

**TOWNSHIP OF MAHWAH
BOARD OF HEALTH
MINUTES
February 9, 2016**

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 7:35 PM by President, Sydney Harris.

The Opening Statement was read according to the Sunshine Law and was followed by Roll Call:

PRESENT: Mr. Harris
 Mrs. Mertz
 Mr. LaMontagne
 Mr. Wasson

ABSENT: Dr. DeMaria
 Mrs. DeSilva
 Mr. O'Brien

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

APPROVAL OF REORGANIZATION MEETING MINUTES

Moved by Mr. Wasson and, seconded by Mrs. Mertz to approve the Re-organization Meeting Minutes of January 12, 2016.

Mr. LaMontagne requested a correction on page 2 to reflect that he (and not Mr. Wasson) had nominated Mrs. Mertz to the office of First Vice-President. Mrs. Mertz thanked Mr. LaMontagne and the Members for this honor and their confidence.

Mr. Harris asked the Members to be cognizant of their assignments to the various Standing Committees should a need arise for their assistance or expertise.

There being no further questions or discussion, the Reorganization Meeting Minutes were unanimously approved.

APPROVAL OF REGULAR MEETING MINUTES

Moved by Mr. LaMontagne and, seconded by Mr. Wasson to approve the Minutes of the Regular Meeting of January 12, 2016.

Mrs. Mertz asked for an update on the non-licensure of goats and donkeys at Robin Weidner's property. Mr. Maas explained that this case was scheduled for trial on January 28, 2016. Without prior notice, he, Mrs. Homler, Mrs. Musella and Mrs. Tyler from Tyco Animal Control learned that the Prosecutor would not be available for the proceeding. They did meet with the defendants' attorney, Mr. Jack Traina, in the hallway and worked out an agreement that will potentially avoid a trial. The Weidners will plead guilty in return for a reduced fine. Their court date has been rescheduled to March 10th.

Mr. Wasson asked if the amount of the original fine was an undue burden for the owner. Mr. Maas indicated the fine was high, but that resistance to government interference or oversight in their farming activities represented the lion's share of the problem. He continued that Mr. Traina was advised to have his clients remove all animals from the property before the court date. Mrs. Musella noted that she agreed to reduce the fine on each summons from \$750.00 to \$500.00. Tyco Animal Control will conduct an inspection of the property prior to March 10th.

APPROVAL OF HEALTH ACTIVITIES REPORT

Moved by Mr. Wasson and, seconded by Mrs. Mertz to approve the Health Activities Report for January.

Mr. Harris noted an abatement notice listed on page 5 for fowl on the Weidners' property. Mr. Maas explained that while the Weidners' submitted an application and paid for a license in 2014, they refused access to the staff for purposes of an inspection. This violation will be abated at the same time Tyco inspects the property for the March trial date.

A complaint of barking dogs (unfounded) on Campgaw Road led to the discovery of unlicensed hens on that property. The owners have been given a license application and an application for zoning approval. Our records indicate that the property in question is less than the minimum five acres, but the property owner stated they had been licensed in the past.

Health Department records show that fowl were licensed on this property in 1995. Mr. Mason explained that in order to be 'grandfathered', these residents would have to prove the use had been maintained continuously since that time. He noted briefly that maintaining the coops through the years would not, in his experience, satisfy the continuous use requirement unless they could also document that chickens had been harbored in them as well.

Mr. Wasson asked if there was a limit as to how many fowl could be raised on a 5-acre parcel. Mr. Maas was not aware of any limit. Mr. LaMontagne queried when did Zoning institute a minimum 5-acre requirement. Mrs. Campbell believed it was during the 1970's. Mr. Mason surmised this particular resident may have been grandfathered for the Zoning law change, and the Board of Health may not yet have been requiring licenses for fowl until many years later.

Mr. LaMontagne was gratified to see Nagoya is in compliance, having been issued a Satisfactory rating on their January 21st inspection. Mrs. Mertz acknowledged that the business is booming. Mrs. Musella noted that they are now using their pH meter which had been a chronic violation in the past. Mrs. Campbell said that there are now two certified Food Safety Managers on staff which cover all shifts, and Mrs. Homler is working on getting all kitchen staff certified as Food Handlers.

