County and State DEP. You can call the following phone number(s) to start the investigation of offensive odors. The contact numbers are:

County DEP 732-745-8480 (between 8:30 – 4:00 PM, Mon – Fri)

State DEP 877-927-6337 (at any time)

Let's work to keep our air clean!

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#### **New Business**

A. Board Member Corcoran asked that the Board consider banning smoking in Mountainview Park with possible exception of certain areas. It was noted that we tried this two years ago and the feedback from the Mayor and Council at the time was the enforcement. There already is a smoking ordinance in place under Chapter 341 Section 1. Board Member Corcoran would like to see more signs in the park.

B. Board Member Corcoran passed out information he printed off the Army Corps of Engineers website regarding the Status of the Middlesex Municipal Landfill. The Middlesex Municipal Landfill is being addressed by the Army Corps of Engineers under the Formerly Utilized Sites Remedial Action Program (FUSRAP). The results of this investigation will be presented in a Remedial Investigation Report, available to the public after it is approved by the NJDEP. President Harrity asked that when the Mayor and Council receive the Investigation Report that the Board of Health get a copy.

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#### **Website**

A. The Calendar of Events was not posted for the month of September. Board Secretary noted that she has not received the Calendar for September.

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**Public Portion**

President Harrity opened the meeting to the public for anybody wishing to speak.

Seeing that there were no public comments, President Harrity closed the public portion of the meeting.

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Board Member Fedosh moved for adjournment seconded by Board Member Bigge and carried by a unanimous vote of members present.

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Kathleen Anello  
Board Secretary