

January 8, 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 Secretary 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 8, 2014.

**Roll Call**

Barbara Benson	Absent
Amy Bigge	
Amy Burke	
Charles Corcoran	
Melissa Fedosh	
Thomas Harrity	
Ceil Slauson	

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

---

Board Secretary opened the nomination for President of the Middlesex Board of Health for 2015. Board Member Slauson made a motion to nominate Tom Harrity for President, seconded by Board Member Corcoran and carried by the following roll call vote. Ayes: Bigge, Burke, Corcoran, Fedosh, Slauson. Nos: None. Abstain: Harrity

Board President Harrity opened the nomination for Vice President of the Middlesex Board of Health for 2015. Board Member Slauson made a motion to nominate Amy Burke, seconded by Board Member Corcoran and carried by the following roll call vote. Ayes: Bigge, Burke, Corcoran, Fedosh, Harrity, Slauson. Nos: None. Abstain: None

President Harrity opened the nomination for the Finance Chair of the Middlesex Board of Health for 2015. Board President Harrity made a motion to nominate Board Member Fedosh, seconded by Board Member Corcoran and carried by the following roll call vote. Ayes: Bigge, Burke, Corcoran, Harrity, Slauson. Nos: None. Abstain: Fedosh.

---

**Minutes**

Board Member Slauson made a motion to accept the December 4, 2014 meeting minutes, seconded by Board Member Bigge and carried by a unanimous vote of members present.

**Executive Session:** None

---

**Reports**

- A. Activities Report – REHS, Terry Brundage presented the Activities Report for December 2014. REHS Terry Brundage stated that the Food Handlers Training course is on March 25, 2015 from 1:30pm - 4pm. Mr. Brundage also reported that there was a case of rabies of a raccoon in Dunellen.
  - B. Registrar’s Report - Board Secretary read the Registrar’s Report for December, 2014.
  - C. Middlesex County Environment Health Division (Air, Water, Noise &Solid Waste Complaints) – None
- 

**Finance Report**

- A. Board of Health License Fees Collected: December, 2014 \$ 487.50
- B. Bill List – Resolution to Acknowledge All Claims: \$ 0.00
- C. Registrar Fees Collected: December, 2014 \$ 192.00

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

---

**Correspondence** – None

---

## Unfinished Business

- A. By-Laws of the Middlesex Board of Health – President Harrity stated that at the last meeting in December the members would be ready to review the by-laws presented by the committee. There are still questions in the by-laws and under Article II Section 1 #4 of the By-Laws the Borough Attorney made the following correction to the by-laws.

4. Passing Ordinances (delete)
4. Prepare ordinances for adoption by the governing body. (add)

Formatted: Underline

President Harrity stated that we may want to put a #6 in this section to state what we can adopt and what we can't and if we can't adopt an ordinance that we can make a recommendation to the council for further review and adoption.

John Madden, 103 Rock Lane former President of the Board of Health stated that in the past the Board adopted many ordinances specific to health matters. The code book and NJSA 26 empowers local boards of health to adopt ordinances. Councilman Madden offered to get NJSA 26 to the board members so it can be addressed with the Borough Attorney.

Formatted: Indent: Left: 0", First line: 0"

President Harrity will contact the Borough Attorney for further clarification regarding what the Board has the power to do in terms of ordinances as we have the fracking committee reviewing an ordinance for the board to review and possibly adopt.

- B. School Communication Regarding Reports of Illnesses - REHS, Terry Brundage stated that under NJAC Health Service Law Title 8, Chapters 57 and 58 "School districts report to the health officer of jurisdiction any communicable diseases." Mr. Brundage stated the County will only notify towns if there is an outbreak.

Board Member Fedosh will look into if we can get this info as a member of the Board of Health from the school. It was noted that if the school has the information that they pass it on to us so we can help provide resources to the schools regarding these illnesses.

- C. Food Licensing Renewal for Non-Profits - Board Member Slauson reported that the Committee is recommending that there continue to be no charges for food licensing renewals for the non-profit organizations. Board Member Slauson stated that the committee reached out to other towns and only one town charges the non-profits.

Board President Harrity asked for a motion of the Board to take the recommendation of the committee and not charge the non-profit

organizations for food licenses renewals. Board member Slauson made a motion seconded by Board member Fedosh and carried by the following roll call vote: Ayes: Bigge, Burke, Fedosh, Harrity, Slauson. No: Corcoran. Abstain: None.

- D. Public Health Interlocal Service Contract for 2015/2016 – President Harrity stated that at the Regular Meeting of the Council on December 23, 2014, the Borough Council approved the Public Health Interlocal Service Contract for 2015-2016 with Middlesex County.

Board member Fedosh stated that as an autonomous board we should be approving the contract noting the town allocates the money to provide the service. Board member Fedosh requested that the contract be sent back and signed by the Board President.

Members also discussed the continuing discussion of the Board's liability. The Board asked that the Borough Attorney review page 4 paragraph 14 which states,

"The County and Municipality shall save, protect, indemnify and hold harmless each other and their respective elected officials, officers and employees from any and all damages or claims for damages to persons or property, which may result or arise from the actions, failure to act, negligence, and/or willful misconduct of their employees, agents or contractors under this Agreement, to the extent permitted and pursuant to the provisions of the New Jersey Tort claims Act, NJSA 59:1-1 et.seq. and the New Jersey Contractual Liability Act, NJSA 50:13-1 et. seq.

