

TOWNSHIP OF MAHWAH  
BOARD OF HEALTH  
MINUTES  
OCTOBER 9, 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  
Mrs. DeSilva

ABSENT: 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 Dr. DeMaria and, unanimously approved by all present to approve the minutes of the regular meeting of September 11, 2012.

APPROVAL OF HEALTH ACTIVITIES REPORT

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

Mrs. DeSilva noted a spike in food establishment inspections performed in September. Mr. Maas responded this was largely due to Mahwah Day; 17 food vendors participated and were inspected.

Mrs. Spiech requested more information about a voluntary food destruction of 22 pounds of cold cuts (page 4). Mr. Maas stated that the refrigeration unit on Celia's Catering truck was not functioning properly and temperatures on food items in the unit registered in excess of 50 degrees. Mrs. Homler was performing the inspection and requested back-up from Mr. Maas; together they convinced the owner to destroy the compromised products. Mrs. DeSilva asked if the truck was still operating. Mr. Maas responded yes; they are permitted to do so because they are Conditionally Satisfactory. He also explained that the proprietor is taking measures to ensure safe food temperatures until she can afford to purchase a new unit.

Mr. Harris asked Dr. DeMaria if she was able to confirm the CDC's position on post exposure rabies prophylaxis for adults who awaken to a bat in their room. Dr. DeMaria responded affirmatively; the CDC states that an adult can consider the risk to benefit ratios of exposure and prophylaxis and make an informed decision of their own.

Dr. DeMaria continued that of the six confirmed human rabies cases reported in 2011, two of them were from bats found inside a home. It was unclear as to whether the victims knew they were bitten or not. This year, an 8 year old girl has thus far survived an active rabies infection, but she has not regained full cognitive ability.

Mr. Harris asked Mrs. Musella to confirm that the CDC position was different from that of NJDHSS. Mrs. Musella said that the State would strongly recommend prophylaxis for both children and adults in the given scenario, but conceded that they cannot force a medical decision on a resident.

Mrs. DeSilva pondered why there would be a question as to exposure; wouldn't a physical exam reveal puncture wounds? Mrs. Musella responded no; bat teeth are so small the bites they inflict are not always visible.

Dr. DeMaria then noted that unlike most mammals, bats can survive rabies infections for a long period of time. Most species that contract rabies die within ten days of entering the contagious stage.

Mr. Mason asked what relevant information from a bed bug webinar could or should be shared with the schools. Mr. Maas replied that the webinar targeted school administrators, giving them the tools to develop protocols for their individual districts. Mr. Mason then inquired if we have any oversight responsibilities, i.e. verifying schools actually have a plan in place. Mrs. Musella responded no, and noted that a difference in philosophy might prevent schools from seeking our assistance or following our recommendations.

As an example, she cited the "no-nit" policies regarding head lice that many schools still have in place. The American Academy of Pediatrics dropped this tenet some time ago, therefore, public health officials would generally not endorse it either.

As a former school nurse, Mrs. Spiech affirmed that the district never contacted the Board of Health when lice cases were discovered - they were handled autonomously.

Mr. LaMontagne asked if there were any cases of bed bugs currently being addressed in the school or community. Mr. Maas was not aware of any school cases but stated we have been involved in infestations of apartments and hotels in the past.

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

#### HEALTH OFFICER'S REPORT FOR SEPTEMBER

Moved by Mrs. DeSilva and, seconded by Mrs. Spiech to approve the Health Officer's Report for September.

Mr. Harris requested details on the quarantine of a Potentially Dangerous Dog. Mr. Maas responded that the dog in question had bitten three times. Tyco had given the owner the options of putting the dog down, harboring it in Mahwah under Potentially Dangerous Dog protocols, or relocating it outside of New Jersey never to return. Mr. Maas confirmed that the dog had been relocated to Pennsylvania.

Mrs. Spiech inquired if the High School lunch program which permitted students to eat on the floor was still in place. Mr. Maas affirmed that the "unit lunch" program was still in place and up to one thousand students were eating at the same time. Seating is available but it is the students' choice to use it or the floor.

Mrs. Musella had recently been in discussion with parents in another district regarding this. After inspecting that school facility and confirming that substantial seating was available, the school administrator claimed, and Mrs. Musella witnessed, that the students preferred to sit on the floor.

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

BILLS

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

REPORT OF LIAISON TO MAYOR AND COUNCIL

Mr. LaMontagne reported that he had met with the mayor to discuss the need for good communication. The mayor suggested he draft a letter to Council requesting a liaison from their ranks. Mr. LaMontagne suggests we wait until after the election to do this.

