

TOWNSHIP OF MAHWAH
BOARD OF HEALTH
MINUTES
JULY 10, 2012

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 7:35 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
 Mr. LaMontagne
 Dr. DeMaria
 Mrs. DeSilva
 Mrs. Mertz
 Mr. Wasson

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

APPROVAL OF MINUTES OF THE REGULAR MEETING

Moved by Mrs. Spiech and, seconded by Mr. Wasson to approve the minutes of the regular meeting of June 12, 2012.

Mrs. Spiech inquired as to when the changes at NJDEP regarding remediation of contaminated sites (that Mr. Mason had discussed) were enacted. Mrs. Musella believed it was in March of this year.

There being no further questions or discussion, the minutes of the regular meeting were unanimously approved.

APPROVAL OF HEALTH ACTIVITIES REPORT

Moved by Mrs. DeSilva and, seconded by Mr. LaMontagne to approve the Health Activities Report for June 2012.

Mr. Harris inquired if Bergen County Mosquito Commission tested for contaminants as well as mosquito larvae. Mrs. Campbell responded that an inspector from BCMC, [Warren Staudinger] had visited the office. When asked, he explained that the Commission only tests for larvae unless they come across a noticeable problem i.e. a sheen on the water, residue on the banks, chemical odors, etc.

Regarding an abatement notice written to a food establishment for permitting bread deliveries to remain outside, Mr. Wasson noted that bread has always been delivered in paper this way. Mrs. Campbell stated that the deliveries take place many hours before the establishment opens and Mrs. Homler's concern was that the bread is vulnerable to insects and animals. She asked the owner to purchase a lidded, plastic tub or bin which is to be left outside and in which the delivery can be left securely.

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

HEALTH OFFICER'S REPORT FOR JUNE

Moved by Mrs. Spiech and, seconded by Dr. DeMaria to approve the Health Officer's Report for June.

Mrs. Spiech inquired if the Animal Control Officer had declared a problem canine Potentially Dangerous. Mrs. Musella had not been apprised of any action on this case and asked Mrs. Campbell to ascertain the status and email an update to the Members.

The group entered into a discussion on the problem of aggressive dogs at large and the difficulty in making a legal determination that they are a threat to life and property. Dr. DeMaria counseled that different jurisdictions may use different criteria, and she cautions her clients that a dog with a menacing affect, even without a bite history, can be declared dangerous.

Mr. Harris requested additional details on a seminar that was attended by Mrs. Musella and both inspectors. Mrs. Musella explained that the seminar emphasized the critical points of food establishment inspections and provided points on better interviewing and teaching techniques. She felt it was well presented and the information valuable.

Mrs. DeSilva inquired about a food-borne illness complaint levied against the Japanese restaurant, Nagoya. Mrs. Musella explained that absent a stool sample, it is very difficult to prove that a sickness is caused by a restaurant's fare. In addition, we are

often not apprised of the illness for several days. At that point, the suspect food is no longer available for testing and the complainant has generally recovered.

Mr. Maas stated that Mrs. Homler handled the complaint and, as is customary, went to the establishment to speak with the owner. Conditions warranted a full Chapter 24 inspection which resulted in a Conditional rating. Problems with a refrigeration unit have been rectified, but the establishment remains Conditional pending resolution of numerous deficiencies.

Mrs. Spiech requested more information about an internship opportunity for nursing students. After obtaining permission from the Business Administrator, Mrs. Musella agreed to host nursing students from William Paterson University for 30-hour internships that will focus on public health activities. They will spend time with HARP nurses at our adult and child health clinics as well as some time with Mrs. Homler and Mr. Maas.

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

BILLS

Moved by Mrs. DeSilva and, seconded by Mrs. Mertz and, unanimously agreed by all present to pay the bills for June.

STANDING COMMITTEES

Mr. Harris suggested that it would be advantageous to appoint a Member to serve as an ad hoc liaison to the Mayor and Council. As a member of the Administrative Committee, he felt Mr. LaMontagne was an appropriate candidate. On a motion by Mrs. Spiech, with a second by Mrs. DeSilva, it was unanimously agreed by all present to approve Mr. Harris' appointment of Mr. LaMontagne as this Board's designated Liaison to Mayor and Council.

Mr. Harris instructed Mrs. Campbell to send a letter of introduction to the Mayor and Council on Mr. LaMontagne's behalf.

REPORT OF ATTORNEY

Mr. Mason wished to revisit a prior discussion on remediation of contaminated sites due to the recent negative publicity that the Shorco site on Route 17 had generated. He apprised the Members

that NJDEP is responsible for establishing mandatory time frames for a clean-up. NJDEP may expedite the standard time frame (generally two years for a major event) if they determine the contamination poses an imminent threat to the public welfare. Conversely, the property owner may request and be granted an extension of time to complete a clean-up if there is no immediate threat. The role of the local Health Department is to ensure that the property owner is in compliance with deadlines, action notices and reporting requirements as established by the DEP.

Mr. Harris inquired if Mr. Mason had obtained a list of the environmental consultants that had been newly certified by the DEP. Mr. Mason had not found a public listing but had procured a copy of the new regulations and had forwarded them to the Department.

Mr. Mason also wished to apprise the Members that the rooster case [State vs. DeMarino] is on the Court docket for July 26th. He will be in touch with the prosecutor prior to the hearing, recommending strict enforcement of the agreement made between the Township and the defendant.

Mr. LaMontagne inquired if the Town was within its legal rights to remove the coops from the property. Mr. Mason will discuss this with Tom Mulvey (Property Maintenance Inspector). After the hearing, he will advise the Members of the Court's determination via email.

OTHER BUSINESS

Mrs. Musella distributed a print analysis of Mahwah's current and proposed fee schedules with comparisons to those of eight neighboring communities. She explained that the primary criteria in devising the new fee schedule included 1) consistency with what other municipalities in our area are charging and 2) factoring our actual costs to provide statutory oversight and inspections for the activities and establishments we license. It would be her preference to give the establishment owners some notice and would therefore like to memorialize the increases as soon as possible.

Mr. Harris noted that the staff had spent considerable time in this effort and said the Board would need to do likewise. He asked the Members to review the analysis carefully over the summer break and be ready to discuss and/or approve the increases when we reconvene in September.

Discussion ensued as to the changes in the structure of the fee schedule, to wit, charging establishments based on the category of food service instead of by how many people they employ.

Mrs. DeSilva requested clarification of the new fee ranges which appear to have decreased in the retail categories. Mrs. Campbell explained that most of the establishments (and our bottom line) will see an increase because the new fees for retail sales will be based on the type of business it is instead of on the number of people they employ.

Mr. LaMontagne was concerned with the impact these increases may have on the smaller businesses. Mrs. Musella agreed we did not want to alienate business but we had to balance that concern with fiscal responsibility. Mrs. Campbell noted that we were able to temper the increases by introducing a re-inspection fee; re-inspection fees do not penalize all the businesses, only those that do not maintain required standards.

Mrs. Musella asked Mr. Harris if he would like a spreadsheet detailing the individual establishments and the effect the changes will have on each. Mr. Harris agreed this might be useful, provided it would not take up too much of the staff's time.

There being no further questions or discussion, a motion to adjourn was made at 8:15pm by Mr. LaMontagne, seconded by Dr. DeMaria and, unanimously approved by all present.

The next regularly scheduled meeting is scheduled for September 11, 2012 at 7:30pm.

Respectfully submitted,

A handwritten signature in cursive script that reads "Marianne Campbell". The signature is written in dark ink and is positioned below the typed name.

Marianne Campbell
Secretary