President Harrity will contact the Borough Attorney regarding the Board's right to execute the contract with the County for health services, adopting ordinances, and board member's liability.

- E. 2015 Budget – Board members reviewed the budget for 2015. Members of the board expressed their concern as some of the line items last year were reduced to zero and the board was not notified. President Harrity met with the council at last year's budget meeting and these line items were reduced after that meeting. Council liaison Kevin Dotey will review with the finance committee.

---

### **New Business**

President Harrity asked if any members of the Board had anything to add to the meeting. Board member Corcoran asked that the Board at the next meeting consider limiting the number of cat colonies to 1 and that the colonies only contains 15 cats.

President Harrity asked that the members review the ordinance adopted by the council regarding cat colonies for the next meeting.

---

**Website**

A. The Calendar of Events was posted for the month of January.

---

**Public Portion**

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

John Madden, 103 Rock Lane stated that he had two items to bring to the board tonight (1) Flu near pandemic. The flu shot (3 strain) is only 50% effective and the efficiency of the 4 strain is marginal, and (2) the management of the cat colonies are working well near Rock Lane but on the flip side there is no monitoring and tracking deer and fox population.

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

---

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

---

\_\_\_\_\_  
Kathleen Anello  
Board Secretary

BOARD OF HEALTH MEETING MINUTES  
FEBRUARY 5, 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 Sunshine Law Meeting Notice forwarded to the Courier News, Home News, and Star Ledger and posted in the Municipal Building on December 8, 2014.

**Roll Call**

Barbara Benson  
Amy Bigge  
Amy Burke  
Charles Corcoran  
Melissa Fedosh  
Thomas Harrity  
Ceil Slauson

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

---

**Minutes**

Board Member Slauson made a motion to accept the January 8, 2015 meeting minutes, seconded by Board Member Bigge and carried by the following roll call vote. Ayes: Bigge, Burke, Corcoran, Fedosh, Harrity, Slauson. No: None. Abstain: Benson.

**Executive Session:** None

---

**Presentation**

Borough Attorney Aravind Aithal reviewed with the Board of Health members the Board powers & duties. Attorney Aithal noted that this Board was the 5<sup>th</sup> ordinance the Governing Body adopted in 1913. The ordinance does not state whether the board is an autonomous board or advisory board. . Attorney Aithal stated that the Mayor and Council will have to decide whether the Board is autonomous or

advisory. Liaison Dotey will review with the council at the February 10th meeting. Board member Slauson noted that she did some homework and to further protect the board we might need to have director's insurance /certificate of insurance. Also discussed was the possible need for the Board to have their own attorney. Attorney Aithal stated that there are boards of health that have their own attorney but they are autonomous boards.

Members of the Board questioned why the Mayor signed the contract with the County as the Board is employing them to do their duty as they report to the Board of Health. Attorney Aithal indicated that he advised the Mayor to sign it.

President Harrity opened the meeting up to the public for discussion on this item only.

Robert Sherr, 212 Lucia Street – Former Mayor Robert Sherr stated that he was a licensed health officer for 35 years and stated that the attorney did a great job enumerating everything. He believes that it makes good sense to tighten and clarify that the board is autonomous and to amend the ordinance to state it. In his tenure in other municipalities, the boards have been sued but were dismissed because personal attacks did not hold up in judicial review. The former Mayor suggested the board members get involved with the New Jersey Board of Health Association as they run a training program and to have Les Jones, the County Health Official attend meetings.

See no further public participation regarding this subject, President Harrity closed this portion of the meeting.

President Harrity stated that he will contact Les Jones to come to the next Board of Health meeting.

### **Reports**

- A. Activities Report – REHS, Terry Brundage presented the Activities Report for January, 2015.
- B. Registrar's Report - Board Secretary read the Registrar's Report for January, 2015..
- C. Middlesex County Environment Health Division (Air, Water, Noise &Solid Waste Complaints) – None

---

### **Finance Report**

- A. Board of Health License Fees Collected: January, 2015      \$            0.00

B.	Bill List – Resolution to Acknowledge All Claims:	\$	0.00
C.	Registrar Fees Collected: January, 2015	\$	88.00

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

**Correspondence** – None

**Unfinished Business**

A. By-Laws of the Middlesex Board of Health – Board President Harrity recommended the Board discuss the by-laws at the next meeting when we should have more information regarding the status of the board. Board member Corcoran made a motion to table, seconded by Board member Fedosh and carried by a unanimous vote of all board members.

B. Public Health Interlocal Agreement – Board President Harrity stated that the Attorney mentioned earlier that he recommended the Mayor execute the contract. Board members asked that we resend the contract to the county to have both signatures (the Mayor and the Board President) on it. VP Burke made that motion seconded by Board member Fedosh and carried by the following roll call vote: Ayes: Bigge, Burke, Corcoran, Fedosh, Harrity, Slauson. No: Benson Abstain: None.

Board member Benson asked that it be reflected in the minutes that she is waiting for recodification.

C. Fracking Ordinance – Board member Slauson had the ordinance for the Board to review. The ordinance also includes Fracking Ban and Waste Ban. It will enable recovery if any fracking waste trucks overturn. Board member Fedosh made a motion seconded by Board member Bigge to have our liaison, Kevin Dotey bring this ordinance to the governing body to review and consider adopting the fracking ordinance recommended by the Board of Health.