Mrs. Spiech had discussed the liaison issue with a Councilman who informed her that Council withdrew the position in the 1980's when Mahwah adopted the Faulkner Act.

Mr. Harris disagrees strongly that the autonomous nature of our Board negates the need for a liaison. He reasoned that Council approves our budget and funds our payroll and so, clearly, they exert some control over our activities.

Mr. LaMontagne then related that the Mayor had asked him if there had been a Council liaison in the past. Mr. LaMontagne told him that Mayor Dwork [circa 1996] had made regular appearances at our meetings, but no one since his tenure has made that overture.

Mrs. DeSilva does not see the need for a monthly commitment by a Council member, acknowledging how many committees many of them are already on. She feels an on-call liaison would be adequate. Mr. LaMontagne concurred adding that we could offer the further accommodation of priority placement on our meeting agendas.

Mr. LaMontagne requested clarification of which Council meetings the Members would like him to attend; Mrs. DeSilva felt only those that covered topics relevant to our purview. Mrs. Campbell noted that their meeting agendas are posted on-line and paper copies are still circulated to each department. She offered to email Mr. LaMontagne a link to the agendas module on the Township website and make an effort to apprise him directly of any item that, upon review of the agendas, the staff feels may warrant his attendance.

REPORT OF ATTORNEY

Mr. Mason reported that he has begun preparing the Ordinance to revise our fee structures. The project should be completed in time to introduce at our November meeting. Mr. Mason confirmed that the Ordinance can take effect thirty days after first publication regardless of the interval between the first reading and adoption on the second reading.

Mrs. DeSilva inquired if this particular ordinance was subject to approval from Council. Mr. Mason replied no; the Board of Health has legislative authority and is responsible for crafting and approving its own ordinances.

OTHER BUSINESS

Mr. Harris had read an article in the paper regarding Open Public Record Act requests and how they were impacting government agencies. He asked Mrs. Campbell how these requests were affecting the Department's workload and if municipalities could increase the five cents per copy that is currently being charged.

Mrs. Campbell said that complying with OPRA actually makes it more difficult for some requestors to obtain Health Department records. Staff now has to refer requestors to the Clerk's Office to file a formal written request instead of just providing them the information as we used to. The Act has also had the unintended consequence of engaging municipal workers in private pursuits - we are doing work gratis on behalf of paid lawyers and consultants.

Mrs. Campbell then advised we are prohibited from charging more than the nominal prices set by the State, and these do not cover the cost of producing the copies. Neither do they cover the greater costs of dedicating staff to remain with and safeguard documents when requestors come in to review the larger files like Shorco or Ford.

Mr. Mason noted that the law and the fee structure was designed to accommodate the lowest common denominator i.e. providing access to the poor or marginalized. As a former public defender, he feels that a tiered fee structure could provide affordable access to requestors proving financial hardship while assessing a market cost for those who cannot.

Mr. Mason reasoned that municipalities pass the costs of engineering and professional reviews onto residents and business concerns. On this basis he believes an argument can be made permitting municipalities to recoup staffing costs associated with OPRA requests.

Mr. Harris inquired if our fee schedule included a charge for food or septic consultations. Mrs. Campbell replied no, these costs are included in the license and permit fees.

Mr. Harris asked Mrs. Campbell how long it took to prepare the Health Activities report. Mrs. Campbell replied it takes approximately two hours to collate and type the information supplied by the inspectors; the inspectors keep daily logs of their activities which are then used to summarize and tally the monthly workload.

Mr. Harris inquired who, besides the Board, viewed the report and if it were mandated by the State. Mrs. Campbell responded that annual figures from the report (though not the reports themselves) are provided to the State each year. The format of the report is our own design and is modified occasionally to reflect current activities. She opined that it is not just informational; it provides accountability by documenting our activities and the fact that we are fulfilling our State mandates.

#### FURTHER BUSINESS

Mrs. Campbell reported that the Department hosted its annual flu clinic on September 28<sup>th</sup> and vaccinated approximately 147 people. The clerical staff did outbound calling in order to increase turnout, an exercise that proved fruitful - approximately 95% of those who pre-registered came in for their vaccine. We will continue to offer immunizations at our monthly blood pressure clinics until supplies are exhausted.

There being no further business or discussion, a motion to adjourn was made at 8:15pm by Mrs. DeSilva, seconded by Mr. LaMontagne and unanimously agreed to by all present.

The next regularly scheduled meeting is scheduled for November 13, 2012 at 7:30pm.

Respectfully submitted,



Marianne Campbell  
Secretary