

**TOWNSHIP OF MAHWAH  
BOARD OF HEALTH  
MINUTES  
September 13, 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 7:30 PM by President, Sydney Harris.

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

PRESENT:           Mr. Harris  
                      Dr. DeMaria  
                      Mrs. DeSilva  
                      Mr. LaMontagne  
                      Mr. Wasson

ABSENT:           Mrs. Mertz  
                      Mr. O'Brien

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

**APPROVAL OF REGULAR MEETING MINUTES**

Moved by Mr. Wasson and, seconded by Mrs. DeSilva to approve the Minutes of the Regular Meeting of July 12, 2016.

Mr. Wasson asked if there were any locally transmitted Zika virus cases yet. Mrs. Musella said no, however, people who have travelled abroad in areas where the virus is prevalent have contracted it and returned to the States and been diagnosed here.

Mrs. DeSilva queried the transmission process asking if a mosquito here in the States bit an infected person, would that mosquito then become a vector? Mrs. Musella said it was possible, but not yet confirmed, and still the subject of research. Supporting that hypothesis, however, are the current public health recommendations to those travelling to affected areas: do your best to avoid being bitten by a mosquito for at least three weeks after returning home.

Brief discussion ensued by the Members as to vulnerable populations (pregnant women, elderly) and the lack of any symptoms at all in almost 80% of those who have actually contracted the virus. New research suggests that Zika may bring on or accelerate symptoms of Alzheimer's or dementia. Questions remain as to how long the virus remains viable in the human body, but the current recommendations regarding planned pregnancy err on the side of caution; after travel to affected areas, asymptomatic travelers are cautioned to wait a minimum of eight weeks, and males who are symptomatic should wait a minimum of six months before attempting to conceive.

There being no further questions or discussion, the Minutes for July 12, 2016 were unanimously approved.

#### **APPROVAL OF HEALTH ACTIVITIES REPORT**

Moved by Mrs. DeSilva and, seconded by Dr. DeMaria to approve the Health Activities Report for July/August.

Mrs. DeSilva and Mr. Harris remarked on the proliferation of animal-to-human bites and total bite investigations. Mrs. Homler explained that all bite reports are initially recorded as investigations. Those turning out to be the responsibility of another jurisdiction are appropriately referred. An unusual animal-to-human bite case this summer included a chipmunk that charged an adult human. While the incidence of rabies in chipmunks is very low, the animal's behavior warranted testing.

Mrs. DeSilva asked Dr. DeMaria if she had seen chipmunks with rabies. Dr. DeMaria had not but acknowledged it was possible. She explained that chipmunks (and other small rodents) usually die from the bite wounds that would transmit the infection to them. Mrs. Homler noted that the remaining 'other' animal-to-human exposures were from bats.

Mr. Harris remarked that once again, significant quantities of food were destroyed for temperature abuse. Mrs. Homler stated the small counter refrigerator at Wilke's Deli and the entire walk-in at Sonny & Tony's were broken. Mrs. DeSilva asked if the owners had made us aware of the situation and, if not, how it was discovered.

Mrs. Homler responded that rarely, if ever, do establishments self-report an issue like this; she assumed Mr. Grotheer found the problems on routine inspections. Mr. Wasson said this food would probably have been cooked and served had we not inspected and intervened.

Mrs. Homler stated that Mr. Grotheer temporarily closed the kitchen at Sonny and Tony's only permitting the sale of pizza until a technician could come in and fix the walk-in. Mr. Harris opined that these violations warrant an increase in the frequency of inspections here. Mrs. Homler agreed. She will make the next inspection herself and then have all the Inspectors here on a rotating basis. Mrs. DeSilva affirmed this was a necessity as she did not believe anyone working there could enter a 55 degree walk-in refrigerator and not know that something was wrong.

Mrs. DeSilva asked for the location of the Gateway Plaza relative to an upcoming trial date. Mrs. Homler answered that this is the strip-mall located at the north end of Franklin Turnpike across from the Mahwah Medical building.

Mrs. DeSilva then inquired as to the specifics of a Pony Power site plan noted on page 15 of the report. Mrs. Homler responded that Mr. Maas had approved this plan; she believed they were increasing the size of the stables to accommodate more animals.

