

**TOWNSHIP OF MAHWAH
BOARD OF HEALTH
MINUTES
FEBRUARY 11, 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 7:30 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. Mertz
 Dr. DeMaria
 Mr. Wasson

ABSENT: Mrs. DeSilva

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

APPROVAL OF REORGANIZATION MEETING MINUTES

Moved by Mr. Wasson and, seconded by Mrs. Mertz and unanimously agreed by all present to approve the minutes of the Reorganization Meeting of January 14, 2014.

APPROVAL OF REGULAR MEETING MINUTES

Moved by Mr. LaMontagne and, seconded by Dr. DeMaria to approve the minutes of the Regular Meeting of January 14, 2014.

Mr. Harris asked Mr. Mason to share his findings regarding our cattle ordinance and an unlicensed pot-bellied pig. Mr. Mason found no available exception in the current statute that would permit a resident to keep a pig as a pet without obtaining a Board of Health

license. A revision to the ordinance would be required to accommodate livestock (i.e. pigs, llamas, etc.) as pets. Mr. Mason does not recommend making an individual exception without authority of law behind it. Further, he said our ordinance does not address exotic pets at all. Dr. DeMaria noted that the State licenses and regulates exotic animals; Mrs. Homler confirmed this falls under the jurisdiction of the Department of Environmental Protection. Mr. Mason still believes that a local code would complement the State law and ensure that potentially dangerous pets in our jurisdiction were inoculated as recommended.

Mr. Harris asked the staff if, in recent memory, they had dealt with any complaints regarding exotic pets. Mrs. Homler said it is rare, but it happens. She recalled an incident at the Boy Scout camp that involved a dangerous snake which required a State permit. Mr. Harris wished to clarify he was not referring to business concerns displaying exotic animals for entertainment or educational purposes but to residents that owned them. He then reiterated his disinclination to change our ordinance to accommodate licensing livestock as pets.

Dr. DeMaria opined that there was value in knowing what types of animals were being harbored in the Township and suggested if we did not license, perhaps requiring registration of these pets would be a good compromise.

At minimum, Mr. Mason advises that some public outreach be done to inform residents that licensing of all livestock is required. Mr. Harris agreed and directed the staff to attend to the matter. He suggested reaching out to Carol Tyler, if necessary, for her input and requested a press release that presents more like a public service announcement or human interest story than a legal dictum. As to the licensing issue, Mr. Harris confirmed that "Milly" (and all other livestock in the municipality - whether kept for slaughter, for grazing or as a pet) requires a Board of Health license.

There being no further questions or discussion, the Minutes of the meeting of January 14, 2014, were unanimously approved.

HEALTH ACTIVITIES REPORT FOR JANUARY

Moved by Mr. Wasson and, seconded by Dr. DeMaria to approve the Health Activities Report for January 2014.

Mr. LaMontagne inquired if the problems with grease discharge into the sewer main on MacArthur had been resolved. Mrs. Homler responded that Nagoya was the major contributor to the back-ups. Her inspection of the food establishments at Ramapo Center in conjunction with Mr. Hall (Plumbing Inspector) revealed some sizing and component issues in several establishments. Nagoya's grease trap, however, was completely disconnected from the three-compartment sink, and a summons was issued. The establishments at the lower Mall on Ridge Road will be inspected on Wednesday, February 12th.

Mrs. Homler noted that Chapter 24 [which governs food operations] requires food establishments to conform to the Uniform Construction Code regarding grease traps. When they don't conform, both Plumbing and Health can write summonses to elicit compliance from the owner.

Nagoya's new grease trap is on order. Until it is installed, they are prohibited from using their three-compartment sink and all items must be washed in the dishwasher. A separate issue involved discharge of waste water directly onto the pavement in back of the establishment instead of into a slop sink. This discharge then ran into the storm water sewer. A summons was written for that violation as well.

Mrs. Mertz inquired about the lack of food handling certification at Boston Market. Mrs. Homler responded that the [certified] food manager was away for an extended period. To provide proper coverage Boston Market temporarily transferred the food manager from their Emerson location to Mahwah. For reasons Mrs. Homler does not understand Emerson Health Department categorizes Boston Market as a Risk Level 2 while we rate them as a Risk Level 3. The food "manager" from Emerson did not satisfy our criteria of having passed an eight-hour food manager's course. The General Manager of the Mahwah location has since returned and recertified.

Mr. Wasson inquired if this was one of the problems that would be solved by the updates Mrs. Musella was proposing to our food handler ordinance. Mrs. Campbell clarified that the 'loophole' Mr. Wasson referred to in the January minutes (page 3) regarded the wording in our current code. It provides a one year time-frame for a new employee or manager to be certified. "Revolving" managers can create a situation where certification is never achieved or required by law in our Risk Level 1 and 2 establishments.

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

HEALTH OFFICER'S REPORT FOR DECEMBER

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

Mrs. Musella provided details of the Public Health Emergency Preparedness Planning Meeting she had attended on January 7th. She explained that the State had received Federal monies (distributed by the CDC) for emergency planning activities, but these funds are dwindling. Because of this, New Jersey has grouped all the counties into five distinct regions. Bergen has been grouped with Essex and Hudson as the Northeast Region. Six priorities were defined by the CDC, and the partners (Counties) in each Region will work to develop responses and plans for each priority. The Regions will also determine how they will distribute their allotted funds between partners.