D. Permit for Out of Town Food Vendors - At the last meeting the board agreed not to charge the non-profit organizations for food licenses renewals. Board member Slauson had questions regarding vendor from out of town coming in

and doing food preparation and using the non-profit facility in town. Board member Slauson questioned what our health inspector has to do for a temporary inspection for these events. Board member Slauson will research for further review.

- E. School Communication Regarding Reports of Illnesses – Board member Fedosh reported that she spoke with Lori Bowers from the school and she has not sent us a report since Middlebrook left and the county took over the services. Board member Fedosh will contact Terri Mans to get the information that the school is reporting to the county.
- 

### **New Business**

Cat Colony Ordinance – Board member Corcoran requested that we review the cat colony ordinance at the last meeting. Board member Corcoran requested that we reconsider the number of managed cat colonies allowed in the town. It was noted that the ordinance was adopted by the governing body and not the Board of Health. Discussion ensued regarding managed cat colonies and cat colonies not managed and TNR. After much discussion, Board member Corcoran withdrew his motion because he didn't have support.

---

### **Website**

- A. The Calendar of Events was posted for the month of March.
- 

### **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.

---

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

---

Kathleen Anello  
Board Secretary

## **BOARD OF HEALTH MEETING MINUTES**

March 12, 2015

The meeting of the Middlesex Board of Health was held on the March 12 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 8, 2014. Furthermore, due to a snow storm on March 5, this meeting has been rescheduled for this day, March 12, having been reposted on the website sent to the Courier News, posted in the Municipal Building.”

Roll Call was taken and all members were present: Barbara Benson, Amy Bigge, Amy Burke, Charles Corcoran, Melissa Fedosh, Thomas Harrity, and Ceil Slauson

Others in Attendance: Terry Brundage, SREHS

Council Liaison K. Dotey and BOH secretary K. Anello were absent on Council Matters.

### **Presentation**

President Harrity presented a series of slides covering 1) Issues on autonomy and advisory roles for local Boards of Health, with a review of sections of the Middlesex Borough Code indicating the there is significant precedent for the town BOH to produce its own ordinances, essentially indicating that the BOH has been operating already as an autonomous board. 2) Information from NJ State statutes that indicate the local BOHs cannot be easily sued if they are conducting clear BOH business in pursuit of the health of the community. 3). The Powers and Duties of the Middlesex Borough's BOH as outlined in our town code book. 4.) A review of the Contract with the Middlesex County Board of Health outlining its specific responsibilities and 5) a listing of suggested rules for the operation and conduct of future BOH meetings

Members of the Board interacted with the information and it was specifically moved by Charles Corcoran and seconded Barbara Benson and carried by a majority of Board members to immediately incorporate the rules for conduct of the BOH meeting from the presentation which are listed here:

To maximize our time and efficiency the following protocol for our operation will be followed based upon the Town Council SOP as well as on Roberts Rules of Order:

- 1.) Approval for the floor must be obtained from the chair before someone can begin their interaction with a report or speaker - when there is a discussion in progress, the current speaker must be allowed to finish before the chair acknowledges the next person who will interact and so on.
- 2.) At some point in the interaction, the chair must ascertain that the discussion has established the details needed around the topic and the discussion will be ended.
- 3.) The official way in which reports are given will require that an entire report be presented, followed by a motion to accept it with a second, at which time, here only, discussion will be permitted. This will allow for the complete report to be given followed by any detailing needed by the discussion period. After this, the vote will be taken to accept the report.
- 4.) In the public portion of the meeting all questions from the public are addressed through the chair and responses from the Board are also through the chair.

### **Minutes**

Board Member Fedosh made a motion to accept the February 5, 2015 meeting minutes, seconded by Board Member Bigge and carried by the following roll call vote with the correction of changing in the Fracking Ordinance section sentence 2 changing “band” to ban (for both Fracking “Band” and Waste “Band”). Ayes: Benson, Bigge, Burke, Corcoran, Fedosh, Harrity, Slauson, Benson No: None. Abstain: None

**Executive Session:** None

### **Reports**

- A. Activities Report – REHS, Terry Brundage presented the Activities Report for February, 2015. A notice was mailed to all food business in town noting that a Food Handler’s Training course will be held at the Public Library on Tuesday March 24 at 1:30 PM ( Cost \$ 25).
- B. Registrar’s Report - Board President read the Registrar’s Report for February, 2015.
- C. Middlesex County Environment Health Division for February (Air, Water, Noise & Solid Waste Complaints)

### **Finance Report**

- A. BOH License Fees Collected: February YTD, 2015 \$13,875.00

- |    |   |             |
|----|---|-------------|
| B. | Bill List – Resolution to Acknowledge All Claims: | \$16,113.12 |
| C. | Registrar Fees Collected: -February, 2015         | 352.00      |

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

---

**Correspondence** – The following correspondences were reviewed:

- 1.) County epidemiologist Sherie Wolpert to BOH Pres Harrity (Feb 20, 2015): Listing of reportable communicable diseases. Letter also explained process of official tracking of confirmed cases is to be done by the County office.
  - 2.) Note from Louis Goldshore (March 11, 2015) stating that the Spray Tek installation of new roll filter is scheduled to begin in April or May depending on weather conditions. This work was originally understood to be installed in August of 2014.
  - 3.) Communication with School Superintendent (March 4, 2015) indicating that the supervisor of Middlesex School nurses will be informed of the phone numbers of contacting the County regarding reportable communicable diseases
- 

