

April 3, 2014

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 Sunshine Law Meeting Notice forwarded to the Courier News, Home News, and Star Ledger and posted in the Municipal Building on December 19, 2013.

Roll Call

Amy Bigge	
Amy Burke	
Charles Corcoran	
Michael Conahan 1 st Alternate	Absent
Melissa Fedosh	
Thomas Harrity	
Nancy Purcell-Holmes	Absent (sick)
Audrey Powers 2 nd Alternate	Absent
Ceil Slauson	

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

Board President Harrity also recognized former Council Liaison to the Board of Health, Bob Schueler in attendance at the meeting tonight.

Board Secretary noted that the Mayor asked that I call Audrey Powers to see if she is still interested in being a board member as she has not attended any meetings.

Board member Fedosh questioned when the Local Financial Statements will be going out. The due date for filing is usually April 1, 2014. Board Secretary stated that the state is in the process of rolling out a new electronic format and should be out to the municipal clerks in the later part of April. The filing date will be extended.

Presentations: None

Minutes

Board President Harrity made a motion to table the March 6, 2014 Meeting Minutes due to the fact that the board received them yesterday, seconded by Board Member Bigge and carried by a unanimous vote of Board of Health members present.

Executive Session: None

Reports

- A. Activities Report – REHS, Terry Brundage presented the Activities Report March 2014. REHS Terry Brundage stated that the Food Handlers Training course was on March 25. Not many in attendance but there are other dates available in other towns in Middlesex County they can attend.
 - B. Registrar’s Report - Board Secretary read the Registrar’s Report for March, 2014.
 - C. Middlesex County Environment Health Division (Air, Water, Noise &Solid Waste Complaints) – None
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Finance Report

- A. Board of Health License Fees Collected: March, 2014 \$10,700.00
- B. Bill List – Resolution to Acknowledge All Claims: \$ 140.00
- C. Registrar Fees Collected: \$ 258.00

Board Member Burke made a motion to accept the Financial Report seconded by Board Member Fedosh and carried by the following roll call vote. Ayes: Bigge, Burke, Corcoran, Fedosh, Harrity, Slauson. No: None. Abstain: None.

Correspondence

- A. Letter from the NJACCHO – Seminar titled “Improving Your Community’s Health by Thinking Outside the Box” - Thursday, April 17, 2014 at Mercer County Community College.
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Unfinished Business

- A. By-Laws of the Middlesex Board of Health – The committee met and discussed getting the contract for Middlesex County Health Services. Board Secretary provided this and they will review the contract to delineate what the Board is responsible and what the County is responsible for. Board member Fedosh also stated that she received Chapter 48 of the Borough Code. The committee will also review the New Jersey State Statutes.
- B. Ordinance for Management of Community Cats – Board President Harrity mentioned that the Mayor vetoed the ordinance due to its lack of enforcement. The Board of Health Committee along with the Borough Attorney and Council President Kaplan met after the Mayor’s veto to make compliant with enforcement issues.
- C. Mayor’s meeting with Spray-Tek to Address the Publics’ Concerns regarding Odor Complaints – The attorney for Spray-Tek sent the Mayor a letter as follow-up on a meeting he had with them on March 10th. Part of the letter states the following:

“In an effort to better address the publics’ concerns regarding Spray-Tek’s operations, the Company plans to implement the following measures: (1) Establish a “hot-line” number for the receipt of public and governmental odor complaints; (2) Maintain data regarding the “hot-line” calls and responses; and (3) Improve its community outreach efforts by meeting with the Borough’s Board of Health, or other local governmental entities, to explain the Company’s operations and address the publics’ concerns.”

The Company recognizes that these measures will not preclude the public from forwarding complaints to the DEP or its delegated agencies.

Board Member Fedosh has concerns there is a conflict of interest in that the attorney for Spray-Tek is the Borough’s former environmental attorney for many years.

Board President Harrity stated that the letter that comes before us tonight is for informational purposes and that the Mayor has sent this to the council for further review.

- D. Update Smoke Free Initiative in Parks – President Harrity noted that our ordinances are not acceptable to qualify us to receive these free “Breathe Easy Signs”. The Committee will need to come up with a specific ordinance that states no smoking in a public park. They will review the sample ordinance that Donna Drummond sent over to us. This will be tabled until next month when VP Purcell-Holmes is in attendance.

- E. OLMV – Food Licensing Renewal – President Harrity appointed a committee to review all food licenses that do not pay a fee. The committee consists of Board Members Burke, Bigge, and Slauson.
 - F. Contract Renewal with Middlesex County for Health Services – President Harrity requested that the board secretary email a copy of the contract to all members of the board. The board secretary will check with the purchasing agent on whether or not this needs to go out to bid.
 - G. Renewal of Massage Establishments Procedures – Board of Health will approve the initial massage establishments only as stated in the last meeting. Board Secretary stated that we have a renewal in process and are waiting on the updated fingerprint and criminal background check.
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Website

- A. The Calendar of Events was posted for the month of May.
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Public Portion

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

Bob Schueler, 58 Marlborough Road – Councilman Schueler stated that this is his opinion concerning the community cat ordinance in that he knows that it has passed by council and that there was concerns by the public, Local Board of Health, and the County Board of Health as well as the Mayor. At the point the ordinance was passed immediate action was taken to remedy the concerns. He felt that it was important to get the ordinance on the books so that we had a jumping off point. The ordinance had an enforcement procedure and the Mayor was not comfortable with it as he was that point person. Additional work has now been done with more specific enforcement protocol setup. The ordinance now establishes a councilmanic committee to deal with those complaints and enforcement.

Mr. Schueler applauds Board member Fedosh's opinion that it does appear to be a conflict of interest with Spray-Tek's lawyer and is not sure the Borough had a non-disclosure agreement with them. There is a monetary incentive for them to setup this process where the public notifies them of the complaint rather than the county because they're taking away the enforcement part away from the county. Mr.

Schueler's personal opinion is that it is not a good idea. As a councilman his opinion is that it is something to be discussed at a future council meeting.

On the matter of Food Licensing, Mr. Schuler noted that the firehouses are owned by the fire companies and are LLC's and they are not a non-profit organization. The churches and the rescue squad are 501c. He suggested the Board establish a non-profit fee so they are on the books paying their fair share even if it is a nominal fee.

Seeing that there was no other public comment, President Harrity closed the public portion of the meeting.

Board member Slauson moved for adjournment seconded by Board member Burke and carried by a unanimous vote of members present.

Kathleen Anello
Board Secretary