

**TOWNSHIP OF MAHWAH  
BOARD OF HEALTH  
MINUTES  
JANUARY 14, 2014**

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 7:45 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. Mertz  
                      Dr. DeMaria  
                      Mr. Wasson

ABSENT:            Mrs. DeSilva

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

**APPROVAL OF MINUTES OF DECEMBER MEETING**

Moved by Dr. DeMaria and, seconded by Mr. Wasson to approve the minutes of the meeting of December 10, 2013.

Mr. Harris inquired of Mr. LaMontagne if, after attending the December meeting, Mr. O'Brien was interested in serving as Member of the Board of Health. Mr. LaMontagne responded affirmatively, but said Mr. O'Brien had not received instruction. Mrs. Campbell said she was waiting on his resume or curriculum vitae. Mr. Harris surmised it was a miscommunication and asked Mr. LaMontagne to have Mr. O'Brien forward his resume to Mrs. Campbell.

Mr. Harris then asked Mrs. Musella if an estimate had been obtained re. Mr. Maas obtaining a Lead Inspector certification. Mrs. Musella

responded that the cost of the course and test were not prohibitive (\$220.00) but it would pull Mr. Maas from his regular duties for a full week. With the current workload she feels we cannot afford to dedicate the manpower to this endeavor. Mr. Harris agreed.

Mr. Wasson asked when the grease trap inspections at the two shopping centers on Ridge Road and MacArthur Boulevard would be accomplished and what they entailed. Mr. Maas explained that the inspections took place earlier today as another backup of the sewer system had taken place yesterday, January 13th. The establishments had to ready the traps (which have locking metal lids) prior to the inspectors' arrival. Mr. Hall (Plumbing Inspector) and Mrs. Homler could then ascertain if the systems were adequately sized, if the baffles were in good repair and the systems were operating properly.

Mr. LaMontagne believed we should be able to charge back our costs to the establishments and/or to the Department of Public Works for time dedicated to sewer back ups. When Mrs. Homler is called out to assist in a problem or to write a summons for another Department, she cannot attend to her own work load.

Mr. Maas explained that we have no state or local ordinance to mandate the frequency of grease trap cleaning or authorizing who may accomplish it. During a Chapter 24 routine inspection his review of the grease trap is limited to an external visual inspection. If the trap is dirty and grease is bubbling out of it, he would request a copy of their grease trap maintenance log and require them to abate the problem. If the trap is clean and appears to be in good working repair, he would sign off on it as satisfactory.

Mr. Wasson opined that this methodology is reactive - essentially waiting for the inevitable problem to surface. Mr. Maas agreed that some jurisdictions are more proactive; the Passaic County Sewage Commission mandates monthly professional grease trap cleaning in food establishments and charges a fee for their annual inspection. Mr. Harris is not disposed to considering additional controls we must then enforce until/unless this becomes a chronic issue.

Mrs. Mertz asked for an update on the summons issued to Potomac Homes as they did not show up for their scheduled court appearance. Mr. Maas explained that they are rescheduled to be in court this evening, but he does not know how they intend to plead.

Mr. Maas did conduct a full re-inspection of Potomac Homes today. The new General Manager took the Food Protection Manager's course and passed the test. Potomac Homes also contracted with ServSafe to have a representative come and teach a three hour Food Handler course in house. In addition to a Food Manager, Potomac Homes now has five certified Food Handlers at the Mahwah facility.

Mr. Wasson queried if Potomac's new Food Manager were to quit, would our local ordinance permit the clock to start ticking again (and again every time a new manager was hired)? Mr. Maas explained that the State code mandates a Food Manager at all times in Risk Level 3 establishments such as Potomac Homes. Mrs. Campbell responded that Mr. Wasson was correct regarding Risk Level 1 and 2 establishments, and it is the loophole that Mrs. Musella hopes to close by updating our ordinance this year.

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

### **HEALTH ACTIVITIES REPORT FOR DECEMBER 2013**

Moved by Mr. LaMontagne and, seconded by Dr. DeMaria to approve the Health Activities Report for November 2013.

Mr. Wasson inquired what information was gleaned from the Active Shooter web training session. Mr. Maas related that the webinar promoted escape as the best course of action followed by putting as much time and distance between yourself and the perpetrator as possible and as a last resort, confronting the perpetrator.

Mr. Harris requested additional information regarding the court ordered abeyance of charges against one of our horse licensees. Mr. Maas explained that the violation (manure too close to the public roadway) had not been abated by the initial hearing, and the prosecutor would not accept a guilty plea until it was. The prosecutor advised Mrs. Homler to issue a second summons documenting that the violation still existed. The manure has since been removed, and both charges will be heard on February 4<sup>th</sup>.

