

**TOWNSHIP OF MAHWAH
BOARD OF HEALTH
MINUTES
September 1, 2015**

The re-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
 Mrs. DeSilva
 Mr. O'Brien

ABSENT: Mrs. Mertz
 Mr. Wasson

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

APPROVAL OF REGULAR MEETING MINUTES

Moved by Mrs. DeSilva and, seconded by Mr. O'Brien and, unanimously agreed by all present to approve the Minutes of July 14, 2015.

APPROVAL OF HEALTH ACTIVITIES REPORT

Moved by Mr. LaMontagne and, seconded by Mrs. DeSilva to approve the Health Activities Report for July.

Mr. Harris found it interesting that there were no births reported in the two months since the last report. Mrs. DeSilva noted, and Mrs. Campbell confirmed, that most births take place in hospitals, which Mahwah does not have.

Mrs. DeSilva questioned the dog licensing abatements noted on page 6, recalling a prior decision to refer these issues to the Clerk's Office. Mr. Maas said that Mrs. Homler wrote the abatements in question and surmised they were in the course of animal bite or complaint investigations.

Mrs. DeSilva then inquired if the staff knew what percentage of dog owners did not license their animals. Neither Mr. Maas nor Mrs. Campbell had seen those statistics. Based on the Department's history of our bite investigations, Mrs. Campbell believed that more people immunize their animals than license them. Mr. Maas estimated that close to 90% of bite investigations involve animals that are not licensed.

Discussion ensued regarding animal bite protocols issued by the State as well as those issued by hospitals. Mr. O'Brien explained that his hospital's protocol is to begin rabies prophylaxis within 8 to 24 hours after a bite if the biting animal's immunization status cannot be determined. If a real-time licensing database is not available off-hours and weekends/holidays, they are compelled to recommend that patients begin prophylaxis.

Mrs. Campbell recounted the numerous discussions the staff and Board had regarding this issue including a concerted effort made some years ago to lobby for an updated electronic animal licensing program. Mrs. Homler solicited the help of the Police Department to lobby the Municipal Clerk for access to the database and for a better program.

Mrs. DeSilva asked to what purpose did Mrs. Homler attend a beekeeping course. Mr. Maas explained this was to address the current surge in the practice of beekeeping. Our Zoning Official has determined that beekeeping is an agricultural use and, therefore, requires five acres of property. Mrs. DeSilva asked if this was recent legislation. Mr. Maas responded that the law has been on the books for years and has been interpreted comparably by several Zoning Officials.

Mrs. DeSilva surmised there must be some push back from residents because these [locavore] practices are getting popular and many people want to engage in them. Regarding beekeeping, Mrs. Campbell said that when the population overwhelms the hive, the bees will swarm. While honeybees are generally not aggressive, a swarm of thousands can still be disconcerting. Mrs. Campbell believed that Mrs. Homler learned about the course via a beekeeping vendor that participated in the Mayor's Wellness Day program. The information gleaned helps us to address residents' concerns intelligently.

Mr. Harris expressed that he was actually in favor of people raising chickens and collecting their own eggs. He felt that the property requirement, especially for three or four fowl, was excessive.

Mrs. DeSilva agreed that perhaps we should assist people in this regard by making it easier, not harder, to produce their own foodstuffs. Mr. Harris asked how often the staff received inquiries regarding the keeping of chickens. Mrs. Campbell recalled two instances during this calendar year. Mr. Harris determined the number did not warrant pursuing the issue at this time.

Discussion ensued regarding the separate authority of the Board of Health's Code to govern the activity of keeping fowl and the Zoning Board's authority to allow it in the first place. Ultimately, Mr. Harris advised that were a groundswell of interest in keeping small numbers of chickens to develop, the Board could pursue addressing the legal impediments at that time.

Mr. Harris remarked that the number of bat submissions to the State lab was high. Mrs. Campbell stated that traditionally the staff has regarded August and September as "bat months" as the number of exposures always seem to peak at this time of year.

Mrs. DeSilva was concerned about the number of adjournments granted in a lead abatement case before the court. Mrs. Campbell explained that of the five adjournments, only one was for a 'no-show'; the balance were granted by request of the defendant or his attorney. Mrs. Campbell was aware that money was an issue and lead abatement is expensive. Mrs. DeSilva feels strongly that the defendant's financial issues do not trump the safety of the children living in the home and is frustrated that the contamination persists after nine months. Mr. Maas believed that the children in the house have returned to India.

Mr. Mason noted that the State of New Jersey may offer financial assistance to help residents remediate lead issues. Mrs. Campbell suggested that Mrs. Homler should probably speak directly with the prosecutor prior to the next scheduled appearance. Mr. Mason agreed and said the judge and prosecutor may not know the extent of the danger the violation represents. He explained that when there is a heavy case load, the court's immediate focus may be on disposing the docket and not necessarily on the merits of the cases before it.

Mr. O'Brien found references online indicating that the New Jersey State Department of Community Affairs (DCA) once offered financial assistance to local Boards of Health for lead remediation and suggested that would be a good place to start researching grant availability to assist the resident.

Mrs. DeSilva asked what conditions garnered Mahwah Bar and Grill a Conditional rating. Mr. Maas stated that Mr. Grotheer had done the inspection. He did not know the specific violations but knew that

they were abated very quickly. Mrs. Campbell was aware that the owner cut his vacation short and returned to oversee whatever remediation was required. The establishment was re-inspected and given a Satisfactory rating within several days.

Mr. Mason asked if Nagoya was compliant. Mr. Maas said they were recently inspected and received a Satisfactory rating on July 27th.

Mr. Harris surmised we were getting some push-back on the food handler certification requirements based on the number of summonses issued in that regard. He then asked why the summons against Potomac Group Homes was dismissed.

Mr. Maas blamed a mis-communication between the Violations Department and the Court. The inspectors do not go to court for a first appearance but submit a fine recommendation to Judge Gianni (via the Violations office) in the event of a guilty plea. In this case, Violations neglected to a) advise Mr. Maas of the rescheduled hearing and b) forward the original recommendation letter to either the judge or the prosecutor. The defendant had taken a course in food handling, showed his credentials to the prosecutor, and the prosecutor dismissed the case.

Mr. Harris wished to clarify that the defendant had submitted proof to the Court. Mr. Maas confirmed this was the case but felt it did not exonerate the violation. Potomac Home houses a susceptible population and there was no one on staff with any certification.

Mrs. Campbell queried Mr. Mason if this is a common occurrence. She suspected that Mr. Harraka did not have the expertise to know if the credentials submitted by the defendant were issued by an accepted authority. Mr. Mason agreed it may have been more prudent to adjourn the case and request guidance from our department. Mr. Maas said the facility is still Conditional pending re-inspection.

Mrs. DeSilva was concerned that Boston Market had no food manager either. Mr. LaMontagne opined that there is so much employee turnover in this industry it will be a constant problem. Mrs. Campbell said that both establishments were in court last year for the same violation which is what made the dismissal so upsetting to the staff.

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

APPROVAL OF HEALTH OFFICER'S REPORT

No report.

BILLS - JULY/AUGUST

Moved by Mrs. DeSilva and, seconded by Dr. DeMaria to pay the bills for July and August.

Mr. Harris inquired as to the late payments for HARP's 1st and 2nd quarter bills. Mrs. Campbell explained that there are stipulations attached to "Non-fair and Open" contracts [such as the ones we issue to HARP and NWRHHC] which must be satisfied before payment can be made. We are still waiting on HARP's Certificate of Employee Information Report (issued to HARP by the State) and a Business Entity Disclosure statement (declaring no one in HARP had made political contributions to anyone on our Council in the year prior to the contract) before payment can be made.

There being no further questions or discussion, payment of the bills for July and August was unanimously approved.

REPORTS OF STANDING COMMITTEES

No activity.

REPORT OF LIAISON TO MAYOR AND COUNCIL

Mr. LaMontagne had no activity to report but agreed to approach the Mayor and/or Council to bring up the Township's dog licensing program again. Mr. O'Brien warned of the liability the Township could face if one person unnecessarily began rabies prophylaxis when 24/7 access to a current licensing database could have prevented it.

Mr. Harris agreed this was an important issue and endorsed this effort. Mr. Mason suggested preparing a statement that includes an outline of bite investigation procedure and protocols as well as the statistics of our bite and quarantine activities. Most importantly we must stress the scenario of what happens on a Friday night when the current database is not available to either Health Department personnel or the police.

Dr. DeMaria asked how we determine the vaccination status of a biting dog. Mrs. Campbell answered that the Clerk's Office is contacted and asked to verify if an identified dog at a specific address is licensed. The Clerk can also search the database on a

variety of criterion if the victim cannot identify where the animal resides or what breed it is. However, immediate retrieval of information is only available during working hours. It was explained to us that the electronic file the police search is merely a 'snapshot' of the information contained in the database at the time the police department physically comes to the Clerk's Office and burns a copy of it to disk.

Dr. DeMaria was concerned that an animal could be misidentified. Mrs. Campbell stated bite investigations include interviews with both the victim and dog owner. If there is conflicting information or differing accounts of what happened, the investigators would make an on-site visit. At that time they verify the licensing status of all animals on the premises. In the past, face-to-face meetings between bite victim and owner/animal have been arranged so as to ensure the proper identification has been made.

REPORT OF ATTORNEY

No activity.

OTHER BUSINESS

Resolution 2015-08: Appointment of Physician for Flu Clinic

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

Roll Call: 5 Ayes, 2 Absent
Motion carries.

There being no further questions or discussion, a motion to close the meeting was made at 8:20pm by Mr. LaMontagne and, seconded by Mr. O'Brien and, unanimously agreed to by all present.

The next Regular meeting is scheduled for **October 13, 2015** at 7:30pm.

Respectfully submitted,

Marianne Campbell
Secretary