

**TOWNSHIP OF MAHWAH
BOARD OF HEALTH
MINUTES
November 14, 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
 Dr. DeMaria
 Mrs. DeSilva
 Mrs. Mertz
 Mr. O'Brien (7:35pm)

ABSENT: Mr. Wasson

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

APPROVAL OF REGULAR MEETING MINUTES

Moved by Mrs. DeSilva and, seconded by Dr. DeMaria and, unanimously agreed by all present to approve the Minutes of the Regular Meeting of October 10, 2017.

APPROVAL OF HEALTH ACTIVITIES REPORT

Moved by Mrs. Mertz and, seconded by Mrs. DeSilva to approve the Health Activities Report for October.

Mrs. DeSilva asked for details regarding an Administrative Hearing with the owner of Papa Leone's Deli. Mrs. Musella explained that Mr. Scherer still needs to get someone in the establishment certified as a Food Manager. Mrs. Homler noted that Mr. Maas did return to Papa Leone's for a spot check to see if the housekeeping issues had been

abated. (For the most part, they had). Mrs. DeSilva was concerned with the potential health risks of permitting them to remain open. Mrs. Musella explained that we have to work with the operators - the Food Manager course involves eight hours of instruction and a difficult, proctored exam. She assured Mrs. DeSilva that the establishment was only given until the end of the month to comply, and we would be monitoring their progress.

Mr. Harris asked if Mr. Mason had reviewed our licensing applications with respect to obtaining the names of responsible parties as designated by the business owners/operators. Mr. Mason responded that he had met with both Mrs. Homler and Mr. Maas to discuss the issue.

Mrs. DeSilva inquired about a lead exceedance in the public water supply as reported on page 3. Mrs. Homler responded that a private school had water tests performed to comply with a state mandate that they do so every three years. The exceedance occurred in a draw from a water fountain that was rarely used (and which was ultimately removed).

After some discussion, it was noted this particular line item on the Health Activities Report generally denotes the samples which are taken quarterly by the Water Department at 60 established outlets throughout the Township. In this case, the sample was taken privately at a school whose water is provided by the Township. Mrs. Campbell will devise an adjustment to the report to make a distinction between the different types of samples.

Mrs. DeSilva then asked about the unsatisfactory sample at Campgaw. Mrs. Homler explained that the County has jurisdiction over this non-community outlet and we are provided results as a courtesy. She did not believe a bacterial contaminant was involved. Mrs. Musella stated wells require periodic cleaning as they are subject to listeria and other contaminants from ground water.

Mr. Harris queried Mr. Mason what penalty might be levied against a defendant who does not appear for their court date. Mr. Mason answered that the judge and prosecutor have discretion; however, after two notices to appear are ignored, a bench warrant is usually issued.

Upon questioning, he explained that while the inspectors could continue issuing summonses daily, the ultimate goal is to attain compliance. He suggested reaching out to a resident who is currently non-compliant in her dog licensing obligation and is in danger of having a bench warrant issued in her name.

Mr. Harris inquired about a CPO who was derelict in his duties which earned him two summonses in as many days. Mrs. Homler explained that there was an easy fix to the violations: the CPO needed to purchase

DPD reagent (the medium used to test pool water pH and chlorine). For whatever reason, this was not done.

Mr. Harris then asked if the pool was closed. Mrs. Homler said it was not since a lab test had been performed and the pool water did pass bacteriologic standards. This would not necessarily be the case in subsequent tests if the chlorine level was not properly monitored and adjusted as needed.

Mrs. Campbell wished to note an omission to the Court Appearance line item on page 11. There were three Court Appearances by the staff during October (not zero) which brings the Year To Date number to seven.

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

APPROVAL OF HEALTH OFFICER'S REPORT FOR SEPTEMBER

Moved by Mr. O'Brien and, seconded by Dr. DeMaria to approve the Health Officer's Report for October.