Mr. Mason asked for any Zika virus updates provided during a January 26th Webinar. Mrs. Musella confirmed that the situation is an evolving one, and the State is providing updated talking points that the staff can use to address residents' concerns. She announced that an article has been submitted for publication in the Township Spring Newsletter stressing the importance this year of reducing mosquito populations and protecting oneself from mosquito bites.

To date, there has been no transmission of the disease within the United States, and only one case has been diagnosed. Other points raised during a brief discussion included the high risk factor for pregnant women and/or those who could become pregnant, the statistic that 80% of those who contract the virus are asymptomatic and can spread it unknowingly, and that the virus' range is expanding. The vector is dominant in Brazil where the large number of microcephaly cases has caused such alarm and where the Summer Olympics are scheduled to open in a mere five months.

Mrs. Musella confirmed the same mosquito is also blamed for Dengue fever, Chikungunya and West Nile diseases; it is known as a 'day-biter'. This trait increases the probability and opportunity for spread of the virus.

Mr. Harris wished to confirm the efficacy and duration of the Webinars being attended - there were many noted during the month of January. Mr. Maas confirmed that most were an hour or less in duration and many, but not all, provided free Continuing Education Units required to maintain their REHS licenses.

Mrs. Musella advocates for Webinars whenever possible because there is no commuting time involved, and the CEU's are free of charge. Mrs. Campbell appreciated that the inspectors are still available to the staff and residents for emergent situations.

Mr. Mason noted the inspectors attended a presentation on Live Poultry Markets. Having just seen a documentary (*Food Nation*) presented on Netflix, he was curious as to what had been presented. Mr. Maas replied that the speakers were Compliance Investigators with the U.S. Department of Agriculture. They do not perform routine inspections; rather they investigate complaints lodged by consumers.

There are no live poultry markets known to exist in Mahwah, but Mr. Maas used Goffle Road Poultry Farm in Wyckoff as an example of a USDA "Custom-Exempt" slaughterhouse. This facility is exempt from routine USDA inspections but must comply with specific conditions.

Customers frequenting live markets choose a live (chicken, turkey, hen, etc.) and the facility is permitted to slaughter it and sell it to them without a USDA inspection. This transfers some liability directly onto the consumer. In a large slaughterhouse, a USDA inspector is on premises at all times.

Mrs. Musella noted that state and local code enforcement can still inspect USDA Custom-Exempt facilities for sanitation, monitored flock status, etc.

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

APPROVAL OF HEALTH OFFICER'S REPORT

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

Mr. Wasson requested additional information about a tree removal complaint in Deerhaven. Mrs. Musella explained that a resident was upset because trees were being removed en masse from her neighbor's property. Most of the trees had to be removed to accommodate a new

septic field, and the remainder were dead or dying. The homeowner made an economic decision to remove them all at once, and they had approval from the Planning Board to do so.

Mr. Harris asked for additional information on a possible case of food poisoning. Mrs. Musella stated this was related to the Dole brand salad recall for possible Listeria contamination. A pregnant resident who had consumed one of the recalled items was advised to contact her physician and was provided lab information because she wanted to test her leftover product. Mrs. Musella noted we have received several calls from 'worried well' - those who consumed recalled product but were not symptomatic. Mr. Harris asked if the resident followed through with the testing; the resident did not apprise us if she had.

Mrs. Musella relayed that she was surprised to receive an automated phone call from ShopRite, who had tracked her own purchase of the recalled product via her ShopRite "Price-Plus" (customer loyalty/discount) card. They notified purchasers to return or discard the product as it had been recalled.

Mrs. Musella then reported that the Rabies Clinic was very successful and that we had found a new 'home' for our event right here in the municipal building. Much work goes into the making of a successful event, and Mrs. Musella credited Mrs. Homler for her efforts toward that end. She also thanked Mrs. Mertz and Mr. O'Brien for volunteering their assistance, stating that over 180 animals were vaccinated that day.

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

BILLS

Moved by Mr. LaMontagne and, seconded by Mr. Wasson and, unanimously approved by all present to pay the Bills for January.

REPORTS OF STANDING COMMITTEES

No activity.

