



MONMOUTH COUNTY REGIONAL HEALTH COMMISSION NO. 1

Tuesday, August 23, 2022
Open Meeting

CALL TO ORDER:

President Giles called the meeting to order at 11:35 a.m. He then led the Regional Board of Health in the salute to the flag, and read the "Open Public Meeting Act Statement".

SALUTE TO THE FLAG

ROLL CALL

Allenhurst – Donna Campagna, Brielle – Denise Murphy, Little Silver – Dr. Tim Sullivan
Monmouth Beach -Larry Bolsch, Rumson – Therese Wollman, Sea Bright- Paul Roman
(attending in person), Sea Girt – Diane Anthony (attending in person), Spring Lake Heights – Dr.
Len Giles, Tinton Falls -John Mack

ABSENT:

Deal - Stephen Carasia, Interlaken – Lori Reibrich, Loch Arbour – Marilyn Simons, Township of
Middletown – Rich DeBenedetto, Spring Lake – Mary Anne Donahue

OTHERS PRESENT:

David A. Henry, Health Officer (attending in person), Nick DelGaudio Esq (remote), Gail
Krzyszczuk (remote), Bryan Dempsey – Administrator of Spring Lake, Marita Kresge,
Commission Secretary (attending in person), Peg Huie (remote), Cindy Weaver (remote),
Kristopher Kirkland (remote), Belvin Reed (remote)

MINUTES OF LAST MEETING

OPEN SESSION- July 26, 2022

Donna Campagna of Allenhurst motioned to approve the Open Session minutes of July 26,
2022, seconded by Therese Wollman of Rumson.
Voice Vote: Unanimous

CLOSED SESSION – July 26, 2022

Diane Anthony of Sea Girt motioned to approve the Closed Session minutes of July 26, 2022,
seconded by Donna Campagna of Allenhurst
Voice Vote: Unanimous

RESOLUTION 2022-58 – CLOSED SESSION

Donna Campagna of Allenhurst motioned to enter into closed session at 11:42 am, seconded by
Dr. Tim Sullivan of Little Silver. Commissioners remained in the meeting, all others were asked
to leave the room, or placed in the waiting room on Zoom.
Donna Campagna of Allenhurst made the motion to return to open session at 12:01 pm, which
was seconded by John Mack of Tinton Falls.

CONSENT AGENDA Resolutions 2022- 59-62 (excluding 2022-60)

Approval for Payment of Monthly Bills	RESOLUTION 2022-59
Vehicle Sales Muncibid	RESOLUTION 2022-61
Edmund's Cloud Based Hosting	RESOLUTION 2022-62

Diane Anthony made a motion to approve Resolutions of the consent agenda with the exception of #60 which was pulled. Seconded by Therese Wollman of Rumson.

Roll Call Vote:

Allenhurst	Yes	Sea Bright	Yes
Brielle	Yes	Sea Girt	Yes
Little Silver	Yes	Spring Lake Hts	Yes
Monmouth Beach	Yes	Tinton Falls	Yes
Rumson	Yes		

VOTE: 9 Ayes, 0 Nay, 0 Abstain,

Resolution 2022-60 was for the resignation Justin Bautista had submitted effective August 10, 2022, but before the Commission was to vote on this resolution, Justin asked to rescind his resignation and remain an employee of the Commission with the understanding that he has no claim of any pay or fringe benefits during the time he was not employed with the Commission. The rescission of his resignation has been accepted, and Justin will be rehired as of August 30, 2022.

ORDINANCES

2nd Reading, and passage

MONMOUTH COUNTY REGIONAL HEALTH COMMISSION NO. 1

ORDINANCE NO. 2022-1

AN ORDINANCE AMENDING CHAPTER 2 OF THE ADMINISTRATIVE CODE OF THE MONMOUTH COUNTY REGIONAL HEALTH COMMISSION NO. 1

WHEREAS, the Commission has established an Administrative Code of the Monmouth County Regional Health Commission No. 1; and

WHEREAS, Chapter 2 of the Administrative Code is the Food Establishment Regulation Code; and

WHEREAS, the Commission finds that it is in the best interest of the public health and its contract municipalities that Chapter 2 of the Code be amended.

