

**BOARD OF HEALTH
MINUTES
July 9, 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: Dr. DeMaria
Mrs. DeSilva
Mr. Harris
Mr. LoFaso
Mr. Matysiak

ABSENT: Mr. Cimis
Mr. Wasson

PROFESSIONALS: Mrs. Musella, Health Officer
Mrs. Homler, REHS
Mr. Ervin, Council Liaison
Mrs. Hagan, Secretary

APPROVAL OF JUNE 2019 MEETING MINUTES

Moved by Mr. LoFaso and seconded by Dr. DeMaria and unanimously agreed to by all present to approve the Minutes of the Regular Meeting of June 11, 2019.

APPROVAL OF JUNE 2019 HEALTH ACTIVITIES REPORT

Moved by Mrs. DeSilva and seconded by Mr. LoFaso to approve the Health Activities Report for June 2019.

Mrs. DeSilva queried the meaning of RTF. Mrs. Homler replied the acronym stands for Right to Farm. This indicates a commercial property which is permitted to have roosters in addition to hens. Mrs. DeSilva asked whether this is one of the properties which have been challenging the Health Department's request to obtain a fowl license. Mrs. Homler replied that this property is the former Weidner property which had been licensed as a commercial farm in the past. The new

owners have cleaned up the property and maintain a Right-to-Farm status.

Mrs. DeSilva queried whether the Conditional rating issued to River Palm Terrace was to the new owners or the former owners. Mrs. Homler replied that the new owners received this Conditional due to the lack of Certified Food Managers at the new establishment. Mrs. Homler had worked with the new owners and their attorneys prior to opening. All was good at the time; however, prior to opening there was a change in staffing, and the current employees no longer had certification. Mrs. Homler stated that on June 24th the owner had a trainer come teach the class in house. Mr. Grotheer will return and issue a Satisfactory rating upon his re-inspection and confirmation of certified personnel. Mrs. DeSilva wished to know if the new owner was experienced in the food service industry. Mrs. Homler replied that he has extensive experience within New York State.

Mrs. DeSilva queried sanitary issues at 417 Franklin Turnpike. Mrs. Homler replied that this is the Ramapo Gardens apartment complex. The individual involved is a tenant, and our office became involved when a housing official from the State Health Department came in for the standard 5-year inspection and could not gain access. There were plumbing issues that needed to be addressed as they were affecting other tenants. The plumber was unable to access the necessary fixtures due to the amount of clutter in the apartment. The tenant has since made a clear path to the area where the plumbing issues are located. The plumbing issue has been abated; however, the hoarding is still being addressed.

Mr. Matysiak queried the chances of Valley Health and Wellness Center (VHWC) receiving a waiver for the number of lifeguards required. Mrs. Homler replied that due to a change in the State Bathing Code in 2018; a pool over 2,000 sq. ft. must have two lifeguards on duty during operating hours. The pool at Valley Health is significantly larger with 3,600 sq. ft. The facility has conducted a survey over the past six months and indicated that there are generally only five or six bathers at any given time.

Representatives from VHWC came in for a meeting to discuss this with Mrs. Homler and Mr. Maas. They want to rope off some lanes so they can get by with only one lifeguard. Mrs. Homler said the State has issued waivers to select organizations (i.e. YMCA, YWCA); such waivers have been granted with certain restrictions. Currently, VHWC has been closing three of the six available lanes which provides an area under the 2,000 sq. ft. and allows for one lifeguard. At the meeting, they inquired as to the possibility of keeping all lanes open and limiting the number of bathers to 18 at a given time. Mrs. Homler is not comfortable with the idea that one guard could keep an eye on an area that large. She contacted the State Health Department and was informed any waivers must be issued by that office.

Mr. Matysiak queried the need for a food license at the Mahwah Library. Mrs. Homler explained that all of the non-profit establishments with kitchens are issued a fee-exempt license. An annual inspection is completed at each establishment.

Mahwah Library has many programs involving food presentations. She has provided the Library Director with a copy of the State Code, and the library falls within the parameters of a non-profit kitchen.

