

TOWNSHIP OF MAHWAH
BOARD OF HEALTH
MINUTES
FEBRUARY 14, 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
 Mrs. Mertz
 Mr. Wasson

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

APPROVAL OF REORGANIZATIONAL MEETING MINUTES

Moved by Mrs. DeSilva and, seconded by Mrs. Spiech to approve the Minutes of the Reorganizational meeting of January 10, 2012.

Mr. Harris requested a change to the Standing Committees, to wit, removing himself from the Environmental Health Committee and appointing Dr. DeMaria to this position instead.

There being no further questions or discussion, the minutes of the Reorganizational Meeting were unanimously approved.

OATH OF OFFICE

Mr. Mason administered the Oath of Office to Dr. DeMaria, and congratulations were offered by the Members and staff. Mr. Wasson will take his oath at the next regularly scheduled meeting.

APPROVAL OF MINUTES OF THE REGULAR MEETING

Moved by Mr. LaMontagne and, seconded by Mrs. Mertz and, unanimously agreed by all present to approve the minutes of the regular meeting of January 10, 2012.

APPROVAL OF HEALTH ACTIVITIES REPORT

Moved by Mrs. Spiech and, seconded by Mrs. DeSilva to approve the Health Activities Report for January 2012.

Mrs. DeSilva requested additional information regarding a Conditional rating issued to River Palm Terrace. Mrs. Homler responded that there were serious maintenance issues here including broken kitchen floor tiles, accumulated debris and oil on the fryers and inadequate temperature controls employed in the reheating of food. She confirmed that the establishment invested considerable time and expense to bring the establishment into compliance and they have subsequently received a Satisfactory rating.

Mr. LaMontagne requested the rulings on two court cases that were heard on February 7th. Mrs. Homler replied that for violations of the Septic Code, Mr. Sprofera pleaded guilty on both counts and was fined \$150 plus court costs for each of two summonses. Ms. Sciro's case (Cobblestone Farm) was ordered held in abeyance for six months. Tyco Animal Control and our inspectors will make unannounced visits during that time to ensure that the operation remains in compliance with all Board of Health Codes. Mrs. Homler understands that if there are no issues in that time frame, the court will dismiss the original charges.

Mr. Harris questioned the location and circumstances surrounding a Potentially Dangerous Dog follow-up. Mrs. Homler replied that a dog in the Cragmere section had bitten two different postal employees. Chief Batelli believed there was a third bite case as well, although we have not been able to find documentation to support that as yet. Tyco Animal Control agency was dispatched to the home to discuss the case with the owner. Tyco hoped to convince the owner to surrender the animal or at minimum, install secure fencing. Mrs. Homler noted that the Post Office required the owner to obtain a PO Box; they will no longer deliver mail to the house.

Dr. DeMaria spoke to the issue of dogs biting delivery and mail personnel. She explained that canines are more discerning of body language than the spoken word. Because delivery people are engaged in a task, they approach with purpose and dogs find their body language to be more threatening than that of a visitor. She surmises that this dynamic triggers aggression, not the mere sight of a uniform.

Mrs. Spiech expressed concern for the safety of school children at Betsy Ross Elementary [also located in the Cragmere section] when apparently the dog is neither restrained nor kept in an enclosure. Mr. LaMontagne questioned the legality of using mace on an aggressive dog. Dr. DeMaria was not convinced mace would stop a dog intent on doing harm, but the group surmised it was legal if used in self-defense.

Dr. DeMaria noted that the American Veterinary Medical Association has designated the week of May 20th through May 26th as National Dog Bite Prevention Week for 2012. She will provide website information and brochures to Mrs. Musella. Mrs. Musella informed the Board that just today, a Denver reporter was bitten on the face during a live televised interview with a rescued dog and his owner. This case highlights the need for public awareness.

Mr. Harris inquired if the number of complaints were unusually high for January. Mrs. Campbell stated it was average; the Department generally investigates between 120 -150 complaints per year.

Mr. Harris requested an update on the revised site plan for International Crossroads. Mrs. Musella recapped that the Department had previously denied the application as incomplete and submitted a list of specific questions relating to Health Department Codes and licensing issues. Many of those queries are administrative in nature and cannot be answered until the structures are built, outfitted and leased. Mrs. Homler was advised that all of the issues raised would be addressed on the Final Site Plan.

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

HEALTH OFFICER'S REPORT FOR JANUARY

Moved by Mrs. Spiech and, seconded by Mr. LaMontagne to approve the Health Officer's Report for January 2012.

