

**TOWNSHIP OF MAHWAH
BOARD OF HEALTH
MINUTES
DECEMBER 10, 2013**

The regular 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
 Mr. LaMontagne
 Mrs. Mertz
 Mr. Wasson

ABSENT: Dr. DeMaria
 Mrs. DeSilva

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

APPROVAL OF MINUTES OF NOVEMBER MEETING

Moved by Mr. Wasson and, seconded by Mrs. Mertz to approve the minutes of the meeting of November 12, 2013.

Mr. Wasson inquired as to the status of Potomac Homes' lack of a certified Food Manager. Mrs. Homler stated that Potomac Homes has not advised us that certification has been obtained. Further, Mr. Maas has reached out to them several times without response. Mr. Harris asked if we would shut them down. Mrs. Homler responded no, but we may issue another summons. She plans to take the matter up at the staff meeting scheduled for tomorrow. Mrs. Campbell noted that the court date for the initial summons is scheduled for next week; if the violation is not abated by then, it will likely result in a heavier fine.

Mr. Wasson requested additional information regarding assistance provided to us by the Paterson Health Department in a lead investigation. Mrs. Homler explained that as a courtesy, Paterson sent one of their Certified Lead Investigators to obtain samples while she was out on sick leave. Some of the test results showed unacceptable lead levels, and Mrs. Homler sent a notice of abatement to the homeowner. Some fixtures (i.e. the door) will probably be replaced instead of repaired. The Building Department will be issuing the permits to ensure that only licensed contractors certified in lead remediation are used. Mrs. Homler will oversee the work and when completed will take additional samples for testing.

Mr. Harris inquired as to the process and resource commitment to obtain Lead Investigator certification. Mrs. Homler stated that there is a one week training course which culminates in a graded exam. Recertification is required every two years. Mr. Harris suggested that if the cost of the program is not onerous, he would like to see Mr. Maas obtain this certification as well.

There being no further questions or discussion, the Minutes of the meeting of November 12, 2013, were unanimously approved.

HEALTH ACTIVITIES REPORT FOR NOVEMBER 2013

Moved by Mr. LaMontagne and, seconded by Mrs. Mertz to approve the Health Activities Report for November 2013.

Mr. Harris asked Mrs. Homler for particulars on the Lead Trax Program reviews. Mrs. Homler and Mrs. Musella both opined that the program is neither user friendly nor efficient for our purposes. Blood lead reports for the whole state are posted in the aggregate. Each health jurisdiction must then go into the program daily to ascertain if any of the day's postings belong to them. Complaints lodged with the State since the launch of the program have fallen on deaf ears. The number in our report reflects reviews performed not actual cases.

Mr. LaMontagne asked why the summons issued to Viccaro Family Ltd. Partnership was dismissed on November 26th. Mrs. Homler first provided background to the case. She then explained the defendant's attorney documented that the two shopping malls on Ridge Road and MacArthur Boulevard share a common trunk line. The prosecutor dismissed the case based on this new information as only Viccaro was cited in the summons.

Moving forward the owners of both malls are on notice that they must perform preventive maintenance and periodically jet the line. They must also submit invoices to prove the work is being done. Further, beginning in January, Mrs. Homler and the