She has been facing opposition on this issue for the past 18 months. Most recently Mrs. Homler conducted an inspection at the library for the recent summer reading kick-off event. She explained that there were three licensed food truck vendors at this event; and while there, she once again provided the Library Director with a 2019 Non-Profit License Application. He thanked her for her assistance in getting the event off to a good start, but it remains to be seen whether he returns the completed application.

Mrs. DeSilva queried the existence of a Library Board. Mrs. Homler confirmed that such a Board exists, and she may have to address this issue with them. She believes the Library Board is misinformed about the cost of a license and may fear that the Health Department will be inspecting them rigorously throughout the year.

Mr. Harris queried the existence of a Council Liaison to the library; Mr. Ervin acknowledged that Mr. Ferguson is the current liaison, and he will reach out to him to discuss this issue. Mrs. Homler was appreciative of this assistance. She will provide Mr. Ervin with the detailed information that she has provided to the Library Director.

There being no further questions or discussion, the Health Activities Report for June 2019 was unanimously approved by all present.

APPROVAL OF HEALTH OFFICER'S REPORT FOR JUNE 2019

Moved by Mrs. DeSilva and seconded by Mr. LoFaso to approve the Health Officer's Report for June 2019.

Mrs. DeSilva queried health services for the Ramapo Mountain Indians. Mrs. Musella replied that she had received a call from the State Commission on Indian Affairs. They inquired as to health services offered to the Indian community. In the past, our public health nurses offered blood pressure clinics where general health concerns could be addressed. The program came to a halt due to a lack of attendance and client participation.

Mrs. Musella informed the Board that reinstating the program is in the preliminary stages. A meeting is to be held with Joanne Wendolowski, RN of HARP, Chantal Folkes, Health Educator at Northwest Bergen Regional Health Commission (NWRHC) and Michael Piccaro (Liaison to Chief Dwayne Perry.) Before any clinic can be offered, an appropriate location must be obtained. Outreach must also be conducted to increase attendance. Mrs. Wendolowski felt that she was making progress assisting this population to take better care of their health, and she would like to reestablish a presence in this community.

Mr. Harris queried the need for a program unique to the Indian population. Mrs. Musella clarified that the initial outreach came to her from the State; however, such a program would be open to any resident of Mahwah. The location of something convenient and accessible to the Ramapo Indian population will enhance participation from this demographic.

Mr. Harris queried whether the Township will receive reimbursement for such a clinic. Mrs. Musella replied that she has been informed that some monies may be made available.

Mrs. DeSilva queried the movement of Bella to North Winds Kennel in upstate New York. Mrs. Musella stated that this was merely a request by the defendant, however, the request was denied. Bella remains in the custody of Tyco Animal Control.

Mrs. Homler informed the Board that the next court dates for the Bella hearings are July 26th and 31st. She is hopeful that things will be wrapped up and finalized by the end of the month.

There being no further comments or discussion, the Health Officer's report for June 2019 was unanimously approved by all present.

BILLS

Moved by Mrs. DeSilva, seconded by Dr. DeMaria and unanimously agreed to by all present to approve the bills for June 2019.

REPORTS OF STANDING COMMITTEES

Mr. Ervin updated the Board on contemporaneous issues that the Council is addressing. He stated the Library Board requested the Council place on the ballot for public vote the need for an increase in the millage rate. The amount comes to approximately \$200,000 per year. The current millage rate is \$.033 per hundred, and they want to go to \$.0375. The millage rate is applied to the assessed property value.

Mr. Ervin provided an update on the Affordable Housing Plan. The Plan has been adopted with the exception of one ordinance which is expected to come back later this week. This has been an arduous process, but Council feels the submitted Plan will have minimal impact on quality of life for Mahwah residents. The 800 units at the Crossroads will provide 200 age-restricted units along with affordable and market rate units. The property on Island Road involves an agreement with Madeline Corp. who developed the recent housing on Ramapo Valley Road. This new community will provide strictly senior housing. The most controversial location in the Housing Plan is the property at the Mahwah Town Center where the post office had been located. The maximum amount of units that will be permitted at this location is forty-nine. Mr. Ervin reiterated that just because a housing plan has been approved, does not mean that any units will be built in the near future; the Township merely must provide the opportunity for affordable housing to be built. If Mahwah had not submitted an acceptable plan, the court could have mandated us to build far more units than what we submitted.