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

**APPROVAL OF HEALTH OFFICER'S REPORTS**

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

Mr. Harris requested a recap of the conversations Mrs. Musella had with Animal Control Officer, Mrs. Tyler, regarding the existence of swans at Bogert's Ranch Estates including the origin of the birds and who had complained about them. Mrs. Musella stated that the Bogerts obtained and released the swans on their pond prior to seeking permission or a license.

For the purpose of providing context, Mrs. Homler explained that a pair of [unlicensed] swans had been on the property in the past but they had perished, presumably of old age. The new pair are young fledglings. Mrs. Tyler told Mrs. Homler she had apprised the owner of a complaint about the birds which Tyco had received directly, and that she advised Mr. Bogert they needed to be licensed and confined.

Mr. Bogert subsequently contacted the Health Department. He is willing to license the swans but is not willing to put a fence around the entire pond in order to contain them. Mr. Bogert then stated the swans forage for their own food and should live without confinement.

Mr. LaMontagne asked how would we treat the situation had wild swans flown in and taken up residence on their own accord? The group agreed nothing would be done, just as nothing is done about other waterfowl. Additionally, Mrs. DeSilva noted that when these swans develop their wings, they will be free to fly off in search of another habitat.

Mr. Harris is aware that one of Mrs. Tyler's concerns regards vehicular traffic - these are birds that will walk as well as fly to get places, and she does not want to see them become road kill.

Mrs. Musella noted that we have enforced our Fowl Ordinance in its entirety in other instances and urged caution be exercised when considering granting a waiver in this case. She then said Mrs. Tyler is also concerned with consistency and fairness in like circumstances.

Mrs. DeSilva asked Dr. DeMaria if an enclosure or coop were constructed for the swans, would they actually use it? Dr. DeMaria said not unless they were trained almost from birth. Their instinct tells them confinement puts them at risk, and they do not roost. Waterfowl sleep in the water - safe from their natural predators.

Chickens, on the other hand, do roost at night, and instinctively seek an elevated, protected haven. It is not difficult to get them into a coop, and they don't even need to be locked in because they won't venture out until daylight.

Mrs. DeSilva asked about what would happen if the pond froze. Dr. DeMaria said the pond could not be allowed to freeze. The Bogerts would have to install an aerator or some means by which to keep the water flowing. Mrs. Homler confirmed that the pond was already aerated. Dr. DeMaria said the construction of a platform in the center of the pond was an appropriate substitution for a coop.

Reviewing the pictures and a diagram provided by Mr. Bogert, Dr. DeMaria confirmed that the swans were probably four to five months old; too young to fly, and too old to have their wings altered.

Mrs. Homler then discovered that the diagram of the pond showed there was a small island in its center. Dr. DeMaria said the island would provide a better habitat than a man-made platform.

Mrs. DeSilva was curious as to the nature of the original complaint received by Mrs. Tyler; it was not known.

Mr. Mason advised the Board to introduce a motion indicating whether or not it wished to act on the petitioner's request. His initial assessment is that while this situation may fall within the scope of the Fowl Ordinance, it doesn't seem to meet the intent, i.e. regulating the keeping of domestic fowl for food or egg production, preventing unsanitary conditions or inhibiting the spread of disease. If these swans are being left to their own devices in the wild, then they are not 'owned' in the traditional sense and it can be argued the Bogerts merely populated the pond with them.

Mr. Harris called for a motion in favor of acting on Mr. Bogert's request: so moved by Mrs. DeSilva, with a second by Mr. LaMontagne. Roll call: (4) ayes, (1) abstention.

Mr. Harris directed Mr. Mason to craft a resolution in favor of granting the waiver so that it may be brought up to a formal vote. The resolution should detail the reasons and circumstances why the Board is in favor, and any provisos.

Mr. Harris then asked about the swans that the Mayor wanted to set up at Winter's Pond. Mrs. Musella had advised the Mayor to contact Mrs. Tyler. After speaking with Mrs. Tyler, Mr. Laforet withdrew his request.

