

**TOWNSHIP OF MAHWAH
BOARD OF HEALTH
MINUTES
OCTOBER 11, 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
 Mrs. Mertz
 Mrs. DeSilva
 Mr. LaMontagne
 Mr. Wasson

ABSENT: Dr. DeMaria
 Mr. O'Brien

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

APPROVAL OF REGULAR MEETING MINUTES

Moved by Mr. LaMontagne and, seconded by Mrs. Mertz to approve the Minutes of the Regular Meeting of September 13, 2016.

Mrs. DeSilva inquired as to the status of the swans at Bogert's Pond. Mr. Maas had made an inspection; the aerator in the pond is working, the pond is clean, and the swans looked healthy.

There being no further questions or discussion, the Minutes for September 13, 2016 were unanimously approved.

APPROVAL OF HEALTH ACTIVITIES REPORT

Moved by Mr. Wasson and, seconded by Mrs. DeSilva to approved the Health Activities Report for September.

Mrs. DeSilva noted three bat investigations listed on page 4 of the Report. She asked if the bats were entering the home to roost and if they would be migrating. Mrs. Musella confirmed that bats hibernate, but the circumstance of their presence in the homes was unknown. Mrs. Campbell noted that historically the Department has seen an increase in bat exposures during the months of September and October.

Mrs. Mertz noted that Memory Care Living received another Conditional rating. Mr. Maas said that Mr. Grotheer went here on routine inspection. Once again, the Person-In-Charge did not have a Food Manager Certification. The employee turnover rate here is very high. Memory Care's new Executive Director took and passed a Food Manager's class so they could remain compliant while searching for a replacement facility manager. Mr. Maas emphasized that Memory Care's corporate office understands that when a new manager is finally hired, he or she will be required to obtain a Food Manager certification. Other working staff in the kitchen did have Food Handler's certifications.

Mrs. DeSilva inquired about the Conditional rating at Diwani Restaurant. Mr. Maas replied that Mrs. Homler had found unsanitary conditions on routine inspection. She returned twice, and the establishment ultimately earned a Satisfactory rating on September 15th.

Mrs. Mertz inquired about the summonses issued to Nonna's Pizza and Restaurant. Mrs. Musella stated that Mrs. Homler was doing a preoperative inspection at Edible Arrangements. Because Nonna's shares a common backdoor hallway with Edible Arrangements, Mrs. Homler was able to witness violations taking place that needed to be addressed immediately. In all, eight summonses were issued for improper food handling practices and other violations, and the principals were called in for an Administrative Hearing with Mrs. Musella and the Inspectors.

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

APPROVAL OF HEALTH OFFICER'S REPORT

Moved by Mrs. Mertz and, seconded by Mrs. DeSilva to approve the Health Officer's Report for September.

Mrs. DeSilva was concerned about a resident who refused to undergo rabies prophylaxis after a bite incident wherein the dog could not be located or quarantined. Mrs. Musella stated we cannot mandate that

anyone accept a medical treatment; we can only present the information to them and document that they have been advised that untreated rabies infections have fatal consequences.

Mrs. Musella then noted that all Department Directors had been invited to an introductory meeting of the new Township Business Administrator, Quentin Wiest. Mr. Wiest's official first day will be October 14th. The Mayor has been appointed as the Acting Business Administrator in the interim.

Mrs. Musella went on to state that Mahwah Day had been a successful and well-orchestrated event. Mrs. Homler accomplished the Temporary Food inspections and then staffed the Department's first booth along with our Health Educator, Erica Abbruzzese.

Mr. Wasson inquired if we partnered with the Police Department regarding drug abuse prevention programs. He recently read that drug manufacturing machines are being purchased from China via the internet for less than a thousand dollars. Mrs. Mertz stated that the Mahwah Municipal Alliance partners regularly with the police. Mrs. Musella affirmed we support their efforts as appropriate but do not actively partner in their activities.

Mr. Mason inquired about the corrections Mrs. Musella had recommended to a Nixle alert released by the Mayor concerning hexavalent chromium levels in the Township water supply.

Mrs. Musella explained that New Jersey has not legislated its own exceedance levels on this contaminant but relies on the federal standard. This was relayed incorrectly in the Nixle. She then affirmed that Mahwah's test results were acceptable by the federal standard.

