

**TOWNSHIP OF MAHWAH  
BOARD OF HEALTH  
MINUTES  
April 11, 2017**

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 7:30PM 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  
                      Mrs. DeSilva  
                      Mr. Wasson

ABSENT:           Dr. DeMaria  
                      Mr. O'Brien

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

**APPROVAL OF REORGANIZATION MEETING MINUTES**

Moved by Mr. Wasson and, seconded by Mrs. Mertz and, unanimously agreed by all present to approve the Minutes of the Reorganization Meeting of February 14, 2017.

**APPROVAL OF REGULAR MEETING MINUTES**

Moved by Mr. LaMontagne and, seconded by Mr. Wasson to approve the Minutes of the Regular Meeting of February 14, 2017.

Mr. Wasson inquired if Ms. Brennan had licensed her dogs. Mrs. Musella confirmed that she had.

Mrs. DeSilva asked for an update on efforts to make the condominium associations liable for licensing of their residents' animals. Mrs. Musella stated that Tyco Animal Control is pressing for it, but the Council will need to amend existing Ordinances to accomplish it.

Relative to an inspection after their recent fire, Mr. Wasson asked what food Nagoya Restaurant was storing food in the ceiling. Mr. Maas replied that non-perishables (i.e. rice wine vinegar) were found in boxes above the drop ceiling. In answer to Mr. LaMontagne's query, he noted this was in violation of fire code, but was not a health violation.

Mrs. DeSilva questioned the manner in which the fire started. Mr. Maas explained that a batch of panko bread crumbs had been fried in oil for use as a crispy coating. It was left to drain overnight in a metal colander, and the fire official determined it self-ignited after the restaurant closed. Mr. Maas distributed pictures of the damage which were taken during the investigation.

Mrs. Mertz asked if a nurse had been hired for the Child Health Conference. Mrs. Musella responded that she had actually hired a nurse in March. Unfortunately, last month's clinic was cancelled due to the snowstorm, but the April clinic was held today. Mrs. Musella has requested the Waldwick Business Administrator to notify all of the school nurses as soon as the contracts were executed.

There being no further questions or discussion, the Minutes of the February 14, 2017, Regular Meeting were unanimously approved.

**APPROVAL OF FEBRUARY 2017 HEALTH ACTIVITIES REPORT**

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

Mrs. DeSilva requested specifics regarding a meeting with the Mayor over 'public health concerns' at Halifax Road. Mrs. Musella responded that a complaint had been registered about open-burning on the Ramapo Lenape Nation property adjacent to the Polo Club and Ramapo River.

Mr. Maas explained that the RLN had set up very large teepees in which there are fires lit and kept burning 24/7. Mrs. Mertz asked if people are actually living in the teepees. Mrs. Musella said yes. Mr. Maas noted that the Planning and Zoning Board is involved; permission to erect structures or perform soil movement in a riparian zone are required but were not obtained. Summonses were issued for those violations.

The Township Attorney, Brian Chewcaskie, reviewed the Board of Health Codes prohibiting open burning (BH:2-4, BH:2-5 and BH:2-6) and determined they did not apply in this case. He did not offer any explanation as to how he arrived at this decision.

Mr. LaMontagne stated that there was no State code prohibiting camp or cooking fires; even absent a fire pit or chimenea, recreational fires are permitted.

Mr. Mason stated that provisions of the general nuisance codes (Municipal or Board of Health) could be enforced if the constant burning was causing problems for the neighbors. If not specified directly in these statutes, the judge and prosecutor have the discretion to determine whether an activity rises to the level of a nuisance. Certain parameters (such as the potential for causing harm, or other generally recognized nuisances such as loud noises during certain hours) are used in making these determinations.

Mr. Mason then explained that when an ordinance is deemed in-applicable, the decision may have been reached because other ordinances supersede it, the facts in the case may not support its relevance, its application is unconstitutional, or the powers of enforcement may be usurped by another agency. In this particular instance he feels that a one sentence dismissal should probably be supported with a written opinion; a plain reading of our Ordinance supports its relevance.

Mr. LaMontagne asked for the number of complaints registered. Mrs. Musella noted that the Health Department had only received one. Mr. Harris suggested that we defer to the Planning Board's action which may resolve the issues for all complainants. If not, we can revisit.

Mr. Mason asked if any notable topics were discussed in the Winter Communicable Disease webinar. Mr. Maas responded that current protocols for measles and other prevalent diseases were reviewed. Mrs. Musella noted that candida-aureus has been added to the State's list of reportable diseases, and that Zika transmission areas are currently limited to Broward County, Florida and Brownsville, Texas.

Mr. Mason then inquired about new rulings for ground meat production. Mr. Maas relayed that retail operations grinding their own beef have not been required to maintain production logs for traceability. The FDA has issued a new mandate that will require them to keep logs and notate individual retail packages to identify the source of the beef and trim used. Mr. Mason was surprised that this was not already standard operating procedure. Mr. Maas said that most of the supermarket chains already have these procedures in place, but many smaller operations like delicatessens and restaurants that grind their own chopped meat do not.

Mr. Harris asked how long these webinars ran. Mrs. Musella said each offering was usually a one hour commitment - and an effective way to earn Continuing Education Units without travel or fees.

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

**APPROVAL OF MARCH 2017 HEALTH ACTIVITIES REPORT**

Moved by Mr. Wasson and, seconded by Mr. LaMontagne to approve the Health Activities report for March.

