

**TOWNSHIP OF MAHWAH
BOARD OF HEALTH
MINUTES
SEPTEMBER 10, 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
 Mrs. DeSilva
 Mr. Wasson

ABSENT: Dr. DeMaria
 Mrs. Mertz

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

APPROVAL OF MINUTES OF JULY MEETING

Moved by Mrs. Spiech and, seconded by Mr. Wasson to approve the minutes of the meeting of July 9, 2013.

Mr. Wasson requested an update on the conditions at Sonny and Tony's Restaurant. Mrs. Homler was pleased to report that the establishment was Satisfactory on re-inspection. Arrangements had been made with Northwest Bergen Regional Health Commission for private Food Handler's classes offered in Spanish. At least 8 of the employees attended. The summonses that had been issued were adjudicated and the owner was fined \$900 plus costs of court.

Mrs. DeSilva inquired as to the status of the Potentially Dangerous Dog, Rocky. Mrs. Homler related that the Township Prosecutor, Dennis Harraka, had called the owner's attorney. He advised him that his client had until the close of business Tuesday, September

3rd to submit the signed agreement [dictating the terms under which she would be permitted to keep the dog]. On Wednesday, September 4th, we received a call [from Tyco] stating that the owner's attorney had called to report Rocky had been put down. We are still awaiting the certificate of euthanasia from the veterinarian.

There being no further questions or discussion, the Minutes of the meeting of July 9, 2013 were unanimously approved.

HEALTH ACTIVITIES REPORT FOR JULY/AUGUST 2013

Moved by Mr. LaMontagne and, seconded by Mr. Wasson to approve the Health Activities Report for July and August of 2013.

Mrs. DeSilva requested additional information regarding the grievance meeting with the owner of Mahrappo Farms. Mrs. Musella explained that Tyco had initially been refused access to the farm for the purpose of inspection. Mr. Dator was also resistant to the additional oversight and regulations we are now, with Tyco's help, able to enforce. Mrs. Musella invited all the parties in for a round table discussion. She felt it went well. Mrs. DeSilva asked if this had been a problem in the past. Mrs. Musella said no, but that horse farm inspections had not been taking place for some time. Mrs. Homler further explained that our prior inspector, Stu Ostrow, used to do some of these inspections in the past because Bergen County Animal Control (the previously contracted Animal Control agency) was not equipped to handle large animals.

Mrs. Homler stated that the Department has always ensured that the animals were licensed and properly immunized. As of last year, Tyco began performing site inspections of the facilities as well. Mr. Harris asked if site inspections were required by the State. Mrs. Musella said that our local ordinance authorizes us to inspect the properties where horse and cattle are licensed. Mr. Mason was not aware of any uniform [horse facility inspection] regulations by the State; municipalities with horse populations draft their own.

Mrs. Spiech asked Mrs. Homler to speak about an upcoming event at the Sheraton Crossroads. Mrs. Homler explained that Con-Ed and Rockland Electric were hosting an "invite only" exercise to hash out emergency preparedness procedures when hosting mutual aid responders from other states or jurisdictions. Approximately 200 persons were expected to attend.

A temporary food service (Cajun Catering) was set up to feed the attendees of the exercise. This same company also specializes in

service during actual disaster events. Other vendors specializing in disaster management equipment (generators, mobile laundries, etc.) are also expected to attend.

Regarding site plans, Mr. Wasson asked if the location of the proposed Ramsey Auto Group was adjacent to the Stock Exchange building. Mrs. Homler replied that Ramsey Auto Group will be located across the street. The proposed cell tower (Internet Services Telco, LLC) is slated for the Stock Exchange property.

Mr. Wasson then asked if the tenant applications for Prestige Toyota and Honda of Mahwah concerned expansions. Mrs. Homler answered that Prestige Toyota is an office expansion. She believed the Mahwah Honda showroom application was also for an expansion. She then noted that The Mahwah Tire application had been withdrawn.

Mr. Harris requested additional information about the Special Event Permit issued for "Deadman's Curve." Mrs. Homler responded that this was a very large, weekend event at the Sheraton Crossroads featuring hot rod and classic cars. Several temporary food vendors have been licensed including a wood-fired mobile pizza caterer.

