# TOWNSHIP OF MAHWAH BOARD OF HEALTH MINUTES November 10, 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
Mrs. DeSilva
Mrs. Mertz

Mr. O'Brien (7:38pm)

ABSENT: Dr. DeMaria

Mr. Wasson

PROFESSIONALS: Mrs. Musella, Health Officer

Mr. Mason, Attorney

Mrs. Campbell, Secretary

Mr. Maas, REHS

# APPROVAL OF REGULAR MEETING MINUTES

Moved by Mrs. DeSilva and, seconded by Mrs. Mertz and, unanimously agreed by all present to approve the Minutes of October 13, 2015.

### APPROVAL OF HEALTH ACTIVITIES REPORT

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

Mrs. Mertz wished to clarify the difference between an abatement notice (fowl) and summonses issued (goats and donkeys) to Mr. Weidner and Mrs. Weidner, respectively. She then asked for the reason behind the most recent court adjournment as it was the third one requested.

As background, Mr. Mason wished to apprise the Board that he had discussed chronic adjournments with the prosecutor, Mr. Harraka, and conveyed the Board's concern with wasted time and resources preparing for trials that are continually postponed. Mr. Harraka agreed and told him to assure the Board that he would prosecute the matter to the fullest extent possible.

Shortly after their discussion, the Weidner's attorney petitioned the court for a postponement of the November 5<sup>th</sup> hearing due to his own conflict with a mandatory hearing for another client in another county. Mr. Mason said that while the last minute nature of the postponement may be exasperating, the attorney cannot be in two places at once; and it is a common reason for an adjournment.

On November 11<sup>th</sup>, he sent a letter to the Court Administrator requesting that the adjournment to November 19<sup>th</sup> be considered a firm date and to refuse any further postponements. Finally, he suggested to Mrs. Musella that she request a 'one adjournment' policy of the court on any of these complex cases that may present in the future. Hopefully, this will prevent wasting the staff's time on repeated documentation, reports and discovery.

Mrs. Mertz then asked for details on the abatement notice issued to Potomac Homes (page 5). Mr. Maas differentiated between the summons which was issued for not having a certified Food Manager on site and the abatement issued for not having certified Food Handlers.

Mr. Maas provided the current year timeline of Potomac Home's deficiencies in food safety certification. The first Conditional was issued in May when a routine inspection revealed that not one employee in the Mahwah facility was certified.

In June, PHNJ hired a new Director of Operations. Mr. Maas had several phone consults with her and helped her arrange for the Mahwah facility manager to obtain her Food Manager's certification. This took several attempts and several months.

Mr. Maas returned to Potomac Homes unannounced on October 14<sup>th</sup> to perform the re-inspection and learned that the newly certified facility manager had already quit. Her replacement was not a Certified Food Manager and, once again, not one person in the facility had any training or food certifications. He issued a second Conditional and requested an Administrative Hearing with the Health Officer.

Mrs. Musella confirmed that during the hearing we provided the new Director of Operations with course information to assist in getting the facility manager certified. He took the eight hour course but failed the test. It is hoped he will be able to pass the test by

November 17, 2015, when PHNJ, LLC is scheduled to appear in Court. Two other employees have allegedly passed the three hour Food Handling course, but we have yet to receive documentation to that effect. Mr. Maas will follow up on this as the Director promised to fax them to him.

Mrs. Musella noted that the new Director seemed a bit overwhelmed. She admitted that they have a very high staff turnover rate and of their thirteen facilities in New Jersey, the Mahwah location is chronically problematic.

Mr. Harris noted that if this is one facility out of thirteen, why do we not issue summonses to their corporate office. Discussion ensued as to PHNJ's corporate structure (i.e. franchise? subsidiary?) and if that has changed since becoming Memory Care Living (the new moniker they are operating under). Mr. O'Brien noted that the State Board of Nursing licenses nursing homes and would certainly have the correct owner information. Mr. Harris feels in order to protect the residents of the Home, we need to approach their highest authority. He asked Mr. Mason to investigate the ownership of Potomac Homes.

Mr. O'Brien inquired about the recalled/embargoed item notifications listed in the report. Mr. Maas responded that he is subscribed to the New Jersey LINCS system which forwards these notifications as they are sent out by the State. Most items require no action on the part of the inspectors, i.e. in the case of nut, gluten or other allergen labeling violations.

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

#### APPROVAL OF HEALTH OFFICER'S REPORT

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

Mr. Harris suggested that if there were any items of special note or interest, Mrs. Musella should boldface or otherwise notate those entries to indicate they may warrant discussion.

There being no further questions or discussion, the Health Officer's Report for October 2015 was unanimously approved.

### BILLS - SEPTEMBER

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

## REPORTS OF STANDING COMMITTEES

No activity.