NOW, THEREFORE, BE IT ORDAINED by the Monmouth County Regional Health Commission No. 1, created and operating pursuant to N.J.S.A. 26:3-83 et seq., as follows:

Section 1. Sections 2-2 and 2-3 of Chapter 2 “Regulations, Food Establishments” of the Administrative Code of the Monmouth County Regional Health Commission No. 1 shall be amended as follows (underlines represent additions, ~~strikethroughs~~ represent deletions):

2-2 **Enforcing Officials**

The said Regional Commission, and its agents or employees, including but not limited to, its Health Officer, shall have the right of entry, at any reasonable hour, into and upon any public or private building, or premises for the purpose of enforcing the provisions of such Code and of this Ordinance, or determining whether such provisions or the rules and regulations of this Regional Commission are being complied with and obeyed. No person shall oppose such entry or hinder or interfere with this Regional Commission or any of its agents or employees, or Health Officer, all as aforesaid, in the performance of their duties.

2-3 **Fees**

The said Regional Health Commission Food Establishment Ordinances No.1, hereby fixes the following fees:

2-3.1 **Minimum Fees for Licensing of Retail Food Establishments**

2-3.1a Mobile Vehicles (License is valid for one (1) year) \$150.00 per year

2-3.1b Special Events

Vendors \$ 50.00 per vendor/event -

2-3.1c Establishments Other Than Licensed Restaurants:

(1) Minimum Fee for Minor Amounts of Pre-Packaged, Non-Potentially Hazardous Foods \$75.00 per year

Minimum Fee for All Establishments (Including retail food portion of an establishment) \$150.00 per year

(2) Between 4,000 and 10,000 square feet \$400 per year

(3) Over 10,000 square feet \$700 per year

(4) Farmer’s Market Vendors \$350.00 per year

2-3.1d Restaurants:

- (1) Seating Capacity Up to 50
\$150 per year
- (2) Seating Capacity From 51 to 100
\$250 per year
- (3) Seating Capacity Over 100
\$400 per year

2-3.1e **Food License Late Fee**

A late fee charge will be levied by the licensing municipality on those food establishment owners and/or operators who do not renew their license within 90 days after the expiration date. The late fee charge will be in addition to the cost of the establishment's annual food licensing fee. The late fee charge is set as follows: the late fee equals 20% of the food establishment's annual licensing fee per month, except that the minimum late fee charge shall be set no lower than \$20.00 per month.

2-3.1f **Re-inspection Fee**

- (1) Retail food establishments which fail to achieve a "Satisfactory" and/or are issued a "Conditional or Unsatisfactory" rating after the first re-inspection shall be subject to a Re-inspection Fee of \$175.00 which shall be paid to the MCRHC prior to re-inspection of the establishment to determine if the cause for the less than "Satisfactory" rating has been corrected.
- (2) A second occurrence of a "Conditional" or "Unsatisfactory" rating for a food establishment within two years of the first "Conditional" or "Unsatisfactory" rating shall be charged a fee of \$350.00. The fee shall be paid to the MCRHC prior to the re-inspection of the establishment to determine if the cause for the less than "Satisfactory" rating has been corrected.
- (3) For a third or more occurrences of a "Conditional" or "Unsatisfactory" rating for a food establishment within two years of the first "Conditional" or "Unsatisfactory", a fee of \$700.00 shall be charged for each subsequent event. The fee shall be paid to MCRHC, prior to the re-inspection of the establishment to determine if the cause for the less than "Satisfactory" rating has been corrected.
- (4) A fourth occurrence within two years will require the owner/representative to submit a corrective action plan with specific dates for compliance to the Health Officer or an authorized agent. If the submitted plan is unacceptable, the Health Officer or authorized agent may take administrative action as deemed appropriate, which may include the issuance of summonses, hearing before the MCRHC and/or possible closure of the establishment.
- (5) The owner or representative of a retail food establishment may request that an appeal be taken of the decision of the Health Officer or authorized agent before the Commission on this section.

(6) The location of all rating certificates for food establishments are to be in a prominent location as determined by the authorized agent of the Commission.