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

HEALTH OFFICER'S REPORTS FOR JULY AND AUGUST 2013

Moved by Mrs. Spiech and, seconded by Mrs. DeSilva to approve the Health Officer's Reports for July and August.

Mrs. DeSilva requested details about a power outage affecting the municipal building. Mrs. Homler learned that the fire alarm for the municipal building had sounded at the police station at approximately 2pm on Saturday, August 10th. An officer was sent to investigate. It is assumed there was a power surge and the alarm only needed to be reset. However, even if the power had been interrupted, we were advised that the OEM Director was in the building at 11:00am. Because the power was on at that time, there was no need for concern regarding the viability of our vaccine.

Mr. Harris inquired as to the new part-time clerk. Mrs. Campbell responded that thus far, we are very pleased Mrs. Bolan's progress. She is motivated and extremely eager to learn. She completed the Certified Municipal Registrar's Course the last week in August and is in the process of completing her exam. The exam must be submitted to the State Registrar by September 13th.

Mrs. DeSilva asked for what violation the Apple Ridge Condominium Pool was closed. Mrs. Homler stated that we had received two lab reports of bacteriologically unsatisfactory pool water results in a row. Mrs. Musella confirmed that Code requires closure of the pool in this instance. Only when a satisfactory report is received can the pool be reopened.

Mrs. Spiech asked if we had scheduled a date for our annual flu immunization clinic. Mrs. Musella confirmed that the clinic will be held on Friday, October 4th, in the Senior Center. Mr. Wasson asked if participation in our clinic was dropping due to the fact that supermarkets and drug stores now offer immunizations. Mrs. Homler responded affirmatively. Mr. Harris recalled a time when we vaccinated three and four hundred residents.

There being no further questions or discussion, the Health Officer's Reports for July and August were unanimously approved.

BILLS

Moved by Mr. LaMontagne and, seconded by Mr. Wasson to pay the bills for July and August.

Mr. LaMontagne asked what delayed payments to HARP; our first payment of the year was not scheduled until August, and he was concerned that HARP could cease providing services. Mr. Harris stated that the final version of the contract was not signed until July. Mrs. Campbell added that the Township requires certain notarized certifications from vendors to comply with Pay-to-Play regulations; the last required statement was received in August.

There being no further questions or discussion, payment of the Bills for July and August was unanimously approved.

REPORT OF STANDING COMMITTEES

Mrs. DeSilva inquired who would take over as Chairperson of the Sunshine Committee upon Mrs. Spiech's retirement. Mrs. Spiech replied that Mrs. Mertz was the Co-chairperson and was next in line to assume the responsibility.

REPORT OF LIAISON TO MAYOR AND COUNCIL

Mr. LaMontagne had no report to make. However, he wished to discuss what may be a point of confusion regarding his position. From his perspective, Mr. LaMontagne said he would not necessarily approach the Mayor or Council without specific direction from the Board or Health Officer to address a specific problem. To do so without a mission would merely amount to a social call.

Mr. Harris agreed that Mr. LaMontagne should be given structured proposals or statements so as to present our concerns in a more formal manner. He thanked Mr. LaMontagne for voicing this concern.

Discussion ensued as to the different challenges the Department is facing and prioritizing those which most urgently need to be addressed. Staffing is one of the biggest concerns; Mrs. Musella pointed to a significant increase in the work load due to increases in the population and the number of establishments that we are licensing and inspecting.

Mr. LaMontagne asked what was going to happen when the Mahwah Mall opened and if we will be able to satisfy our mandates at current staffing levels. Mr. Wasson noted that the number of food establishments going in will drive that argument, but we don't have that figure yet. Mrs. DeSilva conceded that detail, but surmised even one or two establishments will strain an already over-taxed staff.

Mrs. Campbell advised that, as requested, the Department had begun compiling figures comparing Department activities over the past 10 years or so. Her concern was that those numbers do not tell the whole story. She explained that the State septic code was updated last year, ballooning from forty to one hundred seventy plus pages of regulations. Since June of 2012, we are now involved in every real-estate transfer that involves a septic system. This takes a tremendous amount of Mr. Maas' time as he must certify that the existing systems comply with the new code and when they don't, he must permit, inspect, and certify alterations, repairs, and in some cases the installation of new systems.

