

TOWNSHIP OF MAHWAH  
BOARD OF HEALTH  
MINUTES  
MARCH 12, 2019

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  
                      Mr. Cimis  
                      Mr. LoFaso  
                      Mr. Matysiak

ABSENT:            Dr. DeMaria  
                      Mrs. DeSilva  
                      Mr. Wasson

PROFESSIONALS:  Mrs. Homler, REHS  
                      Mr. Maas, REHS  
                      Mrs. Campbell, Secretary  
                      Mr. Mason, Attorney (7:40pm)  
                      Mr. Ervin, Council Liaison

**APPROVAL OF RE-ORGANIZATION MEETING MINUTES**

Moved by Mr. Cimis and, seconded by Mr. LoFaso to approve the Minutes of the Re-Organization Meeting of January 8, 2019.

**APPROVAL OF REGULAR MEETING MINUTES**

The Minutes of the Regular Meeting of January 8, 2019 were not available.

**APPROVAL OF JANUARY HEALTH ACTIVITIES REPORT**

Moved by Mr. Cimis and, seconded by Mr. LoFaso to approve the Health Activities Report for January 2019.

Mr. Harris queried if an abatement notice listed twice on page 10 was a duplicate. Mrs. Homler replied that there were two animals involved in an altercation, each belonging to different adults at the same address.

Mr. Harris then requested the outcome of the initial hearing regarding the dog, "Bella". Mrs. Homler summarized the reasons why Carol Tyler, Animal Control Officer, believes that Bella is an imminent threat to other animals and humans. Despite being Bella's sole caregivers since January 2, the dog has had no change in affect or demeanor. It will be the first time in her thirty five years that she has encountered a dog that she is convinced cannot be rehabilitated.

Professional evaluations will be arranged by each side in the case and presented to the Municipal Judge at the next hearing scheduled for March 28, 2019.

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

**APPROVAL OF FEBRUARY HEALTH ACTIVITIES REPORT**

Moved by Mr. Cimis and, seconded by Mr. Matysiak to approve the Health Activities Report for February 2019.

Mr. Matysiak inquired as to the multiple violations listed in an abatement notice issued to the Citgo gas station on Franklin Turnpike. Mrs. Homler stated the business was sold and the new owner is addressing all items. She will re-inspect the facility next week.

Mr. Harris requested additional information regarding the abatement notices issued to four residents for harboring fowl. Mrs. Homler explained that these were the property owners who claimed that their right to keep fowl on less than five acres of land was grand-fathered under prior zoning regulations. None of these residents could provide proof of a continuous, non-conforming use and were, therefore, advised to remove the fowl or apply for a variance within thirty days. It appears the other two residents wish to keep their fowl and are in discussions/negotiations with the Zoning Officer and Township Attorney to that end.

Mr. Cimis asked what items were included in the Recall/Embargo Notifications. In addition to human foodstuffs, Mrs. Homler stated that pet foods and items like toothpaste could be flagged. Most (though not all) notifications require no action on our part.

**BILLS**

Moved by Mr. Cimis, with a second by Mr. LoFaso to approve the bills for January and February.

Mr. Matysiak requested additional information regarding payments made to HARP and to Valley Hospital.

Mrs. Campbell explained that HARP was Health Awareness Regional Program out of Hackensack Hospital, and the bill covered the entire 2018 contract year. She further explained that as a Non-Fair and Open Contract, there are certain paperwork requirements, and all of them have still not been satisfied.

Mr. Mason inquired as to a payment made to Valley Hospital. Mrs. Campbell explained that this was for a resident's rabies prophylaxis. The cost of the treatment does not come out of our operating budget but from the Dog Trust which is funded by animal licensing fees. Since we arranged for the treatment, Administration requested that we enter the bill into the payables system.

There being no further questions or discussion, payment of the January and February bills was unanimously approved.

**REPORTS OF STANDING COMMITTEES**

None presented.

Mr. Harris spent a moment encouraging the Members to be proactive in Committee work and confirmed that all Members knew to which Committee(s) they had accepted assignment.

**REPORT OF ATTORNEY**

Mr. Mason explained that he had advised the staff on a complaint arising from conditions on 95 Halifax Road. A resident was concerned that a gas powered tractor and other unknown items which were being stored out of doors under a tarp may pose a threat to the Ramapo River during heavy runs due to run-off.

Mrs. Homler noted that she and Mr. Maas inspected the property but did not feel those particular concerns were warranted. Nevertheless, there were valid property maintenance violations, and an abatement notice was issued to the owners of the parcel to clean up the site and store equipment properly.

Following up on a prior discussion, Mr. Mason provided an outline of Emergency Response Preparedness items that require review as well as a summary of our Mobilization plan that may need updating.

He provided a brief historical summary of work done in this regard some years ago when the threats of Avian flu and biological warfare were of paramount concern in the Public Health arena. It was noted that practice exercises were hosted by the County including simulating a Point-of-Distribution (POD) clinic. First responders, medical providers, public health officials, security and volunteer 'victims' participated in the exercises.

Mrs. Campbell opined that in the years post-H1N1 (2009), there seemed to be a shift in the emphasis on Emergency Preparedness. Fallout from storms like Irene and Sandy and the Halloween snowstorm demonstrated that individuals and families also needed to prepare for catastrophic events, and not to rely on the government.

Mr. Matysiak expressed interest in reviewing the plans and will touch base with Mrs. Campbell regarding the volunteer list and supplies.

#### **NEW BUSINESS**

On a motion by Mr. Lofaso, seconded by Mr. Cimisi and agreed by all present, the reading of Resolution 2019-05 (only) was waived.

#### **Resolution 2019-05: Public Health Nursing Contract**

Motion: Mr. LoFaso  
Second: Mr. Matysiak

Roll call: 4 Ayes, 3 Absent  
Motion carries.

#### **Resolution 2019-06: Appointment of Board of Health Attorney**

Motion: Mr. LoFaso  
Second: Mr. Matysiak

Roll call: 4 Ayes, 3 Absent  
Motion carries

#### **Resolution 2019-07: Inter-local agreement for Child Health Services**

Motion: Mr. Matysiak  
Second: Mr. LoFaso

Roll call: 4 Ayes, 3 Absent  
Motion carries

**Discussion: Proposed Municipal Noise Ordinance**

Mr. Harris opened the floor to discussion of an eleven-page Noise Ordinance that the Township Council and Township Ordinance Committee were considering. Copies of the Ordinance had been distributed prior to the meeting.

The Members expressed concern on many potential issues should this law be enacted.

Mr. Cimis felt the time constraints for 'noise making' activities were too restrictive. He would not want to live in a place that would intrude on his personal freedoms to such an extent.

Mr. Harris opined that noise complaints were a quality of life issue and not a public health issue.

Mr. Harris also noted that enforcement was going to be expensive, and difficult, if not impossible in many cases.

None of the Members present expressed an interest in seeing the law adopted, and most worried that it would create more problems than it would solve. There was further consensus that the proposal was likely intended to address noise complaints arising from the gun range, but the gun range would be exempt from compliance anyway.

Mr. Harris directed Mr. Mason to send a missive to Council apprising them of the Board's position on the matter.

There being no further comments or discussion, Mrs. Harris made a motion to adjourn at 9:00pm, which motion was seconded by Mr. Cimis and unanimously agreed to by all present.

The next meeting is scheduled for **April 9, 2019**, at 7:30pm.

Respectfully submitted,

Marianne Campbell  
Secretary