**Unfinished Business**

- A. By-Laws of the Middlesex Board of Health – Board member Slauson recommended the Board discuss the by-laws at the next meeting when know the status of the board of health officially established by the Town Council. Board member Benson made a motion to table, seconded by Board member Corcoran and carried by a unanimous vote of all board members.
- B. Public Health Interlocal Agreement for 2015-2016– Board President Harrity stated that the Ms. Anello has interacted with the County BOH office and that the process of initiating a new contract form in which the borough BOH is the signatory will require a long(several weeks to perhaps months). The ultimate approval by the Board of Freeholders would likely result in the finalized contract being ready for signatures by the time it was to run out. Furthermore the town attorney had advised that all contracts from the various boards in town are signed by the Mayor already. After discussion it was moved by member

Slauson and seconded by VP Burke to accept the current contract signed by the Mayor as our working contract with the understanding that the next contract to be signed by the BOH president as well as the Mayor. The motion was carried with votes as follows: Benson (yes) Bigge (yes) Burke (yes) Corcoran no; Fedosh (yes) Harrity (yes) Slauson (yes). It was then moved by MS Slauson to rescind the motion made at the February meeting to request that the County issue a new 2015-2016 contract to be signed by the BOH president. It was seconded by member Bigge. The motion was carried by the following roll call vote: Ayes: Benson, Bigge, Burke, Fedosh, Harrity, and Slauson. No: Corcoran. Abstain: None.

- C. Fracking Ordinance – Council Liaison Dotey has not yet presented our proposed ordinance to the whole Governing Body for its input. It is hoped that there will be feedback by our next meeting in order for us to proceed with the consideration of the ordinance.
- D. Permit for Out of Town Food Vendors - Board member Slauson wants to conduct further research in order to help the BOH to develop a rational policy for use of non-profit facilities by profit making entities.
- E. School Communication Regarding Reports of Illnesses Pres. Harrity reported that he has reviewed BOH minutes back through 2009 and no tabulations of communicable diseases were included in those minutes. Nevertheless as outlined above the school nurses have been advised and informed as to the correct process for reporting these and that the County is responsible for initiating correct response if needed for the municipality.

### **New Business**

Massage therapist business permits. This issue produced discussion around the current nature of a 3 year permit vs. the 1 year permit for all other businesses overseen by the BOH. Likely there is historical reasoning for the 3 year permit. There has been some confusion around transferability of the permit to new therapists or business owners and or how to reimburse the previous person for unexpired permit time. However because the members at this meeting were unsure of the relationship of our permit process to that of the State certification that requires more extensive data collection ( and costs) it was decided to table this discussion until Ms. Anello, who will likely know the relationship of our local permit to any State certification process.

It was also discussed that the BOH should look for opportunities in town to have perhaps a table for distributing general health information to citizens. Member Benson will alert the board to upcoming opportunities that she foresees.

## **Website**

The Calendar of Events was posted for the month of March, with the noting that the latter part of the calendar has missed Sunday the 29<sup>th</sup>.

## **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.

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

BOARD OF HEALTH MEETING MINUTES  
April 9, 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 Sunshine Law Meeting Notice forwarded to the Courier News posted on the website and in the Municipal Building.

Due to the Easter and Passover Holiday, the meeting was changed from the scheduled date of April 2, 2015 to April 9, 2015.

**Roll Call**

Amy Bigge  
Amy Burke  
Charles Corcoran  
Melissa Fedosh                      Absent  
Thomas Harrity  
Ceil Slauson

Others in Attendance:      Kevin Dotey, Liaison  
   Terry Brundage, SREHS  
   Mickey Gross, County  
   Les Jones, County Health Officer

President Harrity noted that Barbara Benson had to resign from the Board due to work requirements.

---

**Minutes**

Board Member Slauson made a motion to accept the March 12, 2015 meeting minutes, seconded by Board Member Bigge and carried by the following roll call vote. Ayes: Bigge, Burke, Corcoran, Harrity, Slauson. No: None. Abstain: None.

**Executive Session:** None

---

**Presentation**

Les Jones, the Health Officer gave an overview on the different services the county provides. The following were discussed:

Emergency Preparedness and Response – Local health departments monitor the community for infectious or communicable diseases, public health nursing and case investigation and disease outbreak prevention and mitigation, health education and environmental contamination mitigation

Health Education and Promotion – Health education occurs throughout all local health department programs, with a focus on providing education and health promotion services including communicable disease control and school immunization record audits.

Individual Clinical Services – Part of the mission is to assure that all people have access to essential health services, such as screenings and checkups, referrals to appropriate medical care, and primary medical care and follow-up. Middlesex County offers through their Cancer Education and Early Detection Program (CEED) free mammogram, pap test, colorectal screening, and prostate exams for those that qualify.

Kennels, Pet Shops, and Shelters – inspections included kennels, pet shops to ensure that these facilities are operating in compliance with sanitation, safety, and animal welfare rules.

Animal Bites and Rabies Control – incidents where an animal bit a human, incidents where a rabid or suspected-rabid animal bit a domestic animal, unimmunized domestic animals that were confirmed for rabies observation after biting a person or another animal.

