

TOWNSHIP OF MAHWAH  
BOARD OF HEALTH  
MINUTES  
DECEMBER 13, 2011

The regularly scheduled 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. Spiech  
                      Mrs. DeSilva  
                      Mr. Wasson

ABSENT:            Mr. Ackerman  
                      Mr. LaMontagne  
                      Mrs. Mertz

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

APPROVAL OF REGULAR MEETING MINUTES

Moved by Mrs. Spiech and, seconded by Mr. Wasson and unanimously agreed by all present to approve the Minutes of the regularly scheduled meeting of November 9, 2011.

APPROVAL OF HEALTH ACTIVITIES REPORT

Moved by Mrs. DeSilva and, seconded by Mrs. Spiech to approve the Health Activities Report for November 2011.

Mr. Harris wished to address the Cobblestone Farm court case. He expressed his concern for the treatment that Department staff and the prosecutor had been subjected to by the defendant's attorney, Mr. Frank Sciro. Mrs. Homler explained that Mr. Sciro had

confronted her rather aggressively after their December 6th hearing, upset because the matter had not been immediately adjudicated. Mr. Sciro was loud enough to alert the police officer on duty who asked him to quiet down or take the conversation outside.

At Mr. Harris' directive, Mrs. Musella wrote a letter of response to Mr. Sciro's hand-written communiqué of November 19<sup>th</sup> which intimated that the Department and the court might be practicing 'selective prosecution'.

Mrs. DeSilva inquired as to the welfare of the horses at the farm. Mrs. Homler stated that Dr. Anne Pierok (Department of Agriculture) had made an unannounced inspection of the farm and largely felt that the animals were well cared for. She had some concerns for several asthmatic horses and their proximity to mold/water emanating from a leaky roof. The more pressing issue was the stockpile of manure on the premises. She gave Ms. Sciro two weeks to get the manure removed and refused to grant an extension when requested to do so by Mrs. Sciro's contractor.

On their inspection of December 6th, Mrs. Homler and Mr. Maas found that a second container had been brought to the property for manure storage, but the original overflowing container had not been removed. That container has gaping, rusted out holes that cannot prevent manure from falling out onto the ground. They also learned that electric service had been cut-off. Upon returning to the office, Mrs. Homler emailed these newest developments to Dr. Pierok who will return to the property as soon as practicable.

The Court will take up the matter again on February 7th.

Mrs. DeSilva then inquired as to a Conditional rating issued to the Mason Jar. Mrs. Homler cited failing equipment (dishwasher, Bain Marie and shelving). Also the quarry tile subflooring had warped and was in need of repair/replacement. Repairs are now complete.

Mrs. Spiech requested the outcome of the hearing with Mr. Sprofera. Mrs. Homler relayed that the defendant wished to plead guilty, but because this was a first appearance, and Mr. Maas [who had written the summons] was not present, the Court Clerk would not permit him to do so. The case will be rescheduled.

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

HEALTH OFFICER'S REPORTS FOR NOVEMBER

Moved by Mrs. DeSilva and, seconded by Mr. Wasson to approve the Health Officer's Report for November 2011.

Mr. Harris thanked Mrs. Campbell for coming in on her day off to release a marriage license that the couple had forgotten to pick up.

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

BILLS

Moved by Mr. Wasson and, seconded by Mrs. DeSilva and, unanimously agreed by all present to pay the bills for November.

REPORT OF ATTORNEY

Mr. Mason was pleased to report that legal activities have been at a minimum this year. He is, however, reviewing the fines and penalty schedules of our ordinances which he feels are outdated. Because the charges are nominal, he senses that the judge and prosecutor do not fully appreciate the gravity of the offenses we bring before them.

Mr. Mason is also reviewing the Best Practices mandate of the State Health Department. Following guidelines promulgated by the NJ Local Boards of Health, he hopes to submit a report to the Members by year end, with recommendations for the coming year.

CORRESPONDENCE

11/15/2011 From: Kate McDougall, HARP To: Marianne Campbell  
2012 Contract proposal

11/16/2011 From: Marianne Campbell To: Edie DeMaria, VMD  
On behalf of the Board of Health, seeking Dr. DeMaria's interest in an appointment to the Board

11/19/11 From: Frank Sciro, Esq. To: Dennis Harraka, Prosecutor  
As attorney for the defendant Dina Sciro, Cobblestone Farm

12/09/2011 From: Marianne Campbell To: William Laforet, Mayor  
Recommending appointments of Donald Wasson and Dr. Edie DeMaria to  
the Board of Health

OTHER BUSINESS

Mr. Wasson apprised the Members of an article which appeared recently in the Wall Street Journal. It detailed how restrictions imposed by the Morristown Health Department had negatively impacted a local food kitchen which had been in operation for 26 years. Lengthy discussion ensued on balancing the safety of the public with potential over-reach by government.

Mrs. Spiech had attended several workshops at the League of Municipalities Convention in Atlantic City earlier this month. She was interested in obtaining transcripts from one that she had not been able to attend; "Governing Bodies Responsibilities with the Local Boards of Health". Mrs. Musella will attempt to retrieve the transcripts, but was familiar with the speaker and has had little success getting responses from him in the past. Mr. Mason concurred. Mr. Harris suggested going directly to the organization to request abstracts. Mrs. Spiech then noted that she had seen Mr. Hopper, who is enjoying his retirement, and she conveyed his regards and best wishes to the Board.

Resolution 2011-11: Reappointment of Marianne Campbell, Registrar  
January 1, 2012 through December 31, 2014, per NJSA 26:8-13

Motion: Mrs. DeSilva  
Second: Mrs. Spiech

Roll Call: 4 Ayes, 3 Absent  
Motion carries.

Resolution 2011-12: Reappointment of Jeffrey Mason, Esquire  
2012 Attorney for the Board of Health

Motion: Mrs. Spiech  
Second: Mr. Wasson

Roll Call: 4 Ayes, 3 Absent  
Motion carries.

Resolution 2011-13: Reappointment of Dr. Fenkart  
2012 Child Health Conference Physician

Motion: Mr. Wasson  
Second: Mrs. DeSilva

Roll Call: 4 Ayes, 3 Absent  
Motion carries.

Rabies Clinic: Mrs. Homler relayed that the Department hosted a successful rabies vaccine clinic on November 29<sup>th</sup> at Fire Co. #1. Despite heavy rains, attendance was good and approximately 95 immunizations were administered. The clinic was staffed by Dr. Frank Boren, Mrs. Homler, Mr. Maas, a handler from Bergen County Animal Control, and several Girl Scout volunteers that Mrs. Homler had recruited.

There being no further business or discussion, a motion to adjourn was made at 8:22 pm by Mrs. Spiech, seconded by Mrs. DeSilva and, unanimously agreed to by all present.

The next regular meeting is scheduled for January 10, 2012 at 7:30pm.

Respectfully submitted,



Marianne Campbell  
Secretary