Mr. Harris requested a synopsis of how Tyco Animal Control was chosen to replace Bergen County Health Department for animal control services. Mrs. Musella stated that she has worked with Tyco for over seven years and could not recommend them highly enough. While Mahwah had received excellent service from key employees of Bergen County Animal Control in the past, their diminished ranks and resources have negatively impacted services overall. We had experienced issues with responses that were too long in coming and/or inadequate once provided. In the case of large animals, we received no assistance at all since the County is unequipped to handle them.

The proposal Tyco submitted to the Township was actually less expensive than the one offered by Bergen County. When solicited by Mahwah's Business Administrator in November, Mrs. Musella supplied a letter of endorsement for Tyco, whom Council ultimately awarded the contract. Dr. DeMaria also vouched for Tyco; she has worked with Carol Tyler in the past and finds her extremely knowledgeable.

Mrs. DeSilva inquired about a food borne illness investigation at the Sheraton Crossroads. Mrs. Homler had worked on this case and responded that Sheraton's Food and Beverage Manager notified us that subsequent to a party held there, several guests became ill. Mrs. Homler contacted the County Epidemiologist and obtained the menu and guest list for the party. Timing is crucial in these investigations: after four or five days, stool specimens are no longer conclusive and there is generally no food left to test. Several days had already elapsed after the event and before the first report of illness; no stool specimens were collected.

There were over one hundred thirty guests that attended the event; eight or nine fell ill, two were hospitalized and everyone recovered. The official cause of the outbreak is undetermined.

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

BILLS

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

REPORT OF ATTORNEY

As discussed at the December meeting, Mr. Mason had prepared and tonight presented an analysis of Mahwah's Board of Health licensing fees and penalties as compared to four other communities. Mr. Mason chose a cross-section of municipalities, urban to rural, so that all of the varied issues Mahwah faces were represented.

While it is important that our licensing fees are up to current standards and reflective of costs involved, his greatest concern is the extremely low range of our fines for non-compliance. He feels this undermines the gravity of violations in the eyes of the judge and prosecutor.

As an example, our annual milk licensing fee is five dollars. Mrs. Musella stated that Wyckoff charges one hundred dollars for this license. He asked the Members to review the analysis for discussion and consideration at a future meeting.

In addition to the analysis, Mr. Mason provided a summary sheet outlining the Five Functions of a Board [of Health] which he had received during his Local Boards of Health Association certification course. Mrs. Spiech inquired when the next certification course would be held. Mrs. Musella noted that she was actively seeking course availability last year and could not find one. Mr. Mason opined that budget constraints probably prevent more frequent offerings, but from participating in the process, knows that there is a growing consensus that all Board Members be certified.

Mrs. DeSilva inquired as to the status of the roosters on the DeMarino property. Because it is not under our jurisdiction, Mr. Mason can request, but not demand, status reports. The last he was made aware, an agreement had been reached between Mr. DeMarino and the court which provided a reasonable timetable for the removal of the roosters. As that deadline approached, he offered Mr. Mulvey any assistance the Board of Health might provide. Having not heard back from Mr. Mulvey, he cannot say if Mr. DeMarino ultimately abided by the terms of the agreement.

Mr. Harris asked if either of the inspectors had inspected the property. Mrs. Homler replied no. Mrs. Campbell suggested that Tyco would now make those inspections. Mr. LaMontagne stated he had been in the vicinity of this property within the last week and although the buildings/structures are still there, he did not witness any actual fowl.

Finally, having also dealt with Bergen County Animal Control while assisting the staff on a vicious dog complaint, Mr. Mason was also pleased to endorse Council's decision to award the animal control contract to Tyco.

OTHER BUSINESS

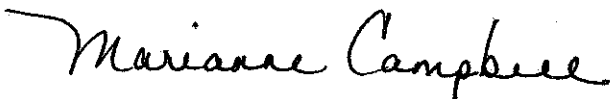
Mrs. Musella wished to apprise the Board that our Health Educator (Carol Brush of HARP) had offered the program "New Year, New You" at the Library on January 31st. Twenty-six people attended, which they consider a good turn-out.

HARP will be providing their annual report for 2011 shortly, and it will be included in the March meeting packet. Mrs. Musella will invite HARP to attend the March meeting to answer any questions the Members may have about the report or HARP's public health nursing activities in the Township.

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

The next regular meeting is scheduled for March 13, 2012 at 7:30pm.

Respectfully submitted,



Marianne Campbell
Secretary