Recreational Bathing Facilities – conducts safety and sanitation inspections of public recreational swim pool.

Retail Food Establishment Safety – inspect and regulate restaurants, grocery stores, and other retail food facilities to ensure compliance with safety and sanitation rules.

Tanning Facility Safety & Body Art, Tattoo, and Permanent Cosmetic Safety.

Mickey Gross, Division Head of the Environmental Health Division is the lead agency for environmental services for the municipality. The environmental services include monitoring and enforcement of environmental health standards to control air pollution, solid waste, hazardous waste, noise, radiation and water pollution to protect workers and the public from hazardous substances and toxic catastrophes, and to protect against other environmental threats.

Some of the items discussed were Shredder Event, Hazardous Waste Day, the Paint Program, Pesticide Program and the Right to Know Survey.

Board member Slauson questioned VC Park's prior phenol spills and the destruction of its healthy life and if we are included in the pollution control testing program.

Mr. Gross also discussed Spray-Tek and noted that they have not received a penalty since Jan. 2014. He stated they received 45 calls with no case for action. Mr. Gross also noted that Spray-Tek does not release toxins.

Another item noted was that New Journey was settled. President Harrity was concerned why we were not notified of these findings.

Les Jones noted when speaking about Ebola that the quarantine for Ebola would needed to be approved by the Local Board of Health and then he could institute the quarantine. This would apply to any quarantine scenario.

Les Jones stated that the Middlesex Board of Health is one of the more active Boards in the County and both he and Mickey Gross stated that if there is anything this Board needs to please contact them.

## **Reports**

- A. Activities Report – SREHS, Terry Brundage presented the Activities Report for March, 2015.
- B. Environmental Report – SREHS, Terry Brundage presented the Environmental Report for February, 2015
- C. Registrar's Report - Board Secretary read the Registrar's Report for March, 2015...
- D. Middlesex County Environment Health Division (Air, Water, Noise & Solid Waste Complaints) – None

---

## **Finance Report**

- A. Board of Health License Fees Collected: March, 2015           \$       10,900.00
- B. Bill List – Resolution to Acknowledge All Claims:                 \$           160.00

C. Registrar Fees Collected: January, 2015 \$ 288.00

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

---

### **Correspondence**

Board Secretary discussed the 2015 Financial Disclosure Statement and noted that these must be done online and that the due date is April 1, 2015. Last year violation notices were given out to those who didn't comply.

---

### **Unfinished Business**

- A. By-Laws of the Middlesex Board of Health – President Harrity asked that we table moving forward with the By-Laws until the Council adopts next Tuesday making the Board of Health autonomous.
  - B. Fracking Ordinance – Councilman Dotey has given the Governing Body the proposed Fracking Ordinance and asked that the councilmembers get back to him with any questions they might have. We are now awaiting their responses. Questions arose when certain council members thought we already had an ordinance. The Municipal Clerk clarified that a resolution was adopted by the Board of Health but it did not address the language in the proposed ordinance.
  - C. Reporting of Communicable Diseases - This was discussed with the County while they did their presentation tonight and under the CDRSS Statistics Report which is located on the State website, Mr. Jones reported that there were 82 reportable diseases from 12/30/2012 to 12/28/2013. President Harrity spoke about Chapter 446-18 which lists communicable and reportable diseases and stated that the county who we employ enforces our ordinances as adopted.
  - D. Massage Parlors – President Harrity after a long discussion regarding the renewal process asked that we be prepared to discuss further at the next meeting whether we should go with a one year renewal and making the license non-transferable with the cost of an annual renewal at \$150.00 vs. \$500.00 for the current 3-year license.
- 

### **New Business**

Change of Meeting Date - Board members discussed changing the meeting date to the second Thursday of the month. Board member Corcoran made a motion to change the meeting date to the second Thursday of the month seconded by Board member Burke and carried by the following roll call vote: Ayes: Bigge, Burke, Corcoran, Harrity, and Slauson. No: None. Abstain: None.

---

### **Website**

- A. The Calendar of Events was posted for the month of March.
- 

### **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.

---

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

---

Kathleen Anello  
Board Secretary

BOARD OF HEALTH MEETING MINUTES  
May 14, 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  
Ceil Slauson                      Absent

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

---

**Minutes**

Board Member Corcoran made a motion to accept the April 9, 2015 meeting minutes, seconded by Board Member Bigge and carried by the following roll call vote. Ayes: Bigge, Burke, Corcoran, and Harrity. No: None. Abstain: Fedosh.

**Executive Session:** None

---

**Presentation -** None

**Reports**

- A.      Activities Report – SREHS, Terry Brundage presented the Activities Report for April, 2015.
- B.      Monthly Activities Environmental Report – SREHS, Terry Brundage presented the Environmental Report for April, 2015. Mr. Brundage stated

that if any members get any complaints regarding overgrown grass or stagnant pools to email him the address. Mr. Brundage also noted that he has the Right to Know Survey from the schools if anyone wishes to see the report.

