

**TOWNSHIP OF MAHWAH
BOARD OF HEALTH
MINUTES
OCTOBER 8, 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 7:35 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
 Dr. DeMaria
 Mrs. DeSilva
 Mrs. Mertz

ABSENT: Mr. Wasson

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

APPROVAL OF MINUTES OF SEPTEMBER MEETING

Moved by Mrs. DeSilva and, seconded by Dr. DeMaria to approve the minutes of the meeting of September 10, 2013.

Mrs. DeSilva inquired if a certificate of euthanasia had been provided for the dog "Rocky". Mr. Maas responded no, but that Tyco has been to the residence and is satisfied that the dog is indeed gone. Mr. LaMontagne asked if law dictated the certificate be produced. Mr. Maas said that the dog had not actually been declared Potentially Dangerous, therefore no. Mr. Mason confirmed that such a certification would only be required if the dog had been declared or the Court had ordered it to be put down.

There being no further questions or discussion, the Minutes of the meeting of September 10, 2013 were unanimously approved.

HEALTH ACTIVITIES REPORT FOR SEPTEMBER 2013

Moved by Mr. LaMontagne and, seconded by Mrs. Mertz to approve the Health Activities Report for September 2013.

Mrs. Mertz inquired about the large disparity between costs and fines assessed by the Court in our settled cases. Mrs. Campbell responded that the fines are established by Ordinance; Mr. Mason added that the costs of court are limited by the State and help subsidize administrative expenses. Costs for violations of municipal ordinances are the Township's to keep; costs for motor vehicle violations must be shared with the State.

Mrs. DeSilva expressed surprise over UPS refusing entry to a Health Inspector. Mr. Maas was surprised himself; it had never happened to him in 25 years in the industry. As is protocol, he arrived at UPS unannounced and when being screened by Security was told that the food service District Manager was not on premises. Mr. Maas informed Security that this was not an issue, he only required access to the kitchen. Security then spoke with the kitchen manager on duty who responded that he was too busy and refused Mr. Maas entrance.

Mr. Maas wrote a summons out to Classic Café [the contracted food service vendor at UPS]. Mr. Mason assured the Members that if a serious need or allegation demanded an inspection, the police could have been summoned to escort Mr. Maas into the cafeteria.

Mrs. DeSilva then asked for the time interval between the refused entry and the Satisfactory re-inspection. Mr. Maas replied that it was only a few weeks. Mr. Harris asked if they were made to pay for a re-inspection. Mr. Maas replied yes.

Mrs. Mertz inquired about the Conditional rating at Potomac Homes. Mr. Maas confirmed that the facility was clean and in good order, however the prior facility director left and the new director had no food certifications at all. Further, the staff could not answer basic questions relative to food safety protocols. Potomac Homes is a Risk Level 3 establishment with a susceptible population; food handling certifications are absolutely requisite.

Mr. LaMontagne asked how time consuming Mahwah Day inspections were. Mr. Maas stated that Mrs. Homler worked three hours in the morning and Mr. Maas arrived at 11:00am, also putting in approximately three hours of work. In addition to the actual inspections, Mr. Maas stated that the event entails many hours of consults with the vendors and volunteers prior to the event.

Mr. Maas continued that inspection and approval of the Pony Parties exhibit continues to be problematic. While the animals are clean and well groomed, their health and vaccination certificates always expire right before Mahwah Day. Getting current certifications in time for the event is a perennial issue. Mrs. Musella noted that since the diagnosis of a rabid donkey in Monmouth County earlier in the summer, public health is on high alert regarding livestock, petting zoos, fairs, etc.

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

HEALTH OFFICER'S REPORTS FOR SEPTEMBER

Moved by Mrs. DeSilva and, seconded by Dr. DeMaria to approve the Health Officer's Report for September.

Mrs. DeSilva inquired as to an abandoned pool that was being used as a garbage container. Mrs. Musella noted that the cooperative efforts of the Township's Property Maintenance Inspector and the Health Department have resulted in the pool being filled in.

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

BILLS

Moved by Mrs. Mertz and, seconded by Dr. DeMaria and, unanimously approved by all present to pay the bills for September.

REPORT OF STANDING COMMITTEES

Mr. Harris conferred the title of Chairperson to Mrs. Mertz as regards the Sunshine committee. Mrs. Campbell advised Mrs. Mertz that she would be providing her with a small fund and a notebook ledger of Sunshine Committee activities that Mrs. Spiech had relinquished at the September meeting.