Dr. DeMaria requested specifics concerning a dog that had been sent to the State Lab for testing. Mrs. Campbell responded that the owner transported the remains to Trenton himself because the cost of courier transportation is high and borne by the dog owner; the lab does not charge for specimen testing. Mr. Maas continued that the dog had a history of biting his own family members twice, the second involving extensive facial injury and stitches.

Mr. LaMontagne inquired as to compliance with the food handling certifications and pushback from the establishment owners. Mr. Maas replied that some of the Risk Level 1 and 2 establishment owners are openly resistant. He simply explains to them that the law has been on the books for many years, but we are now enforcing it. Mrs.

Musella accepted responsibility for enforcing certification; her Master's degree is in Health Education, and she knows the ability to prevent food borne illness begins with knowledge.

Mr. Maas noted that Northwest Bergen Regional Health Commission offers both three-hour Food Handler and eight-hour Food Manager Courses during the year. He stated that having local classes available has increased compliance amongst Mahwah's establishments. Mrs. Musella noted that the courses are offered in both English and Spanish, and online courses are available in many more languages.

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

#### **HEALTH OFFICER'S REPORT FOR DECEMBER**

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

Mrs. Mertz inquired as to a complaint regarding a pot belly pig. Discussion ensued as to the cleanliness, strength, and trainability of pot bellied pigs, all attributes which were confirmed by Dr. DeMaria. While suitable as house pets in some homes, they do pose particular concerns: they cannot be collared and they are difficult to medicate and to groom (i.e. clipping hooves.)

Mr. Maas reported that he performed this investigation which was instigated by an anonymous complaint. The resident admitted to owning the pig and had it vaccinated for rabies. He is, however, unwilling and/or unable to pay the \$90 per year cattle licensing fee and doesn't understand why he would pay only \$7 to license a dog the same size or larger.

Mrs. Campbell then relayed the Planning and Zoning Department's position that if the animal wasn't grazing or being raised for slaughter they would consider it a pet - not livestock. As such, the resident would not need Zoning approval. The Members broadly agreed this is a grey area and thought should be given to issuing an individual waiver or amending our ordinance.

Mrs. Musella requested permission not to pursue the licensing of this resident's pig until the issue was fully reviewed. Mr. Harris is not inclined to make discretionary exceptions as they open the Board and the Township to legal challenges. He instructed Mr. Mason to examine our ordinance to see if a legal accommodation

can be made and how it might best be effected. Further discussion was tabled until such time this review is completed.

Mr. Harris requested particulars regarding an administrative issue with the staff's clothing allowance. Mrs. Musella explained that the CFO rejected our order as not complying with IRS regulations. There was some unpleasant back and forth as the order replicated one we placed last year, and other Department's orders were filled this year without issue. Eventually a revised and scaled down version of the inspectors' order was approved - but identifying apparel for the new staff member was denied.

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

#### **BILLS**

No bills presented for December.

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

Mr. LaMontagne reported that he had met with Mayor LaForet regarding our budget request and need for additional staff. Having reviewed the Department's workload and concerns with Mrs. Campbell and Mrs. Homler immediately beforehand, he felt he made a strong case on our behalf. He left the Mayor's office optimistic about our prospects for hiring a 20-hour per week part-timer.

Mr. Harris thanked Mr. LaMontagne for reaching out to the Mayor.

#### **REPORT OF ATTORNEY**

Mr. Mason reported that he had completed the update to the Board's HIPAA Privacy Policy and distributed copies of the new version. The Privacy Policy had not been updated since 2003. He recommended that it be made available on the Township website. Mrs. Campbell requested an electronic version so that this can be accomplished.

Mrs. Campbell advised the Members that Mr. Mason was also reviewing the Board's annual resolution exempting newspapers from photocopy fees. The Department would like to expand the exemption to residents seeking information on their own properties up to a specified limit. This would enable us to provide good service to our residents while cutting the workload. We currently must collect, receipt, deposit and report these transactions which are often ten cents or less each. Mr. Harris expressed his approval of the measure.

**OTHER BUSINESS**

Re. the January press release of the Board's 2014 meeting schedule, Mrs. Campbell asked the Members to take note of the November meeting date. If acceptable to the Board, we will meet on the second Wednesday of that month. Our regular meeting date is the second Tuesday, but the Municipal Building will be closed that day in observance of Veteran's Day.

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

The next Regular meeting is scheduled for **February 11, 2014** at 7:30pm.

Respectfully submitted,

Marianne Campbell  
Secretary