Mr. Harris then inquired about the Dead Man's Curve event. Mrs. Homler explained that this is a car trade show held at the Sheraton. We had 16 food vendors licensed there this year, and the event is becoming more and more popular. Mrs. Musella said it is very involved and labor intensive from the Department's standpoint. All vendors license individually, and not all operate each day of the event. Mr. LaMontagne confirmed that participation is growing each year and we must anticipate that the workload is going to increase as well.

On the topic of temporary food vendors, Mr. Harris asked how licensing was proceeding for the upcoming Mahwah Day event on September 24<sup>th</sup>. Mrs. Homler noted that most of the non-profit and civic organization vendors are repeat licensees and do a good job of complying with our Temporary Food License regulations.

Mrs. Homler was also pleased to announce that the Health Department would be represented at Mahwah Day for the first time. We were given a prominent location on "Food Row" and she, along with our Health Educator, Erica Abbruzzese, will be staffing the booth. Mr. Harris

expressed his pleasure in this new outreach and thanked Mrs. Homler for orchestrating it.

Mr. Harris then inquired about a "Dog Swim" tentatively scheduled at the Indian Field Condominium pool. When Mrs. Homler questioned the State Health Department about it, they had no objections - largely because the swim was to take place the last hour of the last day of the pool season. We later learned that the event did not take place.

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

### BILLS

Moved by Dr. DeMaria and, seconded by Mr. Wasson and, unanimously approved by all present to pay the Bills for July and August.

### REPORT OF LIAISON TO MAYOR AND COUNCIL

No activity.

### REPORTS OF STANDING COMMITTEES

No activity.

### REPORT OF ATTORNEY

Mr. Mason stated he is following up on several issues which were either carried forward from the June meeting or presented over the summer break. He will report on those activities and provide the resolution requested tonight at the October meeting.

**CORRESPONDENCE**

**Letter 8/08/2016 From: W.Bogert, Sr. To: S.Harris, A.Musella**

Requesting a waiver to BOH Fowl Ordinance requirements to provide a coop for his swans and to fence in the pond where they are habituated.

**OTHER BUSINESS**

**Resolution 2016-07: Appointment of 2016 Flu Clinic Physician**

Motion: Mrs. Mr. Wasson

Second: Mrs. DeSilva

Roll Call: 5 Ayes

Motion carries.

A motion to waive the readings of Resolutions 2016-08 and 2016-09 and the Ordinances they introduce (numbers 2016-131 and 2016-132 respectively) was made by Dr. DeMaria, seconded by Mr. LaMontagne and, unanimously agreed to by all present.

**Resolution 2016-08: Ordinance 2016-131 (2015 Salary Ordinance)**

Motion: Mr. LaMontagne

Second: Dr. DeMaria

Roll Call: 5 Ayes

Motion carries.

**Resolution 2016-09: Ordinance 2016-132 (2016 Salary Ordinance)**

Motion: Mrs. DeSilva

Second: Mr. LaMontagne

Roll Call: 5 Ayes

Motion carries.

Mrs. DeSilva apprised Mrs. Homler of a situation she had observed on September 9th: an unknown party had dumped large quantities of manure on or next to the new pedestrian path in the MEVO farm area of Ramapo Reservation. She had phoned the New York/New Jersey Trail Conference, but they knew nothing about it. One of Mrs. DeSilva's concerns was that this might be the work of one of our licensed horse farms.

Mrs. Homler explained that all Mahwah horse licensees are required to state the manner in which they are disposing of manure. Haulage is recommended, and composting (on their own property) is permitted, but they are not permitted to dump it elsewhere without permission.

Dr. DeMaria said that manure is heavy; piles as large as Mrs. DeSilva was describing would have to be transported with ATV's or other equipment. Mrs. Homler will contact the County Health Department. Saddle Ridge Riding Center in Franklin Lakes is adjacent to the Reservation and it has a County affiliation.

**PUBLIC SESSION**

Mr. Harris opened the floor to the public and invited questions. None were proffered. He then acknowledged his grandson, Paul Harris, a Star Scout who is working toward the rank of Eagle Scout. The Members wished him luck in this endeavor.

There being no further questions or discussion, a motion to adjourn was made at 8:20pm by Mr. Wasson, with a second by Dr. DeMaria and unanimously agreed to by all present.

The next meeting is scheduled for October 11, 2016, at 7:30pm.

Respectfully submitted,

Marianne Campbell  
Secretary