

TOWNSHIP OF MAHWAH
BOARD OF HEALTH
MINUTES
SEPTEMBER 11, 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 7:30 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
Mr. LaMontagne
Dr. DeMaria (7:40pm)
Mrs. Mertz
Mr. Wasson

ABSENT: Mrs. DeSilva

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

APPROVAL OF MINUTES OF THE REGULAR MEETING

Moved by Mr. Wasson and, seconded by Mrs. Spiech to approve the minutes of the regular meeting of July 10, 2012.

Mr. Wasson requested the outcome of Mr. DeMarino's hearing. Mrs. Campbell asked the members to refer to the documents distributed this evening for a copy of Mr. Mason's email regarding same. Mr. Harris preferred that Mr. Mason discuss this when giving his report.

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

APPROVAL OF HEALTH ACTIVITIES REPORT

Moved by Mr. LaMontagne and, seconded by Mrs. Mertz to approve the Health Activities Report for July and August 2012.

Mrs. Mertz inquired if the Department tracked the food handling certifications for workers in the Township schools. Mr. Maas replied affirmatively; the food service provider (Pomptonian) is required to maintain certified food handlers on staff and to provide the Department with copies of those employees' certificates. Mrs. Homler related that the five follow-ups noted in the monthly report concerned personnel whose certifications had expired.

Mrs. Spiech noted four animals had been sent to the State laboratory for rabies testing and inquired if any residents were under post-exposure treatment. Mrs. Homler stated that no one involved in those particular cases were treated because all the bats tested negative. Mr. Maas advised that we are following up with two residents who awoke to a bat in their home that they did not capture. These two individuals are receiving rabies prophylaxis.

Dr. DeMaria believes that the Centers for Disease Control does not recommend adults receive post-exposure in that scenario. The reasoning is that unless mentally impaired or under the influence [of drugs or alcohol], an adult would waken from the pain inflicted by a bite and be capable of addressing it. Dr. DeMaria offered to obtain and distribute a copy of the CDC's protocol at our next meeting. Mrs. Musella noted that the staff is mandated to follow protocols issued by the New Jersey Department of Health and Senior Services.

Mr. LaMontagne asked why the judge dismissed the case against Cobblestone Farm. Mrs. Homler explained that the case was originally ordered held in abeyance for six months. If all the violations were abated and the farm remained in compliance, the court agreed to dismiss all charges when the case reconvened.

Mr. Mason interjected that this is a common practice used by courts: impose a probationary period and provide an incentive to comply with the law.

Mrs. Mertz requested the outcome of the Departmental hearing with Nagoya restaurant. Mr. Guoping (Steve) Yu brought an interpreter with him to the hearing to ensure he understood exactly what was expected of him and what work he needed to accomplish to regain a Satisfactory rating. Mrs. Homler commended Mr. Yu for his efforts and his commitment to bringing the establishment up to Code.

Mr. Mason requested particulars regarding a Special Events permit that had been approved for "Dead Man's Curve". Mr. Maas stated this was a hot-rod car show scheduled for the weekend before Labor Day. Mr. Maas was able to inspect the only food vendor (a mobile ice cream truck) during regular working hours the Friday before the event.

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

HEALTH OFFICER'S REPORT FOR JULY AND AUGUST

Moved by Mr. Wasson and, seconded by Mrs. Mertz to approve the Health Officer's Report for July and August.

Mr. Wasson requested clarification of the Department's jurisdiction regarding a smoking complaint and if the issue had been resolved. Mrs. Musella stated that smoking was occurring in common areas of a condominium association. Mrs. Homler had worked on this complaint; the common area was a hallway, and the condominium's management company handled it when we brought the complaint to their attention.

Mrs. Spiech noted the September 28th date for the flu clinic and asked for the time and place. Mrs. Campbell responded that the Senior Center is hosting again and the clinic is scheduled from 1:30 to 4:00pm. A press release had been sent to The Mahwah Patch, The Suburban News, The Villadom Times, the Township website and Mahwah Cable News, and posters placed about town and in the Senior Center.

Mrs. Campbell noted that we have reduced our vaccine orders over the past few years trying to approximate diminishing demand. Even with these reductions, the total cost of the clinic is still largely covered by Medicare reimbursements.

Dr. DeMaria asked if we will be hosting a rabies vaccine clinic this year. Mrs. Musella responded that we have just begun discussing dates and logistics. Mrs. Campbell stated that Fire Company #1 graciously hosted last year but acknowledged the concern that a fire could occur during the event. In the past, DPW Director Keith Hallissey had been receptive to hosting at the Township garage; she asked the Members if they would like her to pursue this as a possible 2012 venue. The Members responded affirmatively. Mr. LaMontagne offered to advocate for use of Company #1 on our behalf, if the DPW spot will not be available.

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

BILLS

Moved by Mr. LaMontagne and, seconded by Dr. DeMaria and, unanimously agreed by all present to pay the bills for July and August.

REPORT OF LIAISON TO MAYOR AND COUNCIL

Mr. LaMontagne reported that both the Mayor and Council (Mr. Spiech) are aware of his appointment, but has not approached them as he had no specific issue or problem to present. Mr. Harris agreed this was appropriate. Mr. Harris then requested that if and when Mr. LaMontagne attended any open Council meeting, he make note of those items that may fall under this Board's purview and report same back to us.

Mr. Mason opined that while it was important for us to have a "point person" and an advocate, the position also serves to affirm to the Mayor and Council that we are not operating in a vacuum, but consider ourselves an integral part of the Township. He feels the position also affords us the opportunity for good public relations.

