

**TOWNSHIP OF MAHWAH  
BOARD OF HEALTH  
MINUTES  
September 9, 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  
                      Mrs. DeSilva  
                      Mr. Wasson

ABSENT:            Mr. O'Brien

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

**APPROVAL OF REGULAR MEETING MINUTES**

Moved by Mr. Wasson and, seconded by Mrs. DeSilva, and unanimously agreed by all present to approve the minutes of the Regular Meeting of June 10, 2014.

*(The meeting of July 8, 2014, was cancelled due to lack of quorum.)*

**JUNE HEALTH ACTIVITIES REPORT**

Moved by Mr. LaMontagne and, seconded by Mrs. DeSilva and, unanimously agreed by all present to approve the Health Activities Report for June 2014.

**JULY/AUGUST HEALTH ACTIVITIES REPORT**

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

Dr. DeMaria requested details on a rabies exposure incident. Mrs. Homler explained that a family dog was found with a dead raccoon in its mouth. The raccoon subsequently tested positive for rabies. The dog, along with two other dogs living in the home, all had current rabies immunizations and are under quarantine. The family member who handled the exposed dog is undergoing rabies prophylaxis.

Mrs. DeSilva inquired as to the status of Mr. Kold Kuts. Mrs. Homler said that the owner and the operation got off to a rough start. She suggested that as a prior New York State licensee, he was not familiar with New Jersey Sanitary Code and perhaps a bit overwhelmed by the move and construction of a new establishment. He seems to be doing better now, and the operation is in compliance.

Mrs. DeSilva then asked for particulars on an abatement notice issued to the owner of a horse farm on Ramapo Valley Road. Mrs. Homler replied that Tyco Animal Control is dissatisfied with the condition of the animals and the property there and is working with the owner to rectify many issues. Mrs. DeSilva then asked if the horses belonged to the property owner or if they were boarded there. Mrs. Homler believed all but one belong to the property owner.

As part of the abatement, Carol Tyler required the owner to have a veterinarian evaluate and grade the horses; most received sub-standard scores. Property issues include roof and fencing in disrepair, infrequent manure removal, standing water, etc.

Mrs. Mertz requested the Township's protocol for dealing with feral cats. Mrs. Homler explained that Tyco does not endorse managed cat colonies but inherited several of them when they took over as the Township's Animal Control contractor. Tyco traps and evaluates feral cats; those that can be adopted out are and the balance are euthanized.

Mrs. Homler is currently working on a feral cat issue at a condominium complex. A resident there has been leaving food out for the cats despite being issued an abatement notice. She said that a summons may have to be issued if the violations persist.

Dr. DeMaria explained the rationale for the viewpoint and practice of Trap-Neuter-Release (TNR): TNR manages an existing colony by stopping its growth from within and the colony itself stops the

influx of unneutered animals from the outside. Her professional opinion is that, like the exploding deer population, the only effective way to reduce their numbers is through neutering. Hunting or euthanizing alone is insufficient. She noted that West Milford had a severe problem with feral cats and has practiced TNR for several years with good success.

Mrs. Homler then noted a recent media article regarding a non-profit group called "The Promise" in which Dr. DeMaria was featured. Dr. DeMaria explained that she has taken the helm of the former "Little Critter Fund" group which was formed by Dr. Welch, and they provide free spay and neuter clinics for needy pets. Upcoming programs are scheduled in October and November.

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

#### **HEALTH OFFICER'S REPORT JUNE**

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

Mrs. Mertz asked if the issues for which Nagoya had been cited and called in for an administrative hearing have been resolved. Mrs. Homler responded that the County did not issue any summonses for the outside dumping: they visited the establishment several times, and no additional violations were documented. As to the interior issues, Mr. Grotheer has inspected the establishment and issued a Satisfactory rating.

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

#### **HEALTH OFFICER'S REPORT JULY/AUGUST**

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

Mrs. DeSilva asked Mrs. Homler to provide additional information on the dumpster issues at the Gateway Plaza as Mr. Grotheer had made many inspections to this property.

Mrs. Homler said that Mrs. Musella had asked Mr. Grotheer to pay special attention to certain dumpster areas that have become problematic. Mrs. Campbell stated the property manager was instructed to schedule more frequent pick-ups; the installed dumpster could not contain all the garbage being generated, and there was litter and debris strewn all over especially since the opening of the Mr. Kold Kuts.

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

**BILLS - JUNE**

Moved by Mrs. DeSilva and, seconded by Mr. Wasson and, unanimously agreed by all present to pay the bills for June.

**BILLS - JULY/AUGUST**

Moved by Mr. Wasson and, seconded by Mrs. DeSilva and, unanimously agreed by all present to pay the bills for July and August.

**REPORTS OF STANDING COMMITTEES**

No Report.

**REPORT OF LIAISON TO MAYOR AND COUNCIL**

No report.

**REPORT OF ATTORNEY**

Mr. Mason advised the Members that he had reviewed the proposed Food Handling Ordinance as presented to him by the Department and with minor adjustments found it to be satisfactory.

A second issue under review concerns the interpretation of our fowl licensing regulations. A property owner is denying responsibility for licensing a flock of hens that he permits to reside on his property. Mr. Mason stated that primary responsibility for the physical condition and compliance of the property rests with the property owner; primary responsibility for licensing of the flock would belong to the flock owner.

Mrs. Homler said that there is one owner, but the flock is split and occupying non-contiguous properties. Mr. Mason will consider the additional information and provide written guidance to the staff on how to proceed.

**CORRESPONDENCE**

None.

**OTHER BUSINESS**

**RESOLUTION 2014-08: 2014 Salary Ordinance Amendment**  
**Ordinance 14-129 on Final Passage**

Motion: Mrs. DeSilva  
Second by: Mr. Wasson

Roll Call: 6 Ayes, 1 Absent

Motion carries.

**RESOLUTION 2014-09: Retail Food Safety Certifications**  
**Ordinance 14-130 On Introduction**

Motion: Mrs. DeSilva  
Second by: Mr. Wasson

Roll Call: 6 Ayes, 1 Absent

Motion carries.

There being no further questions or discussion, a motion to close the meeting was made at 8:03pm by Mr. LaMontagne, seconded by Mrs. DeSilva and, unanimously agreed to by all present.

The next Regular meeting is scheduled for October 14, 2014 at 7:30pm.

Respectfully submitted,

Marianne Campbell  
Secretary