

**TOWNSHIP OF MAHWAH
BOARD OF HEALTH
MINUTES
MARCH 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 First Vice-President, Robert LaMontagne.

The Opening Statement was read according to the Sunshine Law and was followed by Roll Call:

PRESENT: Mr. LaMontagne
 Mrs. Mertz
 Dr. DeMaria
 Mrs. DeSilva

ABSENT: Mr. Harris
 Mr. Wasson

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

APPROVAL OF REGULAR MEETING MINUTES

Moved by Mrs. DeSilva and, seconded by Mrs. Mertz and, unanimously agreed by all present to approve the minutes of the Regular Meeting of February 11, 2014.

HEALTH ACTIVITIES REPORT

Moved by Mrs. Mertz and, seconded by Dr. DeMaria to approve the Health Activities Report for February 2014.

Mrs. DeSilva inquired as to the violations rendering Joyce Kilmer cafeteria Conditional. Mr. Maas responded that foods were not being held to a minimum of 135°F and cited incorrect procedure (not

equipment failure) as the reason. Foods were being inadequately heated before being placed in the steam table. This violation alone warranted a Conditional rating, but there were others as well all of which pointed to a lack of training.

Mrs. DeSilva was concerned for the other public schools as Pomptonian serves the whole district. Mr. Maas has only inspected George Washington and Betsy Ross thus far and they were satisfactory. He did meet with Pomptonian's district manager for Mahwah and is satisfied that remedial corrective plans are in place.

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

HEALTH OFFICER'S REPORT

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

Mrs. DeSilva inquired about a dog that died while under quarantine. Mrs. Musella believed the bite was unprovoked and that the dog had been ill. The State protocol in this case is to have the animal tested for rabies, but the owner denied the test. Dr. DeMaria confirmed that this was only permitted because she was both the bite victim and the adult owner. If it had been a minor or anyone else who had been bitten, the State would have mandated testing.

As is our office practice, Mrs. Homler sent a letter to the dog owner confirming the State protocol and the risks involved in refusing rabies testing and/or prophylaxis.

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

BILLS

Moved by Mrs. Mertz and, seconded by Mrs. DeSilva and, unanimously agreed by all present to pay the bills for February.

REPORT OF LIAISON TO MAYOR AND COUNCIL

Mr. LaMontagne thanked the staff and fellow Board Members who attended the Council meeting on February 27th in support of our bid for a part-time inspector. He expressed his appreciation to Mrs. Musella for a well-prepared, comprehensive and successful presentation to the Council.

REPORTS OF STANDING COMMITTEES

None.

REPORT OF ATTORNEY

Mr. Mason reported that he had reviewed ordinances from several other towns regarding licensing of livestock and unusual pets. His research yielded only one example - Union City - whose ordinance essentially points to State Department of Agriculture regulations. He recommends letting Council determine if they wish to license pigs as pets just as they do dogs and cats.

PUBLIC COMMENTS

(Note: This agenda item was heard out of order and prior to approval of the Minutes)

Mr. Greg Morris, 21 Spruce Road, addressed the Board regarding his pet, pot-bellied pig. Mr. Morris stated that he was a disabled American living on a fixed income and could not afford the ninety dollar licensing fee imposed by the Board of Health. He explained that "Milly" is not a large animal and did not agree that she should be licenced as livestock. As a family pet, she sleeps in his house every night.

Mr. Morris requested that the Board of Health consider making a change to our ordinance to license miniature breeds of pigs at a rate commensurate with dog and cat licensing. He advised that Bergen County Animal Shelter had provided Milly with her rabies vaccine at a reduced fee due to his financial hardship. He further

noted that Milly had been spayed and asked Mr. Maas if he had received that documentation yet. Mr. Maas responded "no", however, he had received confirmation of the rabies vaccine. Mr. Morris stated that he had contacted several Council Members earlier in the day. He opined that they were sympathetic to his predicament and indicated they would consider a change to the fee. He asked Mrs. Campbell to verify this claim. Mrs. Campbell responded that several Councilmen had called the Health Department office, and those calls were fact-finding in nature. Mr. Morris then asked if any of them brought up the ninety-dollar licensing fee. Mrs. Campbell responded "no" adding that the fees the Board of Health levies are for farm animals, not for pets. She suggested that since it is the Council's purview to license pets, he may need to take this issue up directly with them.

Mr. Morris informed the Members that he planned to address the Council on Thursday night [March 13th]. He asked if the Board of Health would consider delaying imposition of fines until after he was able to present his case to the Council.

Mr. LaMontagne is concerned that other residents may argue their livestock are pets so as to avoid the higher license fee. Where, he asked, would the Township draw the line on what constitutes a pet? Mr. Morris believes that pets can be narrowly defined as animals that share the same living space as the human occupants of the house.

Mr. LaMontagne agreed the definition might be workable but, unlike a farm, a person's home is not open to inspection. Our staff would not have the authority or access to verify that any resident's unusual pet was actually 'living' in the home.

Dr. DeMaria advised Mr. Morris that there are many regulations in place for commercial swine and that there may already be a regulation in place delineating them from miniature pigs. Rather than reinvent the wheel, she offered to investigate Department of Agriculture rules to find one.

Mr. Maas asked Mr. Morris to forward all of Milly's medical records to him, including her spay certificate from Franklin Lakes Animal Hospital and any health immunization records. Mr. Mason qualified that the Board of Health Ordinance did not cover this 'hybrid' situation and cautioned Mr. Morris that any fines levied by the court may exceed the actual cost of licensing.

Mr. Morris thanked the Board for their time and excused himself. Dr. DeMaria reaffirmed her offer to research on behalf of the Board to find what laws may be in place. Mrs. Campbell related that Tyco Animal Control had offered an opinion that pigs are hard to handle, harder to capture, impossible to leash or harness and require

fencing to keep them contained. They do not recommend them as household pets. Mrs. Mertz inquired as to the licensing and potential fines. Mrs. Musella said we will delay legal action pending review with Council as to their position. Mr. Mason confirmed that we do not have the authority to issue pet licenses. He recommends forwarding whatever information Dr. DeMaria is able to uncover to Council and they will have to decide whether or not to license pigs as pets.

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 April 8, 2014 at 7:30pm.

Respectfully submitted,

Marianne Campbell
Secretary