

**TOWNSHIP OF MAHWAH
BOARD OF HEALTH
MINUTES
June 10, 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 7:40 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
 Mr. O'Brien
 Mr. Wasson

ABSENT: Mrs. Mertz

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

APPROVAL OF REGULAR MEETING MINUTES

Moved by Mr. Wasson and, seconded by Mrs. DeSilva to approve the minutes of the Regular Meeting of May 13, 2014.

Mr. Harris inquired if Mr. You had abated the violations documented in Nagoya's last inspection and/or followed through with the additional stipulations imposed at his Administrative Hearing in May.

Mr. Maas stated that Mrs. Homler was not able to re-inspect due to time constraints caused by the pool openings. However, she visited the establishment to discuss a separate complaint received from the site's property manager: Nagoya was dumping an unknown liquid pollutant into the fresh storm-water drain in back of the property.

Mrs. Musella noted that it took Mr. You several weeks to comply with our requests including producing a completed pH log.

Mr. Harris asked if we were aware of any illnesses that may have been caused by Mr. You's rice preparation. Mrs. Musella conceded there were none that we knew of; but, food-borne illnesses often go unreported. Diagnosis generally requires stool samples which patients are often reluctant to give.

Dr. DeMaria opined that a vendor's refusal to adhere to the lesser of the State mandates is probably a fair indicator as to whether he will comply with the more serious ones. Mr. LaMontagne agreed and expressed his concern with what he viewed as Mr. You's defiance when given explicit directives.

Mrs. Campbell noted that the State deems the acidified rice enough of a health hazard that it required Mr. You to purchase a customized HACCP plan - at a cost of several hundred dollars.

Given the history, Mr. Harris recommends we follow up with Nagoya at least once every few weeks.

Regarding the alleged dumping, Mr. Maas stated that Mr. You has denied the charge (although he pleaded guilty to the same violation in the past, and was fined \$100). Mrs. Homler was able to accompany a Bergen County inspector to Nagoya to investigate the complaint several days after the fact. In response to Mrs. DeSilva's query, Mrs. Musella said that even though no evidence of the dumping remained they were able to speak with other tenants who had witnessed it. The County will send a strongly worded abatement notice to Mr. You. If he does not cease and desist, their fines run upward of \$1000.00 per violation.

There being no further questions or discussion, the Minutes of the meeting of May 13, 2014, were unanimously approved.

HEALTH ACTIVITIES REPORT

Moved by Mr. LaMontagne and, seconded by Mr. O'Brien to approve the Health Activities Report for May 2014.

Mrs. DeSilva asked for details on the Conditional food inspection reports. Mr. Maas responded that Mrs. Homler inspected Fardale Deli and Mini-Mart and found sanitation and food temperature abuse issues. Mr. Maas had inspected the A&P Produce Department; the salad bar had items out of temperature, and they had also dismantled and removed a sink the facility was required to have.

Mrs. Musella wished to point out that the inspectors had performed thirty-four pre-operational inspections of twenty different public recreational bathing facilities. All twenty venues were opened in time for Memorial Day weekend. Because they are not listed individually on the monthly report (as the food establishments are) it is hard to appreciate the volume of work this entails, and she congratulated the inspectors on a job well done.

Mrs. DeSilva asked why the Sheraton pool was Conditional. Mr. Maas responded that the spa water lab tests came back high for bacteria. Protocol for this situation is for the operator to immediately cordon the pool off to prospective bathers, post its closure and email a picture of same to the Department. Once the re-inspection fee and a satisfactory lab test of the water is received in our office, the inspectors go out and re-open the pool or spa. Mr. Maas further stated that the spa had a very heavy bather load prior to the failed water test. The bromine level was high indicating the operator was attempting to keep the spa water to Code.

Mr. LaMontagne asked if the Sheraton rented the pool to outside parties. Mr. Maas replied yes; Blue Water Divers teaches classes at the facility.

Mrs. Musella was pleased to announce that Ralph Grotheer attended two orientation meetings with the staff in May and began work on June 2nd.

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

HEALTH OFFICER'S REPORT

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

Dr. DeMaria requested additional information about a feral cat complaint at Bogert's Ranch Estates. Mrs. Campbell responded that the cat turned out to be owned and licensed but was urinating and marking the complainant's garden and property. Tyco visited the property and spoke directly with the owner regarding the complaint.

Mrs. DeSilva asked about another cat complaint on Indian Hollow Court. Mr. Maas answered that a summons had been written to a woman placing food outdoors in violation of the ordinance against feeding wild animals. He said the prosecutor was gentle with the Defendant but fined her \$50.00. Tyco is assisting with trapping the animals.

Mr. Mason asked for more information regarding e-cigarettes and the email Mrs. Musella had sent out regarding pending legislation. Mrs. Musella responded that the Food and Drug Administration is soliciting comments regarding use, warning labels and age of sale restrictions, etc. The FDA cautions that research regarding these products (which vaporize liquid nicotine) is preliminary and, therefore, does not currently warrant the strictest regulation.

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

BILLS

Moved by Mr. Wasson and, seconded by Mr. LaMontagne and, unanimously agreed by all present to pay the bills for May.

REPORTS OF STANDING COMMITTEES

No Report.

REPORT OF LIAISON TO MAYOR AND COUNCIL

No report.

REPORT OF ATTORNEY

Mr. Mason reported that he had reviewed and updated the Salary Ordinance Amendment being considered this evening. The Council's recent 2014 Salary Ordinance amendment was inadequate to cover the hourly rate we had offered to Mr. Grotheer.

CORRESPONDENCE

None.

OTHER BUSINESS

RESOLUTION 2014-07: 2014 Salary Ordinance (14-129) on Introduction

Motion: Mr. O'Brien
Second by: Mrs. DeSilva

Roll Call: 6 Ayes, 1 Absent

Motion carries.

There being no further questions or discussion, a motion to close the meeting was made at 8:05pm by Mr. LaMontagne, seconded by Dr. DeMaria and, unanimously agreed to by all present.

The next Regular meeting is scheduled for July 8, 2014 at 7:30pm.

Respectfully submitted,

Marianne Campbell
Secretary