Mr. Harris polled those present for additional thoughts or comments on the liaison position. Mrs. Spiech recalled the instance several years ago when we appealed to Council to reinstate funding for our part-time inspector. She felt it may have been less adversarial if someone on Council was more intimately acquainted with our mission and our obstacles. Mrs. Musella would like to see the Council appoint one of their members as liaison to the Board of Health, as this is how it is traditionally done. Mr. Harris agreed, stating that during a previous tenure on this Board there once had been one.

It was agreed that Mr. LaMontagne's first request of the Mayor and Council will be to request a counter-part.

REPORT OF ATTORNEY

Mr. Mason was able to procure a listing of all the environmental consultants that had been certified by the State to oversee the clean-up of polluted sites. There is also a dynamic listing on the State EPA website, the link to which he had emailed Mr. Harris and Mrs. Musella, and offered to send to any other interested Member.

Mr. Mason cautioned that the program is new and many consultants are being certified on a temporary basis so that work can proceed. As discussed in a prior meeting, not all engineers in a firm nor all project managers assigned to a clean-up will be certified; the mandate is only that the completed project be signed off by a certified professional.

CORRESPONDENCE

7/17/2012 To: W. Laforet and J. Spiech From: S. Harris
Introducing Mr. LaMontagne as designated liaison to Mayor, Council

7/25/2012 To: D. Harraka, Esq. From: J. Mason, Esq.
Recommending enforcement of removal order, re. Mahwah vs. DeMarino

8/92/2012 To: J. Mason, Esq. From: D. Harraka, Esq.
Confirming conclusion of the DeMarino matter

OTHER BUSINESS

Mr. Wasson wished to discuss a new strain of TB that had recently been diagnosed in India which is resistant to all antibiotic treatment. Mrs. Musella affirmed that many illnesses (i.e. Hanta virus, bubonic plague, West Nile and Swine influenza) are present, including new strains of disease that are antibiotic resistant. She feels, perhaps, that the abundance and speed of today's media sources are making the public more aware of them. Bergen County has a strong Tuberculosis program in place, and the local jurisdiction is always apprised of TB diagnoses. TB is taken so seriously that in suspect or confirmed cases, public health nurses will actually go to a person's home to test or administer treatment.

Mr. Wasson is perplexed why travelers are permitted to enter or re-enter the United States without medical clearance. Dr. DeMaria noted that conversely, in order to bring a dog into the United Kingdom, it must be quarantined for a 30-day period. Mrs. Musella agreed the disparity is ludicrous; produce and even jars of peanut butter are confiscated on international flights, but no one is required to prove they are free of communicable disease.

Mr. LaMontagne suggested that it would be beneficial to establish a relationship with the Mahwah Patch as many residents use this media outlet to keep abreast of Township events. Both Mrs. Homler and

Mrs. Campbell affirmed that Jessica Mazzolla (Editor) is very receptive to our press releases and anxious to post our events online. Mr. LaMontagne was gratified to hear this and feels it is important to promote ourselves and the services we offer.

Mr. Harris made note of the somber nature of the day as we mark the anniversary of September 11, 2001. We remember those who lost their lives in the attack and those who have lost their lives since in defense of our nation and our freedom. Mrs. Spiech encouraged all Members to visit Fire Company #2 where a granite memorial has been erected honoring the victims and the heroes of that day. It incorporates a piece of steel which was recovered from the wreckage of the World Trade Center.

Resolution 2012-07 Appointment 2012 Flu Clinic Physician

Motion: Mr. Wasson
Second: Mrs. Spiech

Vote: 6 Ayes

Motion carries.

FURTHER BUSINESS

The group entered into a lengthy discussion on the prospective update/increase to fees and penalties levied by the Board of Health.

Mr. Wasson expressed concern for the smaller businesses that might be disproportionately affected.

Mr. Harris felt that some of the increases seem high, but the fees were in line with the surrounding communities.

Mrs. Spiech asked when licensing fees were last raised. Mrs. Campbell believed the last increase occurred between 1991 and 1996. Mrs. Musella noted that the increases we are considering tonight will likely stand for 15 or 20 years as well.

Mr. Mason counseled that the current fee schedule is artificially low and our businesses have benefitted from this for many years. We are only bringing our fees up to current standards and should be prepared to defend the increases based on these facts.

Mr. LaMontagne and Mrs. Spiech requested the inspectors' opinions on the proposed fees. Mrs. Homler is concerned with large increases when she is aware of establishments that cannot even afford to replace equipment. Mr. Maas stated that he is focusing on recouping the costs incurred by the Township and the incentive for compliance high re-inspection fees provide.

Further discussion ensued as to the scope of businesses and activities that we license and how the staff slotted the food establishments into their prospective categories. Mrs. Musella respectfully asked the Members to consider the plight of the taxpayer as well as that of the business owner; the chief topic of discussion at every Director's meeting she attends is budget, cost containment or revenue.

Mrs. Musella then advised the Board that she is recommending an additional fee category to cover re-inspections that take place outside of normal working hours. These off-hours inspections almost always take place at the request of establishment owners seeking a Satisfactory placard as soon as possible. If an owner is willing to wait until regular working hours for their re-inspection, a lower fee would apply.

Mr. Harris closed the floor to further discussion and requested a motion authorizing Mr. Mason to prepare an ordinance increasing the Board of Health fees and penalties as proposed.

Motion: Mr. LaMontagne

Second: Mrs. Mertz

Vote: 6 Ayes

Motion carries.

There being no further business or discussion, a motion to adjourn was made at 8:35pm by Mr. LaMontagne, seconded by Mrs. Spiech and unanimously agreed to by all present.

The next regularly scheduled meeting is scheduled for October 9, 2012 at 7:30pm.

Respectfully submitted,



Marianne Campbell
Secretary