## REPORT OF LIAISON TO MAYOR AND COUNCIL

Mr. LaMontagne reported that he scheduled a meeting regarding the municipal animal licensing program for earlier today. Attendees included Mrs. Musella, Mrs. Homler, Council President John Roth, Municipal Clerk Kathrine Coviello, and Ms. Tyler of Tyco Animal Control. Due to a last minute conflict, Mr. LaMontagne himself was unable to attend. He asked Mrs. Musella to provide details of the meeting.

Mrs. Musella noted that proposals were received from FRA Technologies and Edmunds Associates. Ms. Coviello initially indicated that she did not see the benefit of switching programs. With Mr. Roth's help, it was emphasized that our main goal is real time access to current information when investigating animal bites or potential rabies exposures.

Mr. Roth posed one or two questions which will require follow up with the potential vendors. The cost of the program (approximately \$3,000) will be covered under the Clerk's budget. Mrs. Homler favors FRA Technologies, in part because they were so much more responsive and helpful in the quote process than Edmunds. However, price points notwithstanding, the choice will ultimately be up to the Clerk.

Mr. Harris queried if the potential cost savings ever entered into the discussion, as time is money whether it be the Health Department's or the Police Department's. Mrs. Musella responded affirmatively; in fact, she explained to the Clerk and Mr. Roth that we investigated 45 bites in 2014. That translated into 45 requests

for information that the Clerk's staff also had to intake, research, and generate paperwork, emails and/or phone calls on.

Mrs. Musella continued to say the new programs can assist in investigations when only limited information is available. Users can search by animal type, name, general location, description, etc. They can also generate reports that can help the Animal Control contractor determine where feral cat colonies may exist. Mr. LaMontagne asked what price can be put on peace of mind. As the situation currently stands, a family with a bite exposure on Saturday morning spends the entire weekend agonizing over whether or not they (or their child) will have to undergo rabies prophylaxis.

Mr. O'Brien asked if either of the programs provide for online renewals versus the current mail or in person system. Mrs. Musella did not recall if this feature was included; our focus and the discussion was more focused on the information stream. However, the Clerk's dog/cat licensing application will be available on the Township's website for the first time this year, and that is clearly a step in the right direction.

Mrs. Musella is optimistic that the Township will move forward with this much needed improvement. Demonstrations will be scheduled with each vendor.

## REPORT OF ATTORNEY

Mr. Mason wished to clarify a few of the points discussed earlier regarding the Board's concern with the prosecution of our cases. He explained that the [Court Administrator] has full authority for scheduling cases. The Prosecutor essentially shows up for court and administers the cases on the schedule provided to him.

It is the Judge's discretion whether or not to grant an adjournment, and most requests are honored when placed the day of or immediately prior to the scheduled hearing. Prosecutors are generally willing to put off more complex cases (such as ours) and adjudicate property issues, motor vehicle violations and the like because they are well versed in those statutes. At the municipal court level it is standard to push the more involved cases ahead; we are not being singled out.

#### CORRESPONDENCE

# OTHER BUSINESS

Mr. O'Brien would have like to attend the heroin and addiction program taking place this evening at the Sheraton but had only just learned of it. Mr. Mason noted that this program was sponsored by the Mahwah Municipal Alliance. Mr. Mass offered that interested persons can sign up for notifications at MMA's website.

Mrs. Mertz stated that all parents of Mahwah student are on the MMA's email distribution list. In future, she will share any information on programs she believes the Board may deem valuable. Mr. Harris thanked her for the offer, and suggested any information be sent to Mrs. Campbell for dissemination to all the Members.

Mrs. Musella noted that plans for the 2016 rabies clinic are underway. Mrs. Mertz asked if we would hold it in the same location as last year's clinic. Mrs. Musella said no; it was inadequate for the number of participants who availed themselves of our first Saturday clinic - almost four times the number who came in prior years.

Mr. Harris inquired as to the census at our October influenza clinic. Mrs. Campbell said it was comparable to prior years; approximately 140 immunizations were provided on October 9<sup>th</sup> and perhaps 15 to 20 more given at an auxiliary clinic at Norfolk Village two weeks later. If there are any more takers, they can be accommodated at any of the three adult health and blood pressure clinics scheduled each month.

Mr. Harris then queried if Mrs. Musella had approached North West Bergen Regional Health Commission about assuming contractual responsibility for our Public Health Education mandates. Mrs. Musella responded yes and that the Commission is in the process of formulating a proposal.

There being no further questions or discussion, a motion to close the meeting was made at 8:25pm by Mr. LaMontagne and, seconded by Mr. O'Brien and, unanimously agreed to by all present.

The next Regular meeting is scheduled for **December 8, 2015** at 7:30pm.

Respectfully submitted,

Marianne Campbell Secretary