

**TOWNSHIP OF MAHWAH  
BOARD OF HEALTH  
MINUTES  
March 10, 2015**

The regularly scheduled 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  
                      Dr. DeMaria  
                      Mr. O'Brien  
                      Mr. Wasson

ABSENT:            Mrs. DeSilva  
                      Mrs. Mertz

PROFESSIONALS:  Mrs. Musella, Health Officer  
                      Mrs. Campbell, Secretary  
                      Mr. Mason, Attorney  
                      Mrs. Homler, Principal REHS  
                      Mrs. Carol Tyler, Tyco Animal Control

**APPROVAL OF REGULAR MEETING MINUTES**

Moved by Mr. Wasson and, seconded by Dr. DeMaria to approve the minutes of the regular meeting of February 10, 2015. Mrs. Musella requested a correction on page two to indicate that the mayor's wellness event is scheduled for Saturday, May 16th.

There being no further questions or discussion, the minutes of the February meeting were unanimously approved.

**APPROVAL OF HEALTH ACTIVITIES REPORT**

Moved by Mr. LaMontagne and, seconded by Mr. O'Brien and unanimously agreed to by all present to approve the Health Activities Report for February.

**APPROVAL OF HEALTH OFFICER'S REPORT**

Moved by Dr. DeMaria and, seconded by Mr. O'Brien to approve the Health Officer's Report for February.

Mr. Harris asked for details regarding a situation in a rental unit necessitating the removal of the tenant and several animals.

Mrs. Musella invited Mrs. Tyler to address the question. Mrs. Tyler stated inspectors from both the Construction and Health Departments determined conditions in the home rendered it uninhabitable. The animals were boarded by Tyco pending a major clean-up of the premises. This was accomplished, and the animals [and tenant] were both permitted to return.

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

**BILLS - FEBRUARY**

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

**EXECUTIVE SESSION**

Moved by Mr. Wasson and, seconded by Mr. LaMontagne and, unanimously agreed to by all present to enter into Executive Session at 7:40pm for the purpose of conducting an administrative hearing with Mr. George Surgent.

Moved by Mr. Wasson and, seconded by Dr. DeMaria and, unanimously agreed to by all present to return to Regular Session at 8:25pm.

**REPORTS OF STANDING COMMITTEES**

No Activity.

REPORT OF LIAISON TO MAYOR AND COUNCIL

No Activity.

REPORT OF ATTORNEY

Mr. Mason noted that his activities had focused largely on determining proper procedure to follow regarding the Board's authority and prerogative to suspend or revoke a license. These procedures were detailed in his confidential memo dated February 27, 2015.

As a matter of procedure, he explained that should this body decide to revoke a license, the applicant would then have to take it up in Superior Court. He then noted that the Board is also empowered to impose specific conditions on an applicant or place him on a probationary or conditional state of licensure.

If this is an avenue the Board wants to consider, he recommends a written check list or plan that the applicant must agree to comply with. Mr. Mason expects that Mrs. Musella and Mrs. Tyler are the parties most qualified to devise that list and/or conditions. If the Board approves the conditions and votes to impose them, the vote will be memorialized by formal resolution.

Mrs. Tyler noted that she has been working with the applicant in question for several years, only gaining compliance one step or issue at a time. She feels what is needed is a comprehensive management plan to prevent things from sliding until they reach a crisis state. She is willing to create one, and Dr. DeMaria agreed to review it.

CORRESPONDENCE

Date: 2/17/2015 To: Board of Health From: Jeffrey Mason  
Executive summary and analysis BH:11-3 re. animal licensing

Date: 2/23/2015 To: George Surgent From: Angela Musella  
Notice of Denial Or Revocation of License and right to hearing

Date: 2/25/2015 To: Board of Health From: George Surgent  
Requesting a hearing before the Mahwah Board of Health

Date: 3/6/2015 To: George Surgent From: Angela Musella  
Confirming Administrative Hearing at 3/10/2015 Board of Health Meeting

OTHER BUSINESS

Resolution 2015-07:    Payment for 2015 Rabies Clinic Veterinarian

Motion:    Mr. Wasson

Second:    Mr. LaMontagne

Roll Call: 4 Ayes, 2 Absent, 1 Abstention

Motion carries.

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

The next Regular meeting is scheduled for April 14, 2015 at 7:30pm.

Respectfully submitted,

Marianne Campbell  
Secretary