

**TOWNSHIP OF MAHWAH
BOARD OF HEALTH
MINUTES
March 8, 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
 Dr. DeMaria
 Mr. LaMontagne
 Mr. Wasson

ABSENT: Mrs. DeSilva
 Mr. O'Brien

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

APPROVAL OF REGULAR MEETING MINUTES

Moved by Mr. Wasson and, seconded by Dr. DeMaria and, agreed by all present to approve the Minutes of the Regular Meeting of February 9, 2016.

APPROVAL OF HEALTH ACTIVITIES REPORT

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

Mr. Harris requested an update to the court activities regarding the Weidner property. Mrs. Homler responded that the case would be heard in two days (Thursday, March 10th). An inspection of the property was made with Carol Tyler of Tyco Animal Control and a police escort

on Monday, March 7th, and there are no animals remaining on site.

Mr. Wasson asked why summonses to a gas station were written out to two different entities for the same violation. Mrs. Homler explained that both businesses were jointly responsible for maintaining a shared public bathroom. The violations cited were from Chapter 24 of the state's Retail Food Establishment Code and also our local Board of Health Sanitary Code. Mr. Wasson asked the name of the gas station. Mrs. Homler noted this was Liberty Gas (on the old Shorco North site) where the Quick Stop Deli is located.

Mrs. Mertz asked for more information regarding three rabies post-exposure treatments reported on page four. Mrs. Homler explained that two children and their mother found a live bat in the home. A neighbor was able to assist and remove the bat. Because the bat was not initially available for testing, the family's pediatrician advised them to undergo prophylaxis. The bat was later recovered, tested and found negative for rabies.

A large colony was found to be roosting in the attic, but the pest control company hired by the family would not disturb the colony on grounds that it was protected. A bat specialist with Wildlife, Fish and Game gave permission to remove this colony.

Mrs. Mertz wanted to know if the lack of Certified Food Managers on staff at two schools was a new or chronic problem. Mrs. Homler replied that we have been working with our food establishments to attain compliance with the new code and gave them all six months to achieve it. The issue at these two schools surfaced late in the 2014-2015 school year. Since the schools would close in June, Pomptonian was given the summer to have personnel certified. This was not accomplished and, in fact, no courses were even scheduled until November. The two people taking the test did not pass and were not immediately scheduled for a re-test.

A formal abatement notice was written to Pomptonian and, the principals of both schools were copied. The next day Doug Katz, an employee at Pomptonian who also teaches the Food Manager class, called Mrs. Homler and promised that there would be somebody in each of those schools with the required certification.

Mrs. Mertz asked how often a student could retake a failed test. Mrs. Musella stated there was no limit.

Mr. Wasson referred to the other abatement notices issued in this regard and asked why so many establishments were derelict in the requirement. Mrs. Homler explained we are in a new licensing year and are scrutinizing the certifications of all the establishments at the same time. Further, our new Ordinance requires compliance during all

hours that an establishment is open to the public and certification for individual departments within a single food establishment. This raises the number of certified personnel required.

Mr. Harris asked if the Ordinance we passed mirrored the State's requirements. Mrs. Homler replied that it was more stringent. Mrs. Musella explained that our Ordinance was modelled after Food and Drug Administration standards which will eventually be adopted by the State.

Mr. Harris expressed his concern that our Ordinance is perhaps too onerous? He would like to revisit this to see if it would be feasible to allow accommodation in some areas. He opined that if Acme has seven departments they should not necessarily require seven different Certified Food Managers; a store manager with this certification should be able to oversee them.

Mrs. Musella agreed that we could reassess individual establishments to determine what they are actually doing. If the Department is dealing with potentially hazardous foods, she feels that they would need Food Managers.

In answer to Mr. Wasson's query, Mrs. Homler confirmed that Acme would be required to have Food Managers in each department during every shift. Mr. Wasson stated this would entail making Acme, a company successfully in business for 70 years, have 14 people certified as Food Managers. Mr. Harris did not agree and requested that Mr. Mason review the Ordinance to see what, if any, leeway could be provided to individual establishments.

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

APPROVAL OF HEALTH OFFICER'S REPORT

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

Dr. DeMaria inquired as to the nature of a noise complaint. Mrs. Musella responded this was an ongoing issue regarding a condominium owner complaining about noise from an air conditioning unit.

Mr. Harris asked Mrs. Musella to expound on the Recipe for a Healthy Town lecture sponsored by NWBRHC on March 3, 2016. Mrs. Musella said the program ran approximately an hour and a half and was designed to discuss activities that municipalities could get involved in and

promote to increase health and fitness in their communities. The director of the Mayor's Wellness Campaign was a featured speaker and, she provided details about the Campaign, now in its 10th year. They are hoping to reinvigorate the program. NWBRHC's licensed Health Educator spoke about a range of different programs and grant funding that could be sponsored or applied for individually or in cooperation with other towns. Paramus' Health Officer, Judith Migliaccio, also addressed the assembly and discussed the process of applying for a Healthy Town designation (which Paramus has been awarded.)

Mrs. Musella then confirmed that public health is still focused on the Zika virus. Local health departments are now involved in the screening process to determine which patients should be tested. Healthcare providers contact the health jurisdiction where their patient resides. The local jurisdiction then completes an intake form based on information provided by the healthcare provider and passes that information onto the State Department of Health. Mrs. Musella stressed that we are not making a medical determination; merely conducting the first part of the investigation. This is necessary because currently there are no labs in New Jersey certified to perform Zika testing; samples can only be tested at the CDC or at one lab in New York State.