- C. Registrar's Report - Board Secretary read the report for April, 2015. Total Collected: \$634.00. Board Member Corcoran made a motion to accept the Registrar's Report seconded by Board Member Fedosh and carried by the following roll call vote. Ayes: Bigge, Burke, Corcoran, Fedosh, and Harrity. No: None. Abstain: None.
- D Board of Health Licensing Report – Board Secretary read the report for April, 2015. Total Collected: \$1,025.00. Board Member Corcoran made a motion to accept the Licensing Report seconded by Board Member Bigge and carried by the following roll call vote. Ayes: Bigge, Burke, Corcoran, Fedosh, and Harrity. No: None. Abstain: None.
- E. Environmental Report from Les Jones – None

President Harrity stated that he was not happy that the Board did not receive the reports from the County until tonight's meeting. The Board at the last meeting agreed to move the date to the second Thursday of the month to accommodate the reports completion so that the members of the Board can review them in a timely fashion.

---

Bill List – Resolution to Acknowledge All Claims: None

---

### **Correspondence**

Board member Slauson was absent and therefore President Harrity gave Board Member Slauson's report on the Water Pollution Control Program. Board Member Slauson followed up with Sharon Martens from the Water Pollution Control Program regarding Victor Crowell Park's prior phenol spills and the destruction of its healthy life. Ms. Martens was unaware that Middlesex Borough had a lake and added Victor Crowell Park to the County's random pollution control testing program. The testing results will be sent to the Board Secretary. Board Secretary will add this report to the agenda when results come in.

President Harrity stated that he was told that if approved a new regulation will take place regarding odor complaints where a confirmed hit that would require a fine would need three separate hits. If enacted President Harrity feels the town needs to have a strategy to appeal the new regulation and that the Governing Body needs to get involved.

---

## **Unfinished Business**

- A. By-Laws of the Middlesex Board of Health – The Board reviewed the by-laws and Board Member Bigge will make the necessary changes and get it to the Board Secretary for publication. Board Member Corcoran made a motion to introduce Ordinance #141-15 The Board of Health By-Laws seconded by Board Member Fedosh and carried by a unanimous vote of members present. President Harrity thanked all involved in preparing these by-laws.
- B. Fracking Ordinance – President Harrity noted that the Mayor and Council had no objections to the fracking ordinance and sent it back to the Board of Health. A question arose regarding the following section:

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.

Board Member Burke questioned “What is the reconnaissance phase?” President Harrity stated that we will ask the Borough Attorney for an interpretation. The Ordinance was tabled to the next meeting. President Harrity also noted that there was no prior Fracking Ordinance in the Borough. A resolution was adopted years ago but did not contain the language that is being proposed in this ordinance.

- C. Massage Parlors – After further review, the Board decided to leave the renewal process for Massage Parlors at 3 years.
- D. Review of Final Board of Health Budget – President Harrity stated that the board’s budget that was provided to the Governing Body was adopted with changes. The total budget provided the Governing Body was \$66,579.98. The Governing Body approved a budget of \$63,680.00. Board Secretary noted that beside the increase in the new contract with the county for their services, the rest of the budget was brought back to what was spent in 2014.
- 

## **New Business**

Board Member Corcoran asked that at the next meeting we review banning tobacco products to individuals under 21. Board members agreed and it will be placed on the next meeting.

---

## **Website**

A. The Calendar of Events was not posted for the month of April. Board Secretary noted that she has not received the Calendars for quite some time.

---

**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.

---

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

---

Kathleen Anello  
Board Secretary

BOARD OF HEALTH MEETING MINUTES  
June 11, 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  
Ceil Slauson                      Absent

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

---

**Minutes**

Board Member Corcoran made a motion to accept the May 14, 2015 meeting minutes, seconded by Board Member Bigge and carried by the following roll call vote. Ayes: Bigge, Burke, Corcoran, and Harrity. No: None. Abstain: None.

**Executive Session:** None

---

**Presentation -** None

**Reports**

- A.     Activities Report – SREHS, Terry Brundage presented the Activities Report for May, 2015. Mr. Brundage discussed that he did go down to the Middlesex Pool to do an inspection before the pool opens for the summer and rated it conditionally satisfactory. The lab reports were not submitted yet therefore he could only rate it conditionally satisfactory. The Board

strongly objected to the pool opening in the future without the full water analysis report. Mr. Brundage only did a bacteria and chlorine test. He also noted that the Mosquito Control Commission comes out as a County service to service pools or any other body of water to control mosquitos. 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, and Fedosh. No: None. Abstain: None.

- B. Monthly Activities Environmental Report – SREHS, Terry Brundage presented the April Monthly Activities Environmental Report. Board Member Corcoran made a motion to accept the Environmental Report seconded by Board Member Fedosh and carried by the following roll call vote. Ayes: Bigge, Burke, Corcoran, and Fedosh No: None. Abstain: None.
- C. Registrar’s Report - Board Secretary presented the Registrar’s Report for May, 2015. Total Collected: \$634.00. Board Member Corcoran made a motion to accept the Registrar’s Report seconded by Board Member Fedosh and carried by the following roll call vote. Ayes: Bigge, Burke, Corcoran, and Fedosh. No: None. Abstain: None.
- D Board of Health Licensing Report – Board Secretary presented the Board of Health Licensing Report for May, 2015. Total Collected: \$1,025.00. 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, and Fedosh. No: None. Abstain: None.
- E. Environmental Report from Les Jones – None

Board President Harrity stated that he was not happy that he did not get the monthly statistics report for April until tonight. He called over to the County and tried but could not get through to anybody and feels these were from April and we should be able to get them through an email before the meeting. President Harrity also stated his disappointment as we have not had an Environmental Report from Les Jones since he was at our meeting.

