

**TOWNSHIP OF MAHWAH
BOARD OF HEALTH
MINUTES
October 13, 2015**

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
 Dr. DeMaria
 Mrs. DeSilva
 Mrs. Mertz
 Mr. Wasson

ABSENT: Mr. O'Brien

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

APPROVAL OF RESCHEDULED MEETING MINUTES

Moved by Mrs. DeSilva and, seconded by Mrs. Mertz and, unanimously agreed by all present to approve the Minutes of September 1, 2015.

APPROVAL OF HEALTH ACTIVITIES REPORT

Moved by Mr. LaMontagne and, seconded by Dr. DeMaria to approve the Health Activities Report for September.

Mrs. DeSilva was surprised that a groundhog had tested positive for rabies (Page 4). Mrs. Homler believed it was actually a raccoon that had tested positive. She explained the circumstances of an exposure

wherein the family dog attacked a raccoon and its owner attempted to separate the animals. The owner and another member of the household underwent rabies prophylaxis. Mrs. Homler then detailed the circumstances of the groundhog exposure which involved two dogs.

Mr. Mason inquired about the summons issued to Mr. Weidner for failure to complete his 2014 licensing obligations for farming activities. Mrs. Homler explained that Mr. Weidner refused to give the Animal Control Officer or the inspectors access to the property for the purpose of performing an inspection of the operation. This was the only outstanding obligation for 2014.

2015 licensing requirements for the goats and donkeys on this farm were never completed either - while we have copies of their immunizations, we were never supplied with the completed application or licensing fees. Summonses for failure to license these animals were written against Mr. Weidner's wife, Robin. A thirty-day adjournment was already granted, and hearings on these matters are now scheduled for November 5, 2015.

Mr. Mason counselled that the court can issue a firm date and enter a judgement in the defendant's absence, but it rarely happens when a defendant has legal representation. Mrs. DeSilva asked Mr. Mason what excuses do courts accept as grounds for adjournment. He replied the courts are usually flexible because the requests are usually reasonable. He also noted that initial hearings are routinely adjourned so as to provide time to obtain discovery, subpoena witnesses, etc.

Mr. Wasson and Mrs. DeSilva deemed it a waste of time and attorney fees for the defendants to habitually fight this battle. Mr. Mason agreed and, as the Weidners are recidivist offenders, he suggested the staff complete a summary of their licensing history. This should be presented to the prosecutor with an appeal to deny any further adjournment requests.

Discussion ensued as to the different addresses (1010 and 1020 Ramapo Valley Road) and names associated with the Weidners' farm. [The operations have alternately been licensed under Turtle Creek Farms, Southtown Farms, Braying Long Ears Farm, Robin Weidner, and Matt Soldano.] According to Mrs. Homler, the properties are contiguous. Mrs. Campbell noted this has created problems in the past when certain animals were licensed to be on one property but found on another.

Mr. Harris agreed that a missive to the prosecutor was in order. He then asked why the inspectors were being denied access to the property. Mrs. Musella recalled Mr. Weidner did not want Tyco on the property either, insisting that he would only permit NJ Department of Agriculture personnel to inspect.

Mr. Mason will reach out to Mr. Weidner's attorney in order to expedite resolution. He asked Mrs. Homler to provide him with a complete list of outstanding items. Mr. Harris said to coordinate with the police if necessary to gain access to the property, inspect the operation and conclude the matter.

Mrs. DeSilva requested details on the food destruction at Kingsbridge diner. Mrs. Homler responded that a refrigeration unit was not maintaining adequate temperatures. Upon inspection, foodstuffs were measuring 49 to 52 degrees Fahrenheit; well in excess of what is required. Mr. Grotheer performed this inspection and, the owner of the diner voluntarily agreed to destroy all compromised product.

Mr. LaMontagne asked if the same violation had taken place here recently. Mrs. Homler affirmed that food had been temperature abused and destroyed here in the past but not during this calendar year.