Mr. Ervin is also a member of Citizens for Improving Affordable Housing which is based out of Hopewell, NJ. This committee has been formed to initiate an effort to change the formula for how affordable housing is mandated.

Mr. Matysiak queried the location of the third property. Mr. Ervin replied this property is owned by Mr. Merrill and is located off of Fike Road behind Rio Vista. It is a rundown property which operates primarily as a junk yard. There are 5.7 acres at this location, but only 3.7 are buildable due to wetlands. No more than 14 units per acre could be built on this site.

Mrs. Homler queried whether Fike Road would become a through street into Rio Vista. Mr. Ervin replied this is unlikely as too many approvals would be needed.

Mrs. Homler inquired as to any updates regarding the opening of the post office at its new location on MacArthur Boulevard. Mr. Ervin is unaware of any anticipated opening date.

REPORT OF ATTORNEY

None; Attorney not present.

CORRESPONDENCE

None to present.

PUBLIC COMMENTS

Barbara Bender and George Forkos, both residents of Apple Ridge, introduced themselves. Ms. Bender informed the Board that her dog had been attacked by a neighboring dog on June 26, 2019. The attacking dog, Lola, belongs to Mr. Noel Wright. Ms. Bender states that this dog has a long history of attacking and biting other dogs in Apple Ridge dating back to 2016. She would like to know where the case stands and to receive a copy of the certified letter sent to Mr. Wright who lives directly behind her. Ms. Bender has completed an OPRA Request with the Clerk's office. Mrs. Musella replied that upon receipt of the request in the Health Department, the letter will be supplied. It is understood by Mrs. Musella that Mr. Wright has received our letter. A meeting will be held in the Health Department office with Mrs. Musella, Carol Tyler (TYCO Animal Control) and Mr. Wright to discuss his obligations as the owner of a dog that has been declared Potentially Dangerous (PDD). Ms. Bender requested permission to attend the meeting to which Mrs. Musella replied that this will be strictly an informative meeting and not a public trial. At this time, no other individuals will be present.

Ms. Bender wished to know if there will be a hearing in court should Mr. Wright reclaim the dog. Mrs. Musella replied that no hearing will be scheduled; however, the dog will not be released until all the requirements set forth by the Health Department and TYCO can be met. Ms. Bender is quite concerned that Lola could possibly return to the Apple Ridge community. The Board wished to know the difference between a potentially dangerous dog and a vicious dog. Mrs. Musella read the code which states that a dog may only be declared vicious if it kills a person or causes serious bodily harm to a person. Lola meets the criteria of a Potentially Dangerous Dog; therefore, this is the path our office is pursuing.

Mrs. Musella did speak to Mr. Wright who will try to meet the requirements for keeping a PDD.

Mrs. Bender proceeded to show the Board members photos of Mr. Wright's property and the fence which is currently in place. Mrs. Musella replied that a second enclosure will need to be built to ensure the dog cannot get out. Mr. Ervin believes that Apple Ridge will not allow the property restrictions that are necessary.

Inquiry was made as to who would be responsible for making sure the fencing is acceptable. Mrs. Musella replied that TYCO would conduct monthly inspections of the property. There will also be signage visible on the property to alert neighbors.

Ms. Bender queried Mrs. Homler's meeting with the Township Attorney, Brian Campion, regarding potentially dangerous dogs. Mrs. Homler explained that on June 25, 2019, the State Health Department issued an update on the Vicious Dog Law. The Township currently has a court case pending regarding a vicious dog.

There being no further comments or discussion, Mrs. DeSilva made a motion to adjourn at 8:13 pm, which motion was seconded by Mr. Matysiak and unanimously agreed to by all present.

The next meeting is scheduled for September 10, 2019, at 7:30pm.

Respectfully submitted,

Kathryn Hagan
Secretary