

**TOWNSHIP OF MAHWAH
BOARD OF HEALTH
MINUTES
JUNE 11, 2013**

The regular monthly meeting of the Board of Health of the Township of Mahwah, held at the Municipal Offices, 475 Corporate Drive, Mahwah, New Jersey, was called to order at 7:30 PM by President, Sydney Harris.

The Opening Statement was read according to the Sunshine Law and was followed by Roll Call:

PRESENT: Mr. Harris
 Mr. Lamontagne
 Mrs. DeSilva
 Mrs. Spiech
 Mr. Wasson

ABSENT: Dr. DeMaria
 Mrs. Mertz

PROFESSIONALS: Mrs. Musella, Health Officer
 Mrs. Campbell, Secretary
 Mr. Mason, Attorney
 Mr. Maas, REHS

APPROVAL OF MINUTES OF MAY MEETING

Moved by Mrs. DeSilva and, seconded by Mr. Wasson and, unanimously agreed by all present to approve the minutes of the meeting of May 14, 2013.

HEALTH ACTIVITIES REPORT FOR MAY 2013

Moved by Mr. Wasson and, seconded by Mrs. DeSilva to approve the Health Activities Report for May.

Mr. Harris asked Mr. Maas to expound on the numerous seminars he had attended in May. Mr. Maas responded that the Certified Pool Operator course is extensive but only required once every five years. Because of the new septic code enacted by the State last year, installers are required to complete a course in advanced septic installations and to pass a nationally recognized exam.

Mr. Maas will be responsible for approving these installations and, therefore, it was necessary that he take the course as well. He noted that the course fee of \$250 was waived for public employees. Mr. Maas then spoke briefly about the seminar on fracking offered at the Bergen County Health Officer's Society May meeting. Finally, Mr. Maas conceded that he does not always attend the full day of the Ramapo River Watershed Conference but makes a point to review the agenda and attend discussions pertinent to his role in the Department.

Mrs. Musella finds that a preponderance of educational seminars are offered during May and June; her own calendar is full with these commitments. Because most of the seminars are offered free of charge, the time spent is the only cost to the Township for the inspectors to earn required Continuing Education Units. She also stressed that because we field inquiries and complaints from the public, it is important to have a working knowledge of the hot-button environmental issues, even those outside our immediate authority.

Mr. Harris asked if the Members needed to be apprised of any developments or new information. Mr. Maas did not believe so but offered to provide details and/or printed materials from any seminar to any Member wishing to receive them.

Discussion ensued regarding the practice of fracking (hydraulic fracturing) natural gas from the ground. The process is controversial from an environmental standpoint; per Mr. Harris it involves high pressure injection of a combination of water and polymers deep into the earth. Millions of gallons of potable water are contaminated in this process.

Per Mr. Harris, fracking is not permitted in New York but is taking place in the states of Pennsylvania and Ohio which are also situated over the Marcellus Shale Formation. Mrs. DeSilva asked if the Formation extended into New Jersey. Mr. Harris believed it was only beneath Sussex County (if in New Jersey at all).

Mr. Maas said that Paramus is already enacting legislation to ban fracking as well as the transport of fracking waste water through its borders. It was explained at the meeting that the EPA regularly grants waivers to common carriers, and the exact chemical composition of the water in the tankers can be unknown. The Paramus Borough Administrator said he is not waiting for that first tanker truck to rip open on Route 17 before they address the problem.

Mrs. Musella noted that one of her inspectors at NWBRHC, Gail Brunner, is very educated on the topic of fracking. She said she would be happy to have Ms. Brunner come and speak to the Members if

they so desired. The group indicated interest, and Mrs. Musella committed to making the arrangements.

There being no further questions or discussion, the Health Activities Report for May was unanimously approved.

HEALTH OFFICER'S REPORT FOR MAY 2013

Moved by Mr. LaMontagne and, seconded by Mrs. Spiech to approve the Health Officer's Report for May.

Mr. Harris requested the start date for the summer intern. Mrs. Musella relayed that Ms. Pallotta has not responded to any of her emails or returned any of the inspectors' phone calls. Mrs. Spiech asked if she might have logistic issues, i.e. travel. Mrs. Campbell responded that she was a Mahwah resident. Mrs. Musella surmises she may have found another position and felt awkward backing out of our arrangement. Mr. Wasson opined that based on this turn of events, perhaps the situation worked out for the best.

Mr. Harris asked for an update on the hiring process for the vacant Deputy Registrar position. Mrs. Musella advised that the position had been posted internally in the Municipal Building in compliance with the Union contract. A filing deadline of June 7th was established, but no applications have been forwarded to her as yet. Mrs. Musella will discuss this with Mr. Campion tomorrow.

There being no further questions or discussion, the Health Officer's Report for May was unanimously approved.

BILLS

Moved by Mrs. Spiech and, seconded by Mr. Wasson and, unanimously agreed by all present to pay the bills for May.