REPORT OF LIAISON TO MAYOR AND COUNCIL

No activity.

REPORT OF ATTORNEY

Mr. Mason reported that the facility manager at Potomac Homes had passed his Certified Food Manager exam. Mr. Maas confirmed the home would be re-inspected once the documentary proof was received.

Mr. Mason also wished to apprise the Members of research he had done in regard to our local environmental health ordinances which have not been updated in years. At the State level, New Jersey has enacted a great deal of legislation since the 1970's - to a point where the DEP is unable to effectively uphold or enforce it all. To address a growing problem, The County Environmental Health Act (CEHA) was passed. It encourages municipalities to take an active role in monitoring and enforcement actions under the guidance of its county agency. CEHA provides a mechanism whereby local jurisdictions can be certified by the State to act on its behalf, and it provides funding via a grant system to subsidize the municipalities' costs.

Mr. Mason pointed out that Mahwah has particular environmental concerns that could have severe consequences for the safety of our aquifer and water supply, i.e. the impending pipe-line project and the number of individual septic systems in the Township. He then said the State has already prepared model ordinances which are available for municipalities to enact. By adopting them, not only is our local code updated, but it becomes part of a regulatory scheme that applies uniformly to govern air, noise and water pollution and hazardous waste.

Mrs. Mertz was concerned that this would require an increase in staff and more training; costs which would not likely be covered by a grant subsidy. Mrs. Musella believed the certification requirement to be a major barrier to the program's success as it is not feasible for a local health jurisdiction to certify their personnel in all the varied aspects of contamination and remediation. Mr. Harris opined that such an endeavor would be fraught with problems: it requires specific knowledge and certification just to identify an issue let alone address it, and it opens us up to litigation.

Mr. Mason clarified that Bergen County would still be the lead agency in any investigation or remediation; however, our staff would be certified and capable of making initial assessments and/or instituting emergency enforcement action.

Mrs. Mertz asked what other towns in Bergen County have signed on to the program. Mr. Mason is not aware of any as yet, but likened the current push to deputize local inspectors to the process of certifying environmental consultants as Licensed Site Remediation Professionals.

LSRP'S are authorized to do investigations and to provide oversight of the work that was formerly the responsibility of the DEP. While privately contracted, LSRP's are required to give the DEP and the local jurisdiction all the information they uncover, even when it is detrimental to the interests of the party that has hired them. Mr. Mason believes there will also be a similar push for involvement by the municipal health authority.

As a Professional Engineer, Mr. Harris said he personally would not commit to this arrangement and, therefore, could not endorse the Department's involvement either. He thanked Mr. Mason for apprising the Board of the program, but [absent a dissenting majority of the Members] did not wish to pursue it. He noted that the concept of local control is firmly rooted in the tenets of New Jersey public health, and he applauds that. However, he does not support the idea of enforcing another agency's edicts, and experience tells him that voluntary fulfillment of such a request only paves the way for mandated compliance.

CORRESPONDENCE

None.

OTHER BUSINESS

A motion to waive the reading of Resolution 2016-04 was made by Mr. LaMontagne, seconded by Mr. Wasson and unanimously agreed to by all present.

Resolution 2016-04: 2016 Contract for Health Officer Services

Motion: Mrs. Mertz
Second: Mr. Wasson

Roll Call: 4 Ayes, 3 Absent

Motion carries.

**Resolution 2016-05: Interlocal Agreement with Waldwick to provide
Child Health Conference Services**

Motion: Mr. LaMontagne

Second: Mrs. Mertz

Roll Call: 4 Ayes, 3 Absent

Motion carries.

Mrs. Musella reminded the Members of the "Recipe For A Healthy Town" symposium being hosted by Northwest Bergen Region Health Commission on March 3, 2016, 7:00pm in the Waldwick Public Library. All were welcomed to attend and RSVP's were requested.

There being no further questions or discussion, a motion to adjourn was made at 8:45pm by Mr. LaMontagne, seconded by Mrs. Mertz and, unanimously agreed to by all present.

The next meeting is scheduled for March 8, 2016 at 7:30pm.

Respectfully submitted,

Marianne Campbell
Secretary