

**TOWNSHIP OF MAHWAH  
BOARD OF HEALTH  
MINUTES  
JULY 9, 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  
                      Mrs. Spiech  
                      Mr. Lamontagne  
                      Dr. DeMaria (7:40pm)  
                      Mrs. DeSilva  
                      Mrs. Mertz  
                      Mr. Wasson

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

**PRESENTATION ON HYDRAULIC FRACTURING**

Mrs. Musella introduced Gail Brunner, REHS and Anita Touloughian, a student intern and MPH candidate from Montclair State University, both affiliated with Northwest Bergen Regional Health Commission. The women gave a short presentation and slide show demonstrating the process of "fracking" and outlining the concerns it presents to the public health and water supplies.

**APPROVAL OF MINUTES OF JUNE MEETING**

Moved by Mrs. Spiech and, seconded by Mr. Wasson to approve the minutes of the meeting of the meeting of June 11, 2013.

Mr. Harris requested an estimate of the budget increase necessary to convert the Deputy Registrar position from part to full time.

Mrs. Campbell noted that the beginning salary for a Class III position was approximately \$40,000. Based on that figure, she estimated an additional \$20,000 would be required.

There being no further questions or discussion, the minutes for June 11, 2013 were unanimously approved.

**HEALTH ACTIVITIES REPORT FOR JUNE 2013**

Moved by Mrs. DeSilva and, seconded by Mrs. Mertz to approve the Health Activities Report for June.

Mrs. DeSilva requested additional information regarding the Conditional inspection rating given to Sonny & Tony's. Mrs. Homler stated that she visited the establishment on Friday, June 21st in the course of investigating a grease back up in the sewer line. The DPW had requested Mrs. Homler's assistance in determining which establishment(s) on Ridge Road were responsible for blocking the line.

The owner of Sonny and Tony's was not on premises, so Mrs. Homler requested a copy of the establishment's pump out schedule from the Person-In-Charge (PIC). He was not able to produce one. Mrs. Homler found conditions in the kitchen so objectionable as to warrant an immediate full inspection. Mr. Maas was called in to assist. Many of the violations were repeat offenses. There was a demonstrated lack of enforcement by the PIC and insufficient understanding of safe food handling practice by the kitchen staff. The walk-in refrigerator was not operating correctly. Instead of moving the food product and storing it in a different unit, the PIC allowed it to remain in the walk-in at temperatures in excess of 50-60 degrees. Over 275 pounds of temperature abused food had to be destroyed. There were many other issues as well, including cross-contamination, sanitation, garbage and refuse that was completely blocking the entrance to the employee restroom, and worn and broken equipment. In all, eleven summonses were issued to the establishment.

In consultation with Mrs. Musella, it was decided to issue a Conditional rating and allow the establishment to remain open. Since all the compromised food had been thrown out, there was no imminent risk to patrons and virtually the only menu item left that could be prepared and served was freshly made pizza.

Mr. Wassily, the owner of Sonny & Tony's, had corrected many of the violations by Monday, June 24<sup>th</sup> when Mrs. Homler returned to the

establishment for a spot check. Equipment had been cleaned, repaired or replaced and work on the refrigeration unit had been accomplished. The re-inspection fee has been submitted and the establishment is almost ready to be inspected again. This should be accomplished by the end of the week.

Mrs. DeSilva stated this was not Sonny & Tony's first Conditional and does not understand why this particular establishment always seems to fall short of required standards. The situation is frustrating to Mrs. Homler and she reiterated that they are often cited for the same infractions. The language barrier is a likely impediment to compliance as the kitchen staff here is predominantly Latino. This makes it difficult for the inspectors to ascertain the staff's level of competence in food safety principals. Mrs. Musella advised that she is in discussion with Mr. Wassily in an attempt to arrange a special Spanish language food handler class for his staff.

Mrs. Spiech noted that the sewer line back up presented a significant expense to the Township as did the conditions found at Sonny & Tony's. She is confident that there is a correlation between the reduction in frequency of our inspections (since losing funding for our part-time inspector) and the increase in and/or severity of issues the Department is addressing. In the interest of the public health, she stressed that we must persist in our quest for increased staffing.

Discussion ensued regarding publication of Conditional ratings in the newspapers, the placement of inspection placards in food establishments and the possibility that the court may merge the summonses issued to Sonny & Tony's. Regarding the latter, Mr. Mason suggested that Mrs. Homler send a letter to the prosecutor with a synopsis of the prior offenses.

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

### **HEALTH OFFICER'S REPORT FOR JUNE 2013**

Moved by Dr. DeMaria and, seconded by Mr. LaMontagne to approve the Health Officer's Report for June.

Mr. Harris inquired what situation predicated the need for an interdepartmental meeting regarding unsanitary conditions in private residences. Mrs. Musella explained that there has been some confusion in the past as to protocol and appropriate response

to hoarding cases, medical issues, dwelling safety, elder care, etc.

Dr. DeMaria requested an update on the Potentially Dangerous Dog case. Mrs. Homler responded that Carol Tyler (Tyco Animal Control) contacted the dog owner's attorney on Monday June 10<sup>th</sup>. She advised him that his client had never picked up the agreement we sent via certified mail or responded to our phone calls. The attorney claimed he has not been able to reach his client. Mrs. Tyler advised him she will be drawing up an order to seize the dog and have it legally declared Potentially Dangerous. She further advised him the dog would be impounded at Tyco's kennel at the owner's expense pending a hearing in court.

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

#### **BILLS**

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

#### **REPORT OF LIAISON TO MAYOR AND COUNCIL**

No Report.

#### **REPORT OF STANDING COMMITTEES**

No Report.

#### **REPORT OF ATTORNEY**

Mr. Mason thanked Mrs. Homler and Mrs. Campbell for their assistance in updating the Pandemic Response Plan Emergency Chain of Command. He explained that it is a 'living' document and will require updating again soon. There is an upcoming retirement and we are awaiting receipt of contact information for the newly installed Superintendent of Schools.

**CORRESPONDENCE**

None.

There being no further questions or discussion, a motion to adjourn was made at 8:25pm by Mrs. DeSilva, seconded by Mr. LaMontagne and, unanimously agreed to by all present.

The next Regular meeting is scheduled for **September 10, 2013** at 7:30pm.

Respectfully submitted,

Marianne Campbell  
Secretary