Mr. Harris asked Mrs. Musella if she found preparing her report was an onerous task and if her other municipalities required one from her as well. Mrs. Musella stated that NWRHC provides the inspector and administrative work for her other municipalities so she does not prepare a distinct Health Officer Report but a general report of all the work performed on behalf of the particular jurisdiction. She does not find it onerous to prepare, and the Members indicated they find it useful.

Mrs. DeSilva inquired about a feral cat issue that Mrs. Homler was addressing. Mrs. Homler explained that initially Tyco had cultivated a working relationship with a resident who had more cats than she could afford to feed, maintain or license. Tyco began removing the cats with the resident's cooperation in an attempt to reduce the population.

When Tyco responded to a complaint by one of the resident's neighbors, things went downhill; the resident lost trust in Tyco and wrote several letters threatening them and the Township with legal action for 'stealing' her property.

We have not been served with notice of any legal action to date. Tyco plans to call on the woman again and may issue summonses for any

remaining unlicensed cats. The resident asserted she is finding homes for the final five cats still in her possession and then will sell her house and leave town.

Mrs. Musella related that she had approved Mr. Maas' attendance at a week-long course to earn his Lead Risk Assessor certification. Since the State Health Department has dropped the action level in half (from 10 to 5 $\mu\text{g}/\text{dL}$), we expect to handle many more lead cases.

Mr. Harris asked about issues with the Post Office and the resolve (if any). Mrs. Homler stated there have been long-standing issues in the building, and the landlord is neither cooperating nor abating the mold issues or other conditions. An employee at this location has been complaining to the Council regularly.

Mrs. Homler advised that OSHA has jurisdiction over this facility, and she forwarded the mold complaint to them. The Building Department is also involved with this landlord and is addressing many other issues on the property including a retaining wall that is in danger of collapse, a parking lot with dangerously large potholes, etc. The entire building next to the Post Office has been "red stickered" as unsafe for habitation.

Mr. Harris asked Mr. O'Brien to speak on the "Stop The Bleed" program he presented on Wednesday, October 25th. Mr. O'Brien recalled that approximately 20 people attended over two time slots; 5:30pm and 7:30pm. Most participants were CERT members, but several municipal employees also attended including Mrs. Homler and Mrs. Campbell.

Mr. O'Brien thought the information was well received and is grateful to Westchester Medical Center for allowing him to offer the program outside of its capture area. As a matter of jurisdiction and courtesy, WMC will reach out to Hackensack University Medical Center (our closest trauma center) before he will receive approval to offer another class.

Mr. O'Brien is currently the only New Jersey instructor north of Edison who is certified to teach the course. The County offers similar training to first responders, but the Stop The Bleed program is geared toward the layperson.

Mr. Harris thanked Mr. O'Brien for the synopsis and for providing our residents and volunteers a valuable program.

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

BILLS

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

Mrs. DeSilva noted HARP's fourth quarter bill commenting that if the Township is mandated to build more high density housing our public health nursing hours and costs will inevitably increase.

REPORTS OF STANDING COMMITTEES

As the Chair of the Sunshine Committee, Mrs. Mertz inquired as to the status of the donation the Board wished to make in memory of Mr. LaMontagne.

Mrs. Campbell explained that the Business Administrator, Mr. Wiest, had conferred with the Township Attorney and the Township Auditor regarding the subject. Jointly, they determined it was not appropriate for the Township to make a donation and denied the Board's request.

Mr. Mason stated that he broached the subject with both Mr. Wiest and Mr. Chewkaskie during one of his meetings with them and received the same response.

The Members remain consternated by this decision. Mr. LaMontagne spent nineteen years serving the Township as a Board of Health Member and over forty as volunteer Fireman.

Mrs. Mertz requested a few moments during Executive Session be devoted to discussing an alternative plan.

REPORT OF ATTORNEY

Mr. Mason advised that, as discussed earlier, he had met with the inspectors and will be providing guidance as to the veracity and form of all Health Department license applications.

In regards to an ongoing Personnel issue he will defer his comments to Executive Session.

CORRESPONDENCE

None.