2-3.2 Fees for the Plan Review of Retail Food Establishments

Hereby fixed as follows: (Plans must also be submitted in a digital format such as on a disk, thumb drive or other media acceptable to MCRHC)

2-3.2a Establishments Other Than Restaurants:

(1) Between 0 and 4000 square feet (Including the retail food portion of the establishment)	\$275 per plan
(2) Between 4,001 and 10,000 square feet	\$500 per plan
(3) Over 10,001 square feet	\$825 per plan
(4) Farmer's Market	\$50 per plan
(5) Temporary Food Application	\$50 per plan

2-3.2b Restaurants:

(1) Seating capacity Up to 100 plan	\$275 per
(2) Seating Capacity Over 100 plan	\$550 per

2-3.2c Limited establishment alterations \$150 per plan

2.3.2d Special Food Handling Procedures Requiring a HACCP Plan \$250.00

(Sushi and Sushi Rice Preparation)

2.3.2e Special Food Handling Procedures Requiring a HACCP Plan \$500.00

Note: Plan must be from a Recognized/Certified Processing Authority

(Such as R.O.P., Sous Vide, Ceviche etc.) Requiring a HACCP Plan)

- Section 2. The remainder of Chapter 2 “Regulations, Food Establishments” of the Administrative Code of the Monmouth County Regional Health Commission No. 1 shall remain unchanged.
- Section 3. The Health Officer and Commission Secretary are hereby authorized and directed to take any ministerial action consistent with the intent of this Ordinance.
- Section 4. REPEALER. All prior Ordinances or parts of same consistent and/or inconsistent with any of this Ordinance established hereunder are hereby repealed.
- Section 5. SEVERABILITY. In the event that a court of competent jurisdiction shall declare any section, sentence or clause of this Ordinance unconstitutional, such declaration shall not in any manner prejudice the enforcement of the remaining provisions.
- Section 6. EFFECTIVE. This Ordinance shall take effect thirty (30) days after the first publication thereof after final adoption as provided by law.

Leonard Giles, DMD

Dr. Leonard Giles,
President MCRHC No. 1

Marita Kresge

Marita Kresge
Commission Secretary, MCRHC No. 1

INTRODUCTION:

MOVED: Sea Bright (Roman)
SECONDED: Allenhurst (Campagna)
IN FAVOR: 11
OPPOSED: 0
ABSTAINED: 0

ADOPTION:

MOVED: Sea Girt (Anthony)
SECONDED: Little Silver (Sullivan)
IN FAVOR: 9
OPPOSED: 0
ABSTAINED: 0

Ordinance Introduced on: July 26, 2022
First Publication on: August 17, 2022
Public Hearing and Final Adoption: August 23, 2022
Second Publication on: August 30, 2022

Ordinance 2022-2 Electronic smoking device licensing.

MONMOUTH COUNTY REGIONAL HEALTH COMMISSION NO. 1

ORDINANCE NO. 2022-2

AN ORDINANCE CREATING CHAPTER 11 OF THE ADMINISTRATIVE CODE OF THE MONMOUTH COUNTY REGIONAL HEALTH COMMISSION NO. 1 ESTABLISHING A CODE REGULATING ELECTRONIC SMOKING DEVICE ESTABLISHMENTS, AND FIXING FEES FOR LICENSING THEREOF, AND PENALTIES FOR VIOLATIONS THEREOF

WHEREAS, the Commission has established an Administrative Code of the Monmouth County Regional Health Commission No. 1; and

WHEREAS, the Commission finds that it is in the best interest of the public health and its contract municipalities that the Commission establish a code regulating electronic smoking device establishments, and fixing fees for licensing thereof, and penalties for violations thereof.

NOW, THEREFORE, BE IT ORDAINED by the Monmouth County Regional Health Commission No. 1, created and operating pursuant to N.J.S.A. 26:3-83 et seq., as follows:

Section 1. Chapter 11 “Electronic Smoking Device Establishments” of the Administrative Code of the Monmouth County Regional Health Commission No. 1 is hereby created and shall provide as follows:

11-1 Purpose

The purpose of this ordinance is to license establishments that sell electronic smoking devices. The funds collected by licensing of such establishments shall be used to fund the Monmouth County Regional Health Commission’s Tobacco Age of Sale Enforcement program and other smoking cessation, prevention or control programs.