REPORT OF ATTORNEY

Mr. Mason spoke with both the judge and prosecutor about scheduling Board of Health cases on the Thursday daytime docket. Both men were receptive. The final party who needs to be brought on board is the Court Administrator. Presently, the Court Administrator [Lorraine Cuomo] reserves Thursdays for trials only. Mr. Mason noted that there are no longer as many trials on the docket; the backlog issue is being resolved and since approval for police overtime was rescinded, fewer tickets are being written.

If the Members agree, Mr. Mason will press Ms. Cuomo to schedule all Health Department cases (including first appearances) on Thursdays. The Members agreed unanimously, stating it was an important means by which to keep the overtime budget in check.

Mrs. Musella asked Mr. Maas how many of our cases had gone to trial this year. Mr. Maas answered that most defendants in our food establishment cases plead guilty. Currently, trials are scheduled on a grease back up in a sewer line and on a manure storage case. Mr. Maas then explained that the Department had devised a form letter to give to the judge before a first appearance. In the event of a guilty plea, it advises the Court whether or not the violations cited have been abated, whether there is other history with the defendant and it also recommends an appropriate fine as determined by the Health Officer.

Mrs. Campbell offered to email said form to Mr. Mason for his perusal and for purposes of discussion with Mrs. Cuomo. He also requested a complete listing of the summonses issued thus far in 2013 and how they were adjudicated.

Mr. Mason then noted that he would be updating the Department's Notice of Privacy Practices and reviewing our Public Health contracts to bring them into conformance with new HIPAA regulations.

OTHER BUSINESS

Mr. Harris asked if any of the Members could recommend a candidate for the Board seat vacated by Mrs. Spiech. Mr. LaMontagne knows of a potential replacement- a fellow volunteer fireman who is a Mahwah resident and a practicing RN who worked in Hackensack Hospital and is now at St. Barnabas Hospital. The Members encouraged Mr. LaMontagne to speak with him about the position.

Mr. Harris then inquired as to the status of the Rabies Clinic. Mrs. Campbell stated that she had just received confirmation from the State that the vaccine was available to us and if Dr. DeMaria was available on November 20th, it was a go. Dr. DeMaria confirmed her availability.

Mrs. Musella then advised that there is a possibility beginning in 2014 that we may no longer be receiving rabies vaccine from the State. The State has not been able to secure a contract with a rabies vaccine manufacturer. In 2013 municipalities were required to procure their own syringes and certificates. Reading between the lines, the Health Officers surmise the entire program is probably going to be eliminated.

STAFFING DISCUSSION

Mr. Harris inquired if Mahwah Day represented too severe a burden on the staff. Mr. Maas noted that the Department had developed an inspection check list for temporary events and provides it to all vendors beforehand. This helps tremendously because it clearly lays out the equipment, processes and procedures that will be required of the vendor at the event and speeds up the inspection process.

Mr. LaMontagne inquired about fees collected for Mahwah Day. Mr. Maas explained that fee-exempt Temporary Food Licenses are issued to non-profits and civic organizations. The Recreation Director (Dawn DaPuzzo) generates a list of approved vendors and provides them to the Health Department. Ramsey Country Club was licensed (at a fee) to sell finger sandwiches. Mahwah Pizza Master had a concession as well but, because they are already licensed in Mahwah they were not charged separately for this event.

Mr. LaMontagne appreciated that clarification because at a prior event the Mayor negotiated a reduction in the fee for Temporary Food Licenses for food vendors. It was not understood at that time that the vendors already licensed and doing business in Mahwah were not going to be charged again if they chose to participate.

Mrs. Campbell then distributed a spreadsheet comparing the number of licenses issued by the Department over the past twelve years. Also distributed was a listing (compiled by Mrs. Homler) of seven site plans she knew to be in progress, all of which will include food establishments. (The listing did not include any potential food establishments at the Crossroads Development site).

Discussion ensued on increasing regulations as regards livestock (i.e. Picture Coggins certificates), coordinating inspections with Tyco Animal Control and the additional burdens the 2012 update to the Septic Code placed on the local health jurisdiction. Mr. Harris requested an approximation of the additional time required to approve a septic. Mr. Maas said it was a matter of quantity - more septics now require inspection, repair, alteration or replacement due to the new regulations. The Members discussed optimal staffing levels, bargaining postures and rationale, financial realities and constrictions.

Mr. Harris then advised Mrs. Musella that "the ball was in her court" and to make our best case for additional staffing at a level she believes will be palatable to the Council and satisfy the objectives of the Department.

There being no further questions or discussion, a motion to adjourn was made at 8:40pm by Mr. LaMontagne, seconded by Mrs. DeSilva and, unanimously agreed to by all present.

The next Regular meeting is scheduled for **November 12, 2013** at 7:30pm.

Respectfully submitted,

Marianne Campbell
Secretary