REPORT OF LIAISON TO MAYOR AND COUNCIL

No Report.

REPORT OF STANDING COMMITTEES

No Report.

REPORT OF ATTORNEY

Mr. Mason reported that the Emergency Response Chain of Command document is complete excepting one change that will be made on July 1st when the new Superintendent of Schools is installed. When the Department receives her contact information, the document will be updated and complete.

Mr. Mason noted he had reviewed the HARP nursing contract for 2013. There are several modifications from last year's contract, most of which were requested by the Township Business Administrator's office [for compliance with "Pay To Play" regulations]. The dollar amount includes a minor increase of \$281.00 for the year.

OTHER BUSINESS

On the topic of staffing for the clerical end of the office, Mr. Harris wished to discuss the problems with the existing arrangement of two part time employees sharing a full time position. The Deputy Registrar/Clerk Typist position (currently vacant) is a three day per week position. Mrs. Boddy works two full seven hour days per week. Inherent problems include a lack of continuity and losing qualified employees to full time employment elsewhere.

Mr. Harris asked if having the same person come in each day for fewer hours would help. Mrs. Campbell stated that this could potentially leave the Department without full-time coverage for three days each week, i.e. if she were out sick or on vacation.

Mr. LaMontagne inquired as to the cost to the Township for the health benefits of full-time employees. Mrs. Campbell had conflicting information regarding this; she had seen figures between fifteen and thirty two thousand dollars per employee for family coverage.

Mrs. Musella related that she had made a request of Mr. Campion to escalate the Union classification of the Deputy Registrar position from I to III, commensurate with the classification of deputies in other departments. Mr. Campion had responded that the Union does not actually classify part-time employees and that if the Board

desired to convert the position to full-time with a classification, this should be brought up in the 2014 Budget negotiations.

Mrs. Spiech reiterated that keeping Council apprised of all we do by copying them on our minutes and activities is of prime importance to this issue. The increase in our establishments, population and the regulations we enforce are well documented and support the need for additional staff. Mrs. Musella suggested that perhaps this issue is one that, as liaison, Mr. LaMontagne may want to approach the Mayor and Council with.

Mr. Wasson asked Mrs. Musella to quantify the budget increase necessary to hire a full-time employee. Mrs. Musella responded this would depend on the salary offered, as well as if we would be permitted to retain the 2 day per week, part-time position. Mr. Wasson recommended that now is the time to build a case if we plan to request a full-timer in the fall.

Discussion ensued regarding the parameters of full versus part time employment status. Mrs. Campbell confirmed that all of the other Deputies in the Township are full-time (i.e. for the Clerk, the Tax Collector and Court Administrator) and these are Class III and Class IV positions. She also confirmed that we are the only Department in the municipal building that does not have a director on premises full time. This saves the Township a director's salary and benefits, but impacts the Department's ability to address problems quickly and/or exert our authority when needed.

RESOLUTION 2013-06: 2013 HARP Public Health Nursing Contract

Motion: Mrs. DeSilva

Second: Mrs. Spiech

Mrs. Campbell read the Resolution. Mr. Harris noted the date and questioned the delay in authorizing the vendor's contract. Mrs. Campbell explained that after receiving the initial contract, the Township Business Administrator's office required revisions to language and the addition of certain exhibits. HARP in turn, submitted the revised document to Hackensack University Medical Center's legal department for review. Mr. Mason then reviewed the final version to ensure that it was acceptable for signature.

Roll Call: 5 Ayes, 2 Absent

Motion carries.

Mrs. Musella wished to apprise the Members of a recommendation from Carol Tyler (Tyco Animal Control) regarding Potentially Dangerous Dogs. Ms. Tyler is advocating that the Township adopt a local ordinance establishing a \$500 license fee for a dog so declared. This will help the Township defray some of the expenses these cases present. Mr. Harris clarified that we would only endorse such a recommendation as it would be a Township ordinance.

Mrs. Spiech requested if we could also demand that an owner carry a liability insurance policy. Mrs. Musella said this is included in the State statute, and the policy value was set at one million dollars.

Discussion ensued as to the Animal Control Officer's authority in making the declaration and the process for an owner to contest it. Mrs. Musella explained that it is not a step Tyco takes lightly. The stipulations do pose a hardship on most owners, but their purpose is to safeguard the community. Because bites always involve the Health Department, the inspectors are often the first ones to "throw up a red flag" when investigating a repeat offender. Discerning the circumstances of a dog's biting history is the first step in determining if it fits the legal profile of "Potentially Dangerous" or "Vicious".

There being no further questions or discussion, a motion to adjourn was made at 8:15pm by Mr. LaMontagne, seconded by Mrs. Spiech and unanimously agreed to by all present.

The next Regular meeting is scheduled for July 9, 2013 at 7:30pm.

Respectfully submitted,

Marianne Campbell
Secretary