OTHER BUSINESS

Resolution 2017-08: 2016 Compensation for Board of Health Secretary

Motion: Mr. O'Brien
Second: Mrs. DeSilva

Roll Call: 5 Ayes, 1 Absent
Motion carries.

Resolution 2017-09: 2017 Compensation for Appointed Staff

Motion: Dr. DeMaria
Second: Mrs. Mertz

Roll Call: 5 Ayes, 1 Absent
Motion carries.

CHANGE TO TOBACCO AGE OF SALE LAWS

Mrs. Musella advised that on November 1st, New Jersey increased the permissible age of sale for tobacco products to 21 years. The day prior, Mr. Grotheer visited nineteen Mahwah establishments that sell tobacco and provided them a 'cheat sheet' designed to help them comply with the law. She then invited Mr. Grotheer to report on the topic.

Mr. Grotheer explained that the new law provides that both the owner of an establishment and the employee who actually makes the sale to an underage customer can both be fined. He demonstrated the means by which employers and employees can easily determine if a customer is of sufficient age by the orientation of their driver's license; a vertical orientation means they are not old enough to purchase.

This absolves the employee from having to calculate age based on the date of birth. All the employee must do is verify that the driver's

license is not expired. Mr. Grotheer encourages all tobacco purveyors to 'card' up through the age 40.

Mrs. DeSilva asked if the staff still performs sting operations. Mrs. Musella said no; funding for local TASE activities ceased some years ago. Mr. Grotheer stated that the FDA still performs these stings and posts a municipality's "score" on their website. He saw that Mahwah performed quite well in this regard.

The sale of vape units, supplies and paraphernalia are regulated under the same laws as tobacco products. To that end, Mr. Grotheer made a small presentation on vaping units. Like electronic cigarettes, these units act as a delivery system for nicotine and other drugs such as "CBD" (a non-THC marijuana derivative). He demonstrated how a liquid medium is placed in a chamber and vaporized at high heat. The user then inhales the aerosol produced. The mediums are largely produced in China and there is no defined standard or testing of chemical concentrations in these liquids. In short, the user doesn't really know what or how much (nicotine, CBD, etc.) he/she is inhaling.

Mr. O'Brien said that these products were initially promoted as smoking cessation devices. Unfortunately, due to lack of manufacturing standards many users were ingesting more nicotine, not less.

Mrs. Homler related that the newly appointed DARE officer in town reached out to her for information regarding vaping regulations. He told her that twenty summonses have already been issued to Mahwah students for vaping and that it was a big problem at the High School and at Ramapo Ridge.

Mr. Grotheer stated there have not been enough trials to demonstrate the safety benefits of vaping over regular smoking. The only known benefits to vaping are the lack of tar and combustion.

Dr. DeMaria inquired as to the cost of the unit and product. Mr. Grotheer believed the vaping unit was \$45.00; the bottle of medium (approximately 4 ounces) was probably \$10.00. Mrs. DeSilva asked how many uses or 'smokes' could be obtained from the ten dollar bottle. Mr. Grotheer did not know that answer.

Mrs. Musella and the Members thanked Mr. Grotheer for the demonstration and for educating Mahwah shopkeepers so as to keep tobacco products out of the hands of young people.

Mrs. Musella announced that Northwest Bergen Regional Health Commission would be presenting a "Better Sleep" workshop on Tuesday, November 21st. She distributed a flyer on the workshop and invited all interested Members and staff to attend.

EXECUTIVE SESSION

On a motion by Mrs. DeSilva, with a second by Mr. O'Brien and agreed to by all present, the Board entered into Executive Session at 8:35pm to discuss a personnel issue.

On a motion by Mrs. Mertz, with a second by Dr. DeMaria, and agreed to by all present, the Board returned to Regular Session at 8:45pm.

There being no further comments or discussion, Mrs. DeSilva made a motion to dismiss at 8:45pm, which motion was seconded by Mr. O'Brien and unanimously agreed to by all present.

The next meeting is scheduled for **December 12, 2017**, at 7:30pm.

Respectfully submitted,

Marianne Campbell
Secretary