Mr. Wasson then asked for a summation on the Annual Flu Clinic. Mrs. Campbell replied that a majority of the 120 plus senior citizens who had pre-registered did participate, and approximately 40 municipal employees and first responders were immunized as well. Mr. LaMontagne asked if the numbers met our forecast. Mrs. Campbell responded yes, and they were also on par with last year's clinic census.

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

BILLS

Moved by Mr. LaMontagne and, seconded by Mrs. DeSilva and, unanimously approved by all present to pay the Bills for September.

REPORTS OF STANDING COMMITTEES

No activity.

REPORT OF LIAISON TO MAYOR AND COUNCIL

Mr. LaMontagne sought and was given approval by Mr. Harris to introduce himself to the new Business Administrator. He will pay Mr. Wiest a visit after giving him a reasonable amount of time to settle in to the new position.

REPORT OF ATTORNEY

Mr. Mason reported that he had prepared a draft resolution for the Board regarding the swan situation at Bogert's Pond. A critical review of the Board of Health Fowl Code affirms the Board's initial opinion that the swans exceed the scope and purpose of our Ordinance. Since the swans will be self-sufficient and unconfined, they can (and should be) considered wild.

Mrs. Musella wished to confirm that Mr. Mason was advocating a complete waiver from any licensing responsibility in this case. Mr. Mason and Mr. Harris agreed this was the proper way to proceed. Mrs. Musella then suggested that Mr. Mason add a stipulation to the waiver that the Board could rescind said waiver at any time, and/or request the removal of the swans at any time in the future.

Mrs. Campbell was concerned about a stipulation in the resolution requiring that the swans have health certifications and how they would be obtained. Mr. Maas stated Mr. Bogert told him the birds were purchased in Pennsylvania. He said it was highly unlikely that they were immunized against any of the eleven or so diseases referred to in our Ordinance.

Mr. Mason suggested, and the Board agreed, it would be best to table the waiver resolution until after we could confer with Dr. DeMaria. Since it will be modified, he also asked if there were any other changes the Members would like to see incorporated. None were brought up.

Mr. Maas stated that Mr. Bogert was not averse to applying and paying for a license; he is only seeking an exemption to the coop and fencing requirements. Mr. Mason feels it is in the best interest of all

parties to waive the licensing requirement. Even issuing a conditional license would put the staff in a position of having to make inspections and uphold other aspects of the ordinance which may also not be pertinent to this situation.

Mr. Mason then explained his intention to follow up with the Board tonight on a hoarding issue in a condominium complex that had presented in the early summer. However, due to the recent relocation of his office, that file was not immediately available. He did speak to the association's attorney and will provide a detailed report to the Members in November.

CORRESPONDENCE

None received.

OTHER BUSINESS

Resolution 2016-010: 2015 Salary Ordinance 16-130 on Final Passage

Motion: Mrs. DeSilva
Second: Mrs. Mertz

Roll Call: 5 Ayes
Motion carries.

Resolution 2016-11: 2016 Salary Ordinance 16-132 on Final Passage

Motion: Mr. LaMontagne
Second: Mrs. Mertz

Roll Call: 5 Ayes
Motion carries.

Resolution 2016-12 was carried to November on a motion by Mrs. DeSilva, with a second by Mr. LaMontagne and unanimously agreed to by all present.

Mrs. DeSilva wished to commend Mrs. Homler for following up on a manure complaint at Ramapo Reservation. Saddle Ridge Riding Center in Franklin Lakes was improperly using their stockpile of manure to fill in holes in the walking trails. The County (who owns the facility) instructed them to cease the practice.

Mr. LaMontagne advised the Members that Mr. O'Brien would be emailing everyone a draft of the opioid addiction presentation he has been working on.

PUBLIC SESSION

None present.

There being no further questions or discussion, a motion to adjourn was made at 8:12pm by Mr. LaMontagne, with a second by Mrs. DeSilva and unanimously agreed to by all present.

The next meeting is scheduled for **November 15, 2016**, at 7:30pm.

Respectfully submitted,

Marianne Campbell
Secretary