Mrs. Musella then noted that our new Health Educator, Erica Abbruzzese, had met with the Director of Norfolk Village and already set up several programs there for the months of April, May, June and July. She will also present a babysitting course at the Library. Mrs. Mertz asked how these programs would be promoted. Mr. Harris suggested this was suitable work for our standing committee on information and health promotion. Mrs. Homler stated that the Library already has posters and information regarding the babysitting class on their website and always does a great job promoting programs.

Mrs. Homler wished to clarify if the Norfolk Village programs were open to the public. Mrs. Musella said they were primarily intended for Norfolk Village residents, but didn't believe other interested parties would be turned away.

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

BILLS

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

REPORT OF LIAISON TO MAYOR AND COUNCIL

Mr. LaMontagne deferred to Mrs. Homler to provide a status update on access to the Dog Licensing database. Mrs. Homler was disappointed to report that access has still not been provided. She said a technician from the software provider did come to our office but was not able to complete the objective. Instead, he provided a short tutorial on using a dog bite program that was part of the Dog Licensing software package.

Mrs. Musella was assured by the Clerk that we will get access, and the Township's IT person, Dino George, also contacted Mrs. Homler afterward to determine what the roadblock was and how to address it.

REPORTS OF STANDING COMMITTEES

No activity.

REPORT OF ATTORNEY

Mr. Mason requested postponement of his report to Executive Session at the conclusion of the Regular Meeting. Mr. Harris agreed.

CORRESPONDENCE

None.

OTHER BUSINESS

A motion to waive the reading of Resolution 2016-06 was made by Mr. Wasson, seconded by Dr. DeMaria and unanimously agreed to by all present.

Resolution 2016-06: 2016 Contract Public Health Nursing Services

Motion: Mr. LaMontagne
Second: Mrs. Mertz

Roll Call: 5 Ayes, 2 Absent
Motion carries.

PUBLIC COMMENTS

Mr. Harris opened the meeting to the public. Mr. and Mrs. Ron Alfandre of 12 Winter Street wished to address their concerns regarding the property at 17 North Hillside Avenue. Mr. Alfandre prefaced his immediate concerns by saying the problems here have been going on for years. He said that the concrete pool on the property is not covered and was not covered all last year because the pool cover collapsed. This has created a mosquito problem. Also, there are trees that have fallen down all over the property since Hurricane Sandy which have not been removed. The house itself is falling apart, the garage roof is also collapsing and nothing is being done.

Mr. Alfandre then stated feral cats are living on the property and groundhogs, opossums and three deer have taken up residence as well. He then introduced another neighbor in attendance, Mr. Stanley Ploszaj of 20 Winter Street, and produced letters from the residents of 14 Winter Street, all of whom are concerned and asking for action to condemn the property and clean it up.

Mrs. Alfandre stated that conditions on this property are affecting their lifestyle as well as their health. She can no longer spend time outside gardening or playing with her grandchildren. In addition to mosquitoes, poison ivy emanating from 17 North Hillside has invaded her property. Mr. Ploszaj reiterated points made by the Alfandres, stating his property actually borders 17 North Hillside.

Mrs. Homler addressed Mr. Alfandre, reminding him that she has spoken directly with him several times in the past and took exception to statements that nothing had been done regarding the conditions here. Mrs. Homler affirmed the Department has an extensive file on the property and that she could document every enforcement action taken against the property owner. She asserted that with the assistance of other agencies, specifically Bergen County Mosquito Commission and our Animal Control contractors, health violations have always been addressed.

Mrs. Homler agreed that abatement of these conditions did not address all the neighbors' concerns, but property maintenance and building code issues were outside the scope of our authority. She advised the assembly that an Ordinance had been adopted by the Township Council empowering the Building Code Official (Daniel Mairella) to work jointly with the Business Administrator and to take action on this (or any other property) that was deemed in chronic violation or disrepair.

In speaking with Mr. Mairella, she learned that he has made an inspection of the property and determined a course of action. However, his hands are tied as Administration has not approved the

funds necessary to make any repairs. She told the group that she shared their frustration and suggested that they needed to address their concerns directly to Administration or to the Township Council at the next public meeting.

Mr. Mason endorsed Mrs. Homler's suggestion, advising that the Zoning Board and Property Maintenance Department operate under the purview of the Council. He feels the neighbors' interests will be best served if they approach the Council and make a presentation to them complete with photographic evidence. He further stated that we will review the case and all enforcement actions taken to make sure there are no gaps.

Mrs. Homler told the group that the Property Maintenance Inspector had a file thicker than hers and has written countless summonses against the owner. She assured them she will follow up again with Mr. Mairella and do all she can to keep this issue on both Administration's and the Code Official's radar.

Mr. Harris then opened the floor to several students in attendance:

Leah Mertz and Jess Tawil, both sophomores at Mahwah High School, had come as part of a History Class project on the Township. He wished them well with their project.

Ms. Ally Burns introduced herself as a Montclair State College student majoring in Nutrition. She had come to observe and learn some of the different aspects of public health. Mrs. Musella welcomed Ms. Burns to come in to the Health Department and speak with her or the staff about careers in public health.

There being no further questions or discussion, a motion to end the Regular Meeting and enter into Executive Session was made at 8:10pm by Mr. LaMontagne, seconded by Mrs. Mertz. On a motion at 8:40pm by Dr. DeMaria, seconded by Mr. Wasson and agreed by all present, the Board returned from Executive to Regular Session and closed the meeting.

The next meeting is scheduled for April 12, 2016 at 7:30pm.

Respectfully submitted,

Marianne Campbell
Secretary