11-2 Definitions

For the purpose of this section, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this section clearly demonstrates different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number shall include the singular number, and words used in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

Business means any sole proprietorship, partnership, joint venture, corporation, association, or other entity formed for profit-making purposes.

Electronic Smoking Device shall mean an electronic device that can be used to deliver an inhaled dose of nicotine, or other substances, including any component, part, or accessory of such a device, whether or not sold separately. “Electronic Smoking Device” includes any such device, whether manufactured, distributed, marketed, or sold as an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, or any other product name or descriptor.

Electronic Smoking Device Paraphernalia means cartridges, cartomizers, e-liquid, smoke juice, tips, atomizers, Electronic Smoking Device batteries, Electronic Smoking Device chargers, and any other item specifically designed for the preparation, charging, or use of Electronic Smoking Devices.

Employee means any Person who is employed or retained as an independent contractor by any Employer in consideration for direct or indirect monetary wages or profit, or any Person who volunteers his or her services for an Employer.

Employer means any Business or Nonprofit Entity that retains the service of one or more Employees.

MCRHC #1 shall mean the Monmouth County Regional Health Commission #1.

Nominal Cost means the cost of any item imposed for the transfer from one person to another for less than the total of: (1) [twenty-five percent (25%)] of the fair market value of the item exclusive of taxes and government fees; plus (2) all taxes and government fees previously paid and all taxes and government fees still due on the item at the time of transfer.

Non-sale Distribution means to give, furnish, or cause or allow to be given or furnished within the jurisdictional limits of the MCRHC, an Electronic Smoking Device or Electronic Smoking Device Paraphernalia at no cost or at Nominal Cost to a Person who is not a Retailer.

Nonprofit Entity means any entity that meets the requirements of IRS as well as any corporation, unincorporated association or other entity created for charitable, religious, philanthropic, educational, political, social or similar purposes, the net proceeds of which are committed to the promotion of the objectives or purposes of the entity and not to private gain. A government agency is not a Nonprofit Entity within the meaning of this article.

Person means any natural person, cooperative association, Employer, personal representative, receiver, trustee, assignee, or any other legal entity including a government agency.

Retail Electronic Smoking Device Establishment shall mean any establishment that sells or offers for sale electronic smoking device products designed for consumption through the inhalation.

Sale shall mean every delivery of electronic smoking devices, whether the same is by direct sale or the solicitation or acceptance of an order, including the exchange, barter, traffic in, keeping and exposing for sale, displaying for sale, delivering for value, peddling and possessing with intent to sell.

11-3 **Licensing Fees**

A. No person shall conduct, maintain or operate an establishment that sells electronic smoking devices or electronic smoking device paraphernalia without first obtaining from the MCRHC, a license to do so.

B. Fees in accordance with the following schedule shall be paid before any license required in this article shall be issued:

Electronic Smoking Device Establishment License	\$750.00
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- C. Licenses issued under the provisions of this article, unless forfeited or revoked by this Board, shall expire annually on the 31st day of December of each year.
- D. No license is transferrable by sale or otherwise.
- E. Such license shall be posted in a conspicuous place in such establishment or, if an itinerant establishment, shall be readily available for display.

11-4 **Enforcement**

This section shall be enforced by the MCRHC.

Any person found to be in violation of this section shall be ordered to cease the sale of electronic smoking devices immediately.

11-5 **Violations and Penalties**

Any person(s) who is found to be in violation of the provisions of this section shall be subject to the following penalties. For any and every violation of any of the provisions of this section, the violator of said provision will be subject to a fine of not less than five hundred (\$500.00) dollars and not more than two thousand (\$2,000.00) dollars. No fines shall be issued for thirty (30) days after publication of this ordinance.

11-6 **Effective Date**

This Ordinance and the Code herein established shall take effect thirty (30) days after the date of the final passage hereof.

Section 2. The Health Officer and Commission Secretary are hereby authorized and directed to take any ministerial action consistent with the intent of this Ordinance.

Section 3. REPEALER. All prior Ordinances or parts of same consistent and/or inconsistent with any of this Ordinance established hereunder are hereby repealed.