Mrs. Spiech pointed to the cost that food operations pose to other municipal services as well; costs that might be prevented if we could make more than a minimum annual inspection. She cited grease fires and sewer line backups as examples.

Other issues raised were the large number of animal bite investigations (fifteen over July and August) and the amount of

time the inspectors must spend in evening court (despite our requests to be scheduled on the Thursday daytime docket). Mrs. Homler advised that Tyco would like to see Council mandate that condo and townhouse associations, as well as owners of multiple dwelling rental units, be liable for the licensing of animals on their premises. It is nearly impossible for her staff to determine the owner of an 'at-large' dog on these properties, or worse, one that has been involved in a bite incident, unless they are properly licensed and tagged. Other towns that Tyco operates in have adopted such an ordinance. Mr. Mason requested and Mrs. Homler agreed, to request a copy of those ordinances from Tyco.

Mrs. Homler then stated that Tyco has also been advocating for the Township to adopt the State's Potentially Dangerous Dog Act in its' entirety and set the licensing fee. Mrs. Campbell explained that the State legislation provides for a range of fees; Tyco would like the Township to set the licensing fee at the maximum of \$750. She suggested that both of these issues could be presented at the same time.

Mr. Mason counseled that the Township does not need its own ordinance to protect against Potentially Dangerous Dogs. As with any crime that has been committed, the sentencing phase relies on the penalties built into the statute that was violated.

Mr. Mason further advised that to ensure that the maximum licensing fee is imposed, we need only incorporate into the consent order [mandating the conditions upon which we would permit the owner to keep their animal) or ask the Township Clerk to establish a new category and fee for the licensing of Potentially Dangerous Dogs.

The group agreed that these last two proposals will be the first we ask Mr. LaMontagne to present to Administration. Mrs. Homler will follow up with Carol Tyler to request a model ordinance.

REPORT OF ATTORNEY

Mr. Mason circulated a memo to the Members and staff regarding new HIPAA regulations that will affect our contract renewals with HARP and will require an update to our existing Notice of Privacy Practices.

One of the specific modifications to the HIPAA law includes greater accountability for the confidentiality of medical records, especially electronic records. The American Bar Association and the New Jersey Law Journal have both published articles on the new

regulations. Mr. Mason suggests that we forward the information in those articles to HARP and consider updating our internal policies, practices and notices before they are mandated.

CORRESPONDENCE

Date: 8/24/13 To: Angela Musella From: Patricia Spiech
Letter of resignation effective September, 12, 2013

Mrs. Campbell reluctantly read Mrs. Spiech's letter of resignation, and the professional staff and Board Members offered their warmest thanks and admiration for her twenty-five plus years of continuous service and dedication to the residents.

OTHER BUSINESS

Mrs. Spiech was concerned about media reports stating that the U.S. Food and Drug Administration was approving the exportation of American chicken to China for processing. That chicken would then be returned to the United States for retail sale. Given China's abysmal record in food safety and regulatory oversight, she asked if there was some way the Board could get involved to prevent it.

Mr. Harris suggested petitioning the State Department or the Food and Drug Administration directly or joining organizations that were already doing so. Mrs. Musella suggested boycotting the product as a means of discouraging retailers from carrying it.

Resolution 2013-07: Appointing Physician for Annual Flu Clinic

Motion: Mrs. DeSilva
Second: Mrs. Spiech

Roll Call: 5 Ayes, 2 Absent

Motion carries.

The reading of Resolution 2013-08 was waived on a motion by Mrs. DeSilva, seconded by Mrs. Spiech and unanimously agreed by all present.

Resolution 2013-08: Amending Resolution 2013-06, HARP Contract

Motion: Mr. Wasson
Second: Mr. LaMontagne

Roll Call: 5 Ayes, 2 Absent

Motion carries.

There being no further questions or discussion, a motion to adjourn was made at 8:30pm by Mr. LaMontagne, seconded by Mrs. Spiech and, unanimously agreed to by all present.

The next Regular meeting is scheduled for **October 8, 2013** at 7:30pm.

Respectfully submitted,

Marianne Campbell
Secretary