

MONMOUTH COUNTY REGIONAL HEALTH COMMISSION NO. 1

SPECIAL MEETING
Monday, February 11, 2019
(Open Session: 27 min 16 sec.)

CALL TO ORDER:

President Giles called the meeting to order at 5:16 p.m. He then led the Regional Board of Health in the salute to the flag. President Giles next read the "Open Public Meeting Act Statement".

ROLL CALL:

Brielle – Jim Langenberger, Fair Haven – Theresa Casagrande, Highlands – Bill Brunt, Monmouth Beach – Joseph Nardone, Ocean Twp – Vinnie Buttiglieri, Sea Bright – Dr. Meg Fisher, Shrewsbury Borough – Paul Roman, Spring Lake Heights – Dr. Len Giles, Tinton Falls – John Mack

Upon completion of the roll call, the Secretary reported that a quorum was present.

ABSENT:

Boro of Little Silver, Boro of Red Bank, Boro of Rumson, Boro of Sea Girt, Boro of Spring Lake, Boro of West Long Branch

OTHERS PRESENT:

David A. Henry, Health Officer, Mark Kitrick, Esq., Heather Frketich, Commission Secretary/Office Coordinator, Peg Huie, Administrative Assistant, Vito Perillo. Tinton Falls, Mayor, Michael Skudera, Tinton Falls Administrator, REHS Staff Members, Public made up of various town residents affected by Monmouth County Reclamation Center Odor

President Giles requested Commission consensus to move Agenda Item #8 Approval of MCRHC Conflict Counsel before Agenda Item #5 Public Comment Period.

Theresa Casagrande motioned to move the agenda item, seconded by Paul Roman.

Vote: Unanimous

Resolution 2019-20

Theresa Casagrande motioned to approve the hire of Mark G. Kitrick, Esq. of King, Kitrick, Jackson & McWeeney, LLC to serve as Conflict Counsel, seconded by Dr. Fisher.

CONFLICT COUNSEL (continued)

ROLL CALL VOTE:

Brielle	Yes		
Fair Haven	Yes	Sea Bright	Yes
Highlands	Yes	Shrewsbury Boro	Yes
Monmouth Beach	Yes	Spring Lake Heights	Yes
Ocean Twp	Yes	Tinton Falls	Yes

VOTE: 9 Ayes, 0 Nay, 0 Abstain

Motion Carries.

Mark Kitrick, Esq. is approved as MCRHC Conflict Counsel.

PUBLIC COMMENT PERIOD:

President Giles welcomed the public.

FOCUS: TINTON FALLS LANDFILL (Monmouth County Reclamation Center)

Ocean Township resident and former Tinton Falls Board of Adjustments member Pam R.: the Landfill has smelled since the 70's – inspectors come out, but that is not helping. What is the MCRHC's plan to address health issues and concerns of the residents?

President Giles advised that the MCRHC only investigates the odor issues and spoke of a preliminary meeting just prior to this public meeting involving representatives from Monmouth County, Tinton Falls, and MCRHC. The discussion from the County was focused on what is being done to mitigate the odor problems over the next 90 days to get back to the much less significant odor levels that existed previously. Some general reasons for odor increase include rain volume and fixes needed for the methane collection system. Also some of the steps taken to fix things, ex. (uncovering of an area for the purpose of drilling wells/holes is resulting in odor increase. He also mentioned that specific details of these process/efforts would be best explained by the County.

A DEP approved spray deodorizer is now being utilized over top of the Landfill. Chemical components of spray are DEP approved.

The Health Officer repeated that MCRHC's role in regard to the Landfill is to investigate and verify odor occurrence at the complaint site and to provide twice monthly inspections of the Landfill as a watchdog for Tinton Falls Borough. Steps to be taken to work toward a resolution are not in the power of the MCRHC. The Monmouth County Freeholders are aware of the increased issue the facility has been causing area residents as detailed in a recent letter forwarded a letter from President Giles to them stating that odor complaint workload is out of control, leaving MCRHC unable to continue responding full time as well as providing service to their other towns. Odor complaint investigation will not solve or remediate the problem. For this reason MCRHC's course of action is to cancel the contract with the County

PUBLIC COMMENT PERIOD (continued):

to be a subcontractor which was signed in March of 2013. We would like to work with the County in cooperative measure to help Tinton Falls.

Eileen B. who lives off of Mount Run is a new Tinton Falls resident who asked where to find out the specifics of the deodorizer spray's ingredients. Those need to come from the County.

Pam R. of Ocean Twp. asked "Is there one person/one office in the County who residents can access by phone to complain or get updates? Terri O'Connor is the Monmouth County Administrator would be the main contact.

President Giles reported that he held a meeting with the MCRHC Health Officer and REHS staff immediately after his election in January, being advised first hand of the extreme escalation of complaint calls coming in 24/7. There is a 90 day severability clause in the County subcontractor agreement.

After MCRHC being sent written notification from the Monmouth County Special Counsel referencing consequences if the landfill odor inspections that were inundating the MCRHC staff were not performed to the letter of the law a letter was sent to begin the 90 day countdown. President Giles has apologized to the Tinton Falls Administrator and Commissioner as well as to the Monmouth County Administrator for taking this action without notification to them, but the parties involved were not talking and this needed to happen. Bottom line: A good meeting resulted.

In the pre-meeting, MC and MCRHC representatives agreeing to not hold adversarial positions on this matter. MCRHC's decision to terminate the contract becomes retroactive to the date the letter was sent- April 29, 2019.

Resident Gerry Turning of 32 Periwinkle Circle Tinton Falls was present and asked for a brief description of the letter sent to the Freeholders from MCRHC the President. President Giles commented the contents included mention of odors being out of control and REHS staff cannot perform their many other duties for the other towns they serve with so little manpower to respond to such a huge complaint volume. And of even greater note, investigation will not resolve the odor. Mr. Turning referred to a borough council meeting wherein he learned of MCRHC's intended contract cancellation with MCHD. Where does that decision leave Tinton Falls Borough? Why wasn't MCRHC's full Board involved in the vote. President Giles responded that he has been addressing the landfill issue on a constant basis since his election in January. Upon his review of the contract in question, and his discussions with the MCRHC Health Officer, REHS staff performing the mounting odor investigations and a few other MCRHC Board members, the situation was quickly determined to be an emergency and a unilateral 90 day severability clause provided the means needed to begin the clock ticking to stop what was not a good or effective situation for MCRHC, Tinton Falls or affected residents. Electronic service was delivered on January 29, 2019. Tonight's special meeting of the Commission was called to confirm the Commission's intention to withdraw. Again, everyone present was assured there will continue to be ongoing discussions and partnership with Tinton Falls.

PUBLIC COMMENT PERIOD (continued):

Resident Pam R .of Ocean Twp. asked if MCRHC decides which towns they want to work with and which towns they don't and was under the impression that MCRHC works for the County. Quick clarification was made by the Health Officer that we do not work for the County. This agreement was an optional subcontract for odor complaint investigation of the landfill. Do we get any county funds or support? Health Officer response – Zero dollars. Money is received from Tinton Falls Borough annually specific to landfill work.

Mike Skudera, Tinton Falls Administrator has presented a list of Top 10 Ideas to help improve the Monmouth County Reclamation Center. He would like the list reviewed and possibly endorsed by the Commission during their February 26th Regular Meeting.

If Freeholders answer the questions being asked, there will be a better understanding of what's going on, what timeline will be required and the feasibility of proposed improvements.

One very important need: The County keeping the public informed.

At this point in the Public Comment Period with no other questions being posed, the Commission determined any further discussion needed to be addressed in an Executive Session. Attorney Kitrick agreed. Any possible determination that results will be followed by vote action in Open Session for public knowledge.

President Giles asked for a motion to move into Closed Session.

EXITING OF OPEN SESSION:

Resolution 2019-21

Vinnie Buttiglieri motioned at 5:39 pm to enter into Closed Session for matters of contract negotiation and litigation, seconded by Dr. Fisher.

ROLL CALL VOTE:

Brielle	Yes		
Fair Haven	Yes	Sea Bright	Yes
Highlands	Yes	Shrewsbury Boro	Yes
Monmouth Beach	Yes	Spring Lake Heights	Yes
Ocean Twp	Yes	Tinton Falls	Yes

VOTE: 9 Ayes, 0 Nay, 0 Abstain

Motion Carries.

MCRHC REHS Staff members, Peg Huie, Mayor Perillo, Administrator Skudera and all members of the public exited.

Vinnie Buttiglieri motioned to end Closed Session, seconded by John Mack at 6:32 pm.

Peg Huie, Mayor Perillo, Administrator Skudera rejoined the meeting.

Resolution 2019-19

Vice-President Roman motioned to authorize the Commission’s attorney to expedite the termination of the sub-contact agreement for NJDEP odor enforcement with the Monmouth County Health Department EFFECTIVE April 29, 2019 or sooner dependent on results of attorney review in relation to monitoring the Monmouth County Reclamation Center. The motion was seconded by Theresa Casagrande.

ROLL CALL VOTE:

Brielle	Yes		
Fair Haven	Yes	Sea Bright	Yes
Highlands	Yes	Shrewsbury Boro	Yes
Monmouth Beach	Yes	Spring Lake Heights	Yes
Ocean Twp	Yes	Tinton Falls	Yes

VOTE: 9 Ayes, 0 Nay, 0 Abstain
Motion Carries.

GENERAL COMMENTS:

President Giles stated we will continue to support Tinton Falls and want to work with them specifically to help the County do what needs to be done in response to odor issues at the Monmouth County Reclamation Center. Landfill contract review will be continued on the February 26th Regular meeting agenda.

Tinton Falls Borough Administrator Mike Skudera inquired about how things will work after the 90 day contract termination. He expressed the need for Tinton Falls residents to know what resources and processes they need to follow going forward.

There being no further business, the meeting adjourned at 6:43 pm on a motion by Theresa Casagrande, seconded by Dr. Fisher.

VOTE: Unanimous

Next Regular Meeting of the MCRHC #1 Commission will be held on Tuesday, FEBRUARY 26, 2019 at 6:00 P.M. at the Regional’s headquarters located at American Red Cross building 1540 West Park Avenue – Suite # 1, Tinton Falls, New Jersey.

Respectfully submitted,
Heather L. Frketich

Heather L. Frketich
COMMISSION SECRETARY

Reviewed by,
David A. Henry

David A. Henry
HEALTH OFFICER