Mr. Wasson asked if the proposed dog census would entail house-to-house visits and if the process is usually successful. Mrs. Musella said that college students, under the supervision of Tyco Animal Control, will actually canvass each home to ascertain if an animal resides there.

Mrs. Mertz asked if Mrs. Homler would forward her a copy of the flyer so she might distribute it within the schools. Mrs. Homler agreed.

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

**APPROVAL OF FEBRUARY 2017 HEALTH OFFICER'S REPORT**

Moved by Mrs. DeSilva, and seconded by Mr. LaMontagne to approve the Health Officer's Report for February.

Mrs. DeSilva asked for particulars about the "Living With Wildlife" flyer she had approved. Mrs. Musella related that several incidents have taken place in the Ramapo Brae Community highlighting the need for education on rabies and the health risks one takes when feeding or interacting with wildlife. Mrs. Homler and Mrs. Abbruzzese worked together on creating a program and received permission to present it in the Community Room. Unfortunately, no one came. On the upside, the Association's building manager agreed to dedicate a corner of the room where we are free to leave health related pamphlets and information. Its moniker is "Helpful Health Corner" and management promised to promote its existence and encourage the residents to visit.

Mrs. Campbell and Mrs. Musella then related incidents of sick feral cats at Ramapo Brae last summer and more recently in Hillsdale wherein many people were potentially exposed to rabies. In the Mahwah case, a bullet was dodged, but five people in Hillsdale had to undergo rabies prophylaxis after unknowingly handling a rabid kitten.

Mr. LaMontagne asked if access to the Township's animal licensing database has proven as helpful as we suspected it would be. Mrs. Campbell responded it has absolutely improved and expedited the processing of animal bites and quarantines.

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

**APPROVAL OF MARCH 2017 HEALTH OFFICER'S REPORT**

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

Mrs. Mertz requested details regarding an emergency response at Bon Appetit Bakery. Mr. Maas stated that Mrs. Homler had received a call from the New Jersey Division of Taxation about their imminent closure of an unnamed food establishment. Mrs. Homler contacted Chief Batelli who confirmed that, while rare, it is within the Division's authority to do this. The day of the pending closure, Mrs. Homler was summoned to be on hand regarding the disposition of food items. The owner and the State were able to come to terms in order to keep the doors open.

Mrs. Mertz then asked for more information about a State Line Diner customer who suffered an allergic reaction to an undisclosed ingredient in his omelet. Mr. Maas noted the patron admitted he did not advise the waitress of any allergy, and a very small piece of the ingredient entered his food through cross-contamination on the cooking surface. State Line Diner maintains if they are apprised of any allergy, the waitresses are instructed to notify a manager. That manager speaks to the patron directly, and that customer's food is then prepared and cooked separately in a dedicated pan.

Mrs. Musella provided a synopsis of the Health Education Activities executed by Mrs. Abbruzzese in March including the aforementioned "Helpful Health Corner" at Ramapo Brae, a "Mindful Medication" program at Norfolk Village, soliciting Valley Hospital to present a "Pharmacy Program" and partnering with MEVO and Shop Rite for future programs.

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

**BILLS**

Moved by Mrs. DeSilva and, seconded by Mrs. Mertz and, unanimously approved by all present to pay the Bills for February.

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

**REPORTS OF STANDING COMMITTEES**

No activity.

**REPORT OF LIAISON TO MAYOR AND COUNCIL**

*(Taken up during approval of February Minutes)*

Mr. LaMontagne reported that he had met with both the new Business Administrator and with the Mayor. He had a very pleasant exchange with Mr. Wiest during which he explained the reasons the Board had established its own liaison and to promote the good work being done by the Health Officer and the staff of the Department. He also met one-on-one with Mayor LaForet, with whom he has had a long-standing acquaintance. They spoke at length about the general concerns of the Board and issues apropos to public health.

**REPORT OF ATTORNEY**

Mr. Mason advised that he had previously reviewed the contract for Public Health Nursing and found it to be acceptable for signing should the Board choose to offer the contract to HARP.

**CORRESPONDENCE**

**To: Mayor, Council                      From: Mr. Harris                      Date: 2/28/2017**  
**Letter of introduction, re. 2017 Liaison, Mr. LaMontagne**

**OTHER BUSINESS**

A motion to waive the reading of Resolution 2017-06 was made by Mrs. DeSilva and, seconded by Mrs. Mertz and, unanimously approved.

**Resolution 2017-06: 2017 Public Health Nursing Contract**

**Motion: Mr. Wasson**  
**Second: Mr. LaMontagne**

**Roll call: 5 Ayes, 2 Absent**

**Motion carries.**

**DISCUSSION - UPDATING BOARD OF HEALTH CHAPTER XI**

Mr. Harris inquired as to proposed changes to Chapter XI. Mrs. Musella explained that recent issues with manure storage and removal at some of the larger farms warranted a review of the current Ordinance. When that review is completed, she will be seeking the Board's approval to update the Code.

**PUBLIC SESSION**

Students Brian Petrovic, Dylan Fay, and Eric Grunblatt introduced themselves as classmates from Mahwah High School. They were in attendance to fulfill a requirement in Mrs. Beatrice's class for an assignment called "The Mahwah Project". Mr. Harris thanked them for their interest and offered to sign their papers as necessary.

There being no further questions or discussion, a motion to adjourn was made at 8:25pm by Mr. LaMontagne, with a second by Mrs. DeSilva and, unanimously agreed to by all present.

The next meeting is scheduled for **May 9, 2017**, at 7:30pm.

Respectfully submitted,

Marianne Campbell  
Secretary