---

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, and Fedosh. No: None. Abstain: None

---

**Correspondence** - None.

---

## **Unfinished Business**

- A. By-Laws – Board Secretary read the ordinance by title stating that a hearing will be held at the next meeting.

### **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 Member Corcoran moved the introduction of Ordinance #141-15 The Board of Health By-Laws seconded by Board Member Fedosh and carried by the following roll call vote: Ayes: Bigge, Burke, Corcoran, and Fedosh. No: None. Abstain: None . President Harrity thanked all involved in preparing these by-laws.

---

B. Fracking Ordinance – President Harrity noted that the Mayor and Council had no objections to the fracking ordinance and sent it back to the Board of Health. All previous questions sent to the attorney were answered and the Board agreed to introduce the ordinance tonight. Board Secretary read the ordinance by title stating that a hearing will be held at the next meeting.

### **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 JESEY, 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.

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.

Board Member Burke questioned “What is the reconnaissance phase?” President Harrity stated that we will ask the Borough Attorney for an interpretation. The Ordinance was tabled to the next meeting. President Harrity also noted that there was no prior Fracking Ordinance in the Borough. A resolution was adopted years ago but did not contain the language that is being proposed in this ordinance.

Board Member Corcoran moved the introduction of Ordinance No. 142 seconded by Board Member Fedosh and carried by the following roll call vote. Ayes: Bigge, Burke, Corcoran, and Fedosh. No: None. Abstain: None

---

## **New Business**

A. Board Member Corcoran asked that the Board consider banning tobacco products to individuals under 21. The Board agreed to review and discussed briefly and referred to the Board Secretary to reach out to other towns that have adopted an ordinance banning tobacco products to individuals under 21. The Board Secretary will email the ordinances and the Board will re-address this at the next meeting in September.

B. Media Coverage of Board of Health Issues – Board Member Corcoran suggested that we use the media to alert the residents regarding Board of Health issues and in this instance odor alerts. It was noted that we could have the Mayor put it in his report on the website, the Senior Newsletter, and to the local “About Our Town” newspaper. Board President Harrity formed a subcommittee which included him Board Members Corcoran and Burke. They will email everyone and look to move forward immediately.

---

**Website**

A. The Calendar of Events was not posted for the month of June. Board Secretary noted that she has not received the Calendars for quite some time.

---

**Public Portion**

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

Peyton Yanchurak, 7 Benart Place noted the following items: (1) Questioned if the new By-Laws will be appended to the meeting minutes, (2) Tobacco Notice – Will there be a public notice to the vendors, (3) Last month there was obnoxious odor and called the county and nobody answered. Called the state and got a case number and had to coral 3 others to call because this was on a weekend. The State called Spray-Tek but the next day the odors were present again, and (4) Questioned whether the filters and scrubbers were ever put in (Spray-Tek). President Harrity stated that as of May the new scrubbers were not installed but he spoke with Spray-Tek’s attorney and asked that he be notified when they were installed.

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

---

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

---

Kathleen Anello  
Board Secretary

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

---

**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

---

**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.

---

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

---

**Correspondence** - None

---

**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 .

---

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.

---

### **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!

---

#### **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.

.

---

#### **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.

---

**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.

---

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

---

Kathleen Anello  
Board Secretary

MIDDLESEX BOARD OF HEALTH  
MEETING  
THURSDAY, OCTOBER 8, 2015  
7:00 P.M.  
MUNICIPAL BUILDING  
1200 MOUNTAIN AVENUE  
MIDDLESEX, NJ

**AGENDA**

---

1. Meeting called to order by President Harrity 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 Revised Meeting Notice forwarded to the Courier News, posted in the Municipal Building of the Borough on May 4, 2015 and filed in accordance with the law.”

2. Roll Call:

Amy Bigge	<input type="checkbox"/>
Amy Burke	<input type="checkbox"/>
Charles Corcoran	<input type="checkbox"/>
Melissa Fedosh,	<input type="checkbox"/>
Thomas Harrity, President	<input type="checkbox"/>
Bob MacDonald	<input type="checkbox"/>
Ceil Slauson	<input type="checkbox"/>

***NOTE: Alternate #1 Votes when absence of one member  
Alternate #2 Votes when absence of two members***

Others in attendance:

Terence Brundage – REHS	<input type="checkbox"/>
Councilman Kevin Dotey - Council Liaison	<input type="checkbox"/>

3. Presentation

- John Dowd of the County Health Service Dept. will speak on the rise in heroin use throughout the county/state and the measures needed on prevention and education.

4. Minutes

- Approval of the September 10, 2015 Board of Health Minutes.

5. Reports

- Monthly REHS Activities Report – September, 2015
- Monthly Activities Environmental Report – May, June, July, August 2015
- Environmental Report from Les Jones – August 2015
- Registrar’s Reports for September, 2015
- Board of Health Report for September, 2015
- Acknowledgement to Payment of Claims – September, 2015

7. Correspondence - None

8. Unfinished Business

- Committee Report on banning tobacco to individuals under 21
- No smoking in Mountainview Park

9. New Business - None

10. Website

- Calendar of Event – October

11. Meeting opened to the public – public recognized – public portion of meeting closed

12. Adjournment

BOARD OF HEALTH MEETING MINUTES  
November 12, 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	Absent
Melissa Fedosh	
Thomas Harrity	
Ceil Slauson	Absent

Others in Attendance: Kevin Dotey, Liaison  
Terry Brundage, SREHS  
Les Jones, County, Health Officer  
Mickey Gross, Division Head of Environmental Division

---

Board President Harrity opened the meeting stating that Mayor Dobies will be appointing a new member, Peyton Yanchurak to our Board at the November 17<sup>th</sup> meeting of the Mayor and Council.