Responding to Mr. Harris' query Mrs. Musella stated that some twenty to twenty-five Health Officers will be overseeing the Northeast Region. At least 80% of them must agree on any Response Plan in order to move forward with it. A sample plan has already been approved and sent to the State for comments and review.

Mrs. Musella reported that updated emergency personnel contact information had been provided to the State at their request re. the Superbowl. Fortunately, there were no catastrophic events reported.

Mrs. Musella then noted that measles exposures are on the upswing. Six cases have been confirmed in the United States already this year.

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

BILLS

On a motion by Mr. Wasson, with a second by Dr. DeMaria and unanimously approved by all present to pay the bills for January.

REPORTS OF STANDING COMMITTEES

None.

REPORT OF LIAISON TO MAYOR AND COUNCIL

Mr. LaMontagne reported that he had met a second time with Mayor LaForet regarding our budget request and need for a part-time inspector. Despite the tone of their initial conversation, Mr. Laforet indicated that after discussing the issue with Mr. Campion they will not be recommending our request to the Council. Mr. LaMontagne expressed his disappointment to the Mayor and advised him as a courtesy that the Board will likely pursue the issue with Council directly.

Mr. LaMontagne then recommended that we request a budget hearing with Council as soon as possible to make our case. Mr. Harris advises making a well-rounded yet concise presentation covering the types of work we perform, the increasing complexity of the inspections and the increasing number of licensed establishments requiring inspections. He invited any staff or Board member to join an ad hoc committee to help prepare the presentation but cautioned that time was of the essence.

Discussion ensued regarding the budget process and deadlines. Mr. Wasson agreed with Mr. LaMontagne's assertion that most Departments' funding had been cut and everyone was 'making do'. He believes we must stress what has changed since we lost the part-timer, not just the changes over an arbitrary time period. Mr. LaMontagne wished to stress our fiscal responsibility in raising our fees and revenue before petitioning Council for additional funding.

Mrs. Campbell noted that funding for our part-timer was denied twice. The first time the funding was pulled the Board successfully lobbied the Council at a public meeting to reinstate it. When viewed under the lens of media and public scrutiny, the Board's arguments are perhaps more persuasive than those of the Department Head's when made in a closed meeting - even if the arguments are the same. Mr. LaMontagne agreed and encouraged all Members to come to the Council meeting even if they were not on the committee.

Mr. Harris directed Mrs. Campbell to schedule a meeting time and place for the ad hoc committee and to contact the Clerk to request a budget hearing.

REPORT OF ATTORNEY

Mr. Mason reported that he had met again with Mr. Harraka to confirm scheduling the inspectors for court activities. The prosecutor is

'on board' with our request for scheduling trials on Thursdays in order to reduce staff overtime. He also approves of the fine recommendation letter the staff submits to the court prior to a first appearance (and in lieu of attending). While with him, Mr. Mason took the opportunity to reinforce the Board's commitment to safeguard the public health and how important our summonses and enforcement actions were in accomplishing this.

Mrs. Musella queried if Mr. Harraka's approval has filtered down to the Court Administrator who is still scheduling the inspectors on Tuesday evenings. Mrs. Homler added that Mr. Maas was scheduled to appear tonight on one of our summonses. Mr. Mason answered Mrs. Musella that he did not have time to speak with Ms. Cuomo, but this matter is the prosecutor's prerogative. He answered Mrs. Homler that first appearances will always be scheduled on Tuesday evenings but that our protocol will be to submit the recommendation letter in lieu of attending court.

Mr. Mason noted he has provided a digital copy of our new privacy practices notice to Mrs. Campbell for posting on the Township website.

Finally, Mr. Mason reported that he had reviewed the 2014 Health Officer's Contract as submitted by Northwest Bergen Regional Health Commission and finds it acceptable for signing. It is virtually identical to the prior year's contract excepting the contract price and the addition of the HIPAA addendum which we were requiring in all of our contracts.

OTHER BUSINESS

Mr. Harris requested a motion to waive the reading of Resolution 2014-04. So moved by Mrs. Mertz, seconded by Dr. DeMaria and unanimously approved by all present.

Resolution 2014-04: 2014 Health Officer Contract with NWBRHC

Motion: Mr. Wasson
Second: Mr. LaMontagne

Roll Call: 5 Ayes, 1 Absent

Motion carries.

Mr. Harris requested a motion to waive the reading of Resolution 2014-05. So moved by Mr. Wasson, seconded by Dr. DeMaria and unanimously approved by all present.

Resolution 2014-05: 2014 Public Health Nursing Contract with HARP

Motion: Mrs. Mertz
Second: Dr. DeMaria

Roll Call: 5 Ayes, 1 Absent

Motion carries.

Resolution 2014-06: Fees for Copies: Exemptions

Motion: Dr. DeMaria
Second: Mrs. Mertz

Roll Call: 5 Ayes, 1 Absent

Motion carries.

In the matter of the potential candidate for the Board of Health, the Members agreed unanimously to recommend Mr. Adam O'Brien to fill the position vacated by Mrs. Spiech. Mr. Harris directed Mrs. Musella to send a written recommendation to the Mayor on behalf of the Board of Health.

There being no further questions or discussion, a motion to close the meeting was made at 8:50pm by Mr. LaMontagne, seconded by Dr. DeMaria and, unanimously agreed to by all present.

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

Respectfully submitted,

Marianne Campbell
Secretary