Section 5. SEVERABILITY. In the event that a court of competent jurisdiction shall declare any section, sentence or clause of this Ordinance unconstitutional, such declaration shall not in any manner prejudice the enforcement of the remaining provisions.

Section 6. EFFECTIVE. This Ordinance shall take effect thirty (30) days after the first publication thereof after final adoption as provided by law.

Leonard Giles, DMD
Dr. Leonard Giles,
President MCRHC No. 1

Marita Kresge
Marita Kresge
Commission Secretary, MCRHC No. 1

INTRODUCTION:

MOVED: Sea Bright (Roman)
SECONDED: Fair Haven (Newell)
IN FAVOR: 7
OPPOSED: 1
ABSTAINED: 3

ADOPTION:

MOVED: Sea Bright (Roman)
SECONDED: Tinton Falls (Mack)
IN FAVOR: 7
OPPOSED: 0
ABSTAINED: 2

Ordinance Introduced on: July 26, 2022
First Publication on: August 17, 2022
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BUDGET AND FINANCE:

Paul Roman, Chairman said he met with Gail K our CFO to review budget, they have found some areas to cut, but unfortunately there are areas that are going to increase such as health benefits and the pension. These we have no control over. Paul has spoken with the Red Cross, as well as received some information from commercial realtors, and will continue to negotiate with the Red Cross. Gail and Paul will be meeting again after Labor Day to continue the budget process. We will be giving up the "cage" storage area in the back of our building which will save us \$500 a month.

Larry Bolsch suggested that since we are becoming a "coastal health commission" we should be looking for office space closer to the coast. All suggestions will be considered.

CFO

No report

TREASURER'S REPORT

You have received that information in your packet

HUMAN RESOURCES

Dr. Giles said Mary Anne Donahue is away on vacation, but the HR committee is continuing to work on the Policy and Procedure manual and hope to have rough draft by September. Still working on union contract as well.

OPERATIONS

Chairperson Diane Anthony said she recently toured our building with Dave Henry, and Marita. Diane was impressed with our usage of the building, and made a few suggestions including removing

Chairs that are no longer useful to clear space, Diane also stated that cleaning will go to once per week now that Covid restrictions have been lifted a bit which will save us four hundred dollars a month. Diane brought us a very pretty plant to brighten our reception area.

GOVERNANCE

Nothing

AUDIT

The auditors are still working on our report and we should have an update soon.

COMMUNICATIONS

No communications at this time.

HEALTH OFFICERS REPORT

Dave said as of January our JIF insurance will be supported through Spring Lake, he thanked Brian Dempsey for this offer, and his continued support of the Health Commission.

We are now a distributor of Narcan, and we currently have fifty boxes of the nasal spray. This is a free program that is through the State Health Department that the Governor instituted in the past month. If you wish to have this for your town, please reach out to us and we can provide for you.

Grants are good, we have been working on the CDC grant to strengthen local health departments, and the only other competition for this grant was the State. We hope to receive funds from this by November 1, 2022.

We are still hosting Covid clinics at our facility, and we have also vaccinated two people who have had Monkeypox. We have treated 10 cases, the county has 24 cases, and the state has 420 cases. We continue to see an increasing situation, and covid also remains high in the county.

PUBLIC COMMENT SESSION. – Paul Roman read a letter from himself and President Giles to thank the employees for all their hard work on our accreditation.

PRESIDENT'S REPORT

No report at this time. President Giles thanked everyone for making the meeting today and for their continued efforts on our behalf.

Next Regular Meeting of the MCRHC No. 1 Commission will be held (via Zoom) on Tuesday September 27, 2022 at 11:30 A.M. at the regional's headquarters located at American Red Cross building 1540 West Park Avenue – Suite # 1, Tinton Falls, New Jersey.

ADJOURNMENT – Having no further business, Sea Girt (Anthony) made a motion to adjourn the meeting, seconded by Allenhurst (Campagna), meeting was adjourned at 12:57 pm

Respectfully submitted,

Marita Kresge

Marita Kresge, Commission Secretary.

Reviewed by:

David A. Henry

David A. Henry, Health Officer