**Minutes**

Board Member Fedosh made a motion to accept the October 8, 2015 meeting minutes, seconded by Board Member Burke and carried by the following roll call vote. Ayes: Bigge, Burke, Fedosh. No: None. Abstain: None.

**Executive Session:** None

---

**Presentation** - Both the County Health Officer Les Jones and Division Head of Environmental Division Mickey Gross attended tonight’s meeting to give an

overview and to discuss the Administrative Consent Order for the Alternative Dispute Resolution in the Matter of Spray-Tek, Inc. NJDEP PI# 15244.

Part of the Administrative Consent Order (ACO) now constitutes that the Division shall not initiate an investigation of odor complaints at the Spray-Tek facility until it has received three (3) independent complaints within one (1) hour. Independent complaints shall mean that each complaint must not be from the same family or business location or residential unit, i.e., the complaints must be from multiple sources from different addresses and/or apartment units. Mr. Gross stated that when complaints are made regarding Spray-Tek before they respond they will notify Spray-Tek of the complaint. Board President Harrity asked when the ACO takes effect. County Officials stated they didn't know and will get back to President Harrity.

Upon receipt of a complaint, the Division shall advise the complainant of Spray-Tek's "hotline" telephone number.

Spray-Tek agreed to enhance its community outreach program. Spray-Tek shall meet or otherwise communicate with the Division regarding the development of its community outreach program which shall result in a written plan for community outreach. Such outreach program shall be submitted to the Division for approval no later than sixty (60) days of Spray-Tek's initial meeting or communication with the Division.

Spray-Tek and the Environmental Health Division agreed to revoke the alleged four (4) Notices of Violation for a total amount of \$25,000 noting nothing herein contained shall be construed to be an admission by Spray-Tek that it violated any law or administrative rule.

Mickey Gross asked the Board to come up with items Spray-Tek could do for public relations. Board President Harrity will gather the list and forward this to Mr. Gross.

Board President asked if an official or employee from town take the course and get certified in odor compliance. Health Officer Jones stated that only the County can enforce right now but it may require a Memorandum of Agreement between the town, county, and DEP.

## **Reports**

- A. Board of Health Activities Report – SREHS, Terry Brundage presented the Activities Report for October, 2015. Board Member Fedosh made a motion to accept the Activities Report seconded by Board Member Bigge and carried by the following roll call vote. Ayes: Bigge, Burke, Fedosh. No: None. Abstain: None.

- B. Monthly Activities Environmental Report – SREHS, Terry Brundage presented the September, 2015 Monthly Activities Environmental Report. Board Member Fedosh made a motion to accept the Environmental Report seconded by Board Member Burke and carried by the following roll call vote. Ayes: Bigge, Burke, Fedosh. No: None. Abstain: None.
- C. Registrar’s Report - Board Secretary presented the Registrar’s Report for October, 2015. Board Member Burke 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, Fedosh. No: None. Abstain: None.
- D Board of Health Licensing Report – Board Secretary presented the Board of Health Licensing Report for October, 2015. Board Member Bigge made a motion to accept the Board of Health Licensing Report seconded by Board Member Burke and carried by the following roll call vote. Ayes: Bigge, Burke, Fedosh. No: None. Abstain: None.
- E. Environmental Report from Les Jones – None

---

Bill List – Resolution to Acknowledge All Claims: - \$16, 358.90. Board Member Fedosh made a motion to acknowledge the Bill List seconded by Board Member Bigge and carried by the following roll call vote. Ayes: Bigge, Burke, Fedosh. No: None. Abstain: None.

---

**Correspondence** - None

---

**Unfinished Business**

- A. Banning tobacco to individuals under 21 – Board Member Corcoran proposed an amendment to Chapter 383, Tobacco Sale of to read as follows:

“It shall be unlawful to sell tobacco or any nicotine delivery products FDA approved excluding nicotine patches and chewing gum to a person under 21 years of age.”

- B. No smoking in Mountainview Park – Board Member Corcoran would like to include all parks in Middlesex Borough be banned from smoking

Councilman Dotey brought both request to the Governing Body and noted that the Governing body is willing to take further consideration for both the Banning of

Tobacco to Individuals under 21 and the No Smoking in Middlesex Borough Parks as long as there is justification and the Board does their homework which includes who and how they will be enforced.

Board President Harrity reported that the Rabies Clinic was a success and thanked Board Members Burke, Slauson, and Council President Kaplan for participating. There were 114 dogs and cats vaccinated.

---

**New Business - None**

---

**Website**

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

---

**Public Portion**

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

Peyton Yanchurak stated that he spoke with somebody from the Middlesex County Clerk's Office and found out that Spray-Tek registered a \$1 million mortgage for construction in their office.

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

---

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

---

Kathleen Anello  
Board Secretary