Mrs. DeSilva was gratified to see that all the establishments received Satisfactory ratings. Mrs. Homler pointed out how many food vendors were inspected at Mahwah Day and the twofold increase in vendors between 2014 and 2015 at the car show event at Mahwah Sheraton.

Mr. Harris requested an update on the lead case on Ramapo Valley Road. Mrs. Homler detailed a timeline of the events and reasons for the many adjournments:

- The defendant pleaded not guilty in March and the judge gave him until June to abate the contamination sources.
- Mr. Khan returned to court on June 11th having accomplished all the abatement work that was required. However, the lead investigator/risk assessor he hired to take the required dust samples was not able to perform the work prior to the court proceeding in June or the adjournment scheduled for August.
- Mrs. Homler requested the September adjournment as she was scheduled to be out of town.

Mrs. Homler stressed that the little boy whose elevated blood lead precipitated the issue had returned to Pakistan within three months of the diagnosis. As of today, all the work is complete, all the samples passed clearance testing and, Mr. Khan is scheduled to appear again on Thursday, October 15th. She is hopeful that the matter will be settled this week.

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

APPROVAL OF HEALTH OFFICER'S REPORT(S)

Moved by Mrs. DeSilva and, seconded by Dr. DeMaria to accept the Health Officer's Reports for July, August and September.

Mr. Harris inquired about a fowl license issue discussed with Mr. Maas on July 13th. Mrs. Musella responded that this regarded closing out the Deerhaven Road case that had gone to trial.

Mrs. Mertz inquired about a September consult regarding an elderly Mahwah resident with dementia. Mrs. Musella stated that a family member came to her office in Waldwick seeking help and/or advice on dealing with the elder's deteriorating emotional and mental health issues until she could be seen by her regular physician. An appointment to that end was scheduled, but it is a month out and the family is at wit's end.

Mrs. Musella explained our limitations in dealing with private [vs. public] health issues but suggested the family call the patient's primary care physician for a referral for counselling or psychiatric care in the interim before the scheduled examination. From her discussion with the family member, it was apparent that services the Township could offer (i.e. Senior Center activities, Access Transportation etc.) were not viable options for this resident.

Mrs. DeSilva inquired about the spitting incident in one of the schools. Mrs. Mertz stated that she had called the Health Department after an episode in her school where a student spit at a staff member. Spittle entered into the mouth and eyes of the staff member who wished to be tested for possible pathogens. Mrs. Mertz requested guidance on the protocol for this incident i.e. could the child be made to submit to testing for various pathogens (no).

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

BILLS - SEPTEMBER

Moved by Dr. DeMaria and, seconded by Mrs. Mertz and, unanimously agreed by all present to pay the bills for September.

REPORTS OF STANDING COMMITTEES

No activity.

REPORT OF LIAISON TO MAYOR AND COUNCIL

Mr. LaMontagne reported that he had met with Council President, John Roth, to promote upgrading the Township's animal licensing software program. Mr. Roth provided some suggestions on fact finding and obtaining proposals from different vendors to satisfy municipal purchasing requirements.

After the quotes are received, Mr. LaMontagne will contact Mr. Roth again and arrange a meeting date so that he, Mr. Roth, the Township Clerk and Mrs. Homler can review them and determine the best way to proceed.

Mr. Wasson asked what programs other towns use. Mrs. Homler had posed this question to Carol Tyler [Tyco Animal Control] because they contract with some twenty municipalities. Mrs. Tyler expressed a preference for certain vendors but noted the majority of her towns are using better/more updated technology than Mahwah.

Mr. Harris thanked Mr. LaMontagne for coordinating this effort.

REPORT OF ATTORNEY

As he endeavors to do each October, Mr. Mason had prepared and emailed each Member a memorandum outlining topics the Board has discussed and/or indicated it would like to review or change. He had also attached an e-document entitled "Board of Health Member Orientation Manual", which is produced cooperatively by the New Jersey Health Officer Association and the New Jersey Local Boards of Health Association. The document's purpose is to refocus the local Board to its objectives and duties and clearly define the essential public health services it is charged with overseeing.

As requested, Mr. Mason had also provided Mrs. Musella with a model "Noise Ordinance" which, in large part, mirrors the State code. Presently, noise prohibition in the Township is ambiguously covered in the Board of Health Nuisance code. The model ordinance would transfer enforcement responsibility to the police as an officer would have to be trained and certified to assess/quantify violations.

Mr. Harris opined that the Township Council would be the more appropriate author for this legislation. Mr. Mason responded that Council would likely ask someone from the Health Department to be certified as well. Ultimately, Mrs. Musella does not believe the limited number of noise complaints received warrant the cost of certifying personnel and enforcing a stricter code.

CORRESPONDENCE

From: Tyco Animal Control ANNUAL SHELTER/POUND REPORT FOR 2014
As required by New Jersey Department of Health

Mrs. Campbell also provided the Members with a copy of an anonymous complaint that was addressed to the Board but which had already been handled by the Department. The complaint was documented with photographs that indicated an inspection was warranted.

OTHER BUSINESS

Mr. Harris apprised the Members that participation at our monthly Child Health Conference has been in steady decline. He wished to discuss the possibility of shifting responsibility for this service to another agency. He asked Mrs. Musella if NWBRHC provided these services to their contracting municipalities and if an arrangement could be made to provide them to Mahwah children as well.

Mrs. Musella responded that by contract, the Township of Waldwick sponsors its own Health Center independent of the Commission. They do provide services on behalf of many towns by inter-local agreement. She noted that waning census figures at many of the municipal clinics is making regionalization of services the most viable option.

Mrs. Musella will provide Mrs. Campbell with contact information for Waldwick's Business Administrator, and Mr. Mason will be asked to review any proposal before a decision is made.

Mr. Harris also wished the Members to consider transferring responsibility for our State mandated Health Education and Promotion activities from HARP to NWBRHC instead. The staff has expressed significant dissatisfaction with written materials, communication and a lack of responsiveness to our requests in these areas.

Mrs. Musella noted that she had met with the nursing supervisor, Joanne Wendolowski, outlining our expectations and what she perceived to be unacceptable shortcomings, (i.e. the lack of regular reports and the fact that too many voice mail and email messages are never returned). Mrs. Mertz recalled that poor communication was an issue last year as well.

Mrs. Homler related that she is responsible for submission of articles for the semi-annual Township Newsletter. She is vested in the Board of Health having a strong presence in that medium so provided HARP with ample time, ideas and a deadline for articles. The frustration

of receiving those articles post-deadline was only compounded by their mediocre quality and poor grammar.

Mrs. Homler had also been trying for almost a year to get HARP to do an educational program on rabies at the Ramapo Brae community. There have been several instances of potential exposures there, one on a very large scale, and Mrs. Homler feels strongly that a program here would be beneficial, even to the point of saving a life. It has never come about.

She also worked hard on finding a new venue in which to provide an Adult Health services program. Mrs. Homler did most of the groundwork coordinating with the minister at Fardale Trinity Church who was happy to donate use of their facility. Mrs. Homler feels that if HARP had heeded her concerns with the evening hour and confusing bi-monthly schedule which they established, more residents would avail themselves of the services.

Mrs. Musella would like to review what health education programs have been conducted and consider them when formulating a proposal. Since HARP coordinates directly with various groups like Norfolk Village and the Library, she does not wish to disappoint anyone who may already have regularly scheduled programs in place. In the interim, Mr. Harris asked any Member with other ideas or alternate agencies that might provide improved services to communicate that information to Mrs. Campbell.

There being no further questions or discussion, a motion to close the meeting was made at 8:28pm by Mr. LaMontagne and, seconded by Mrs. DeSilva and, unanimously agreed to by all present.

The next Regular meeting is scheduled for **November 10, 2015** at 7:30pm.

Respectfully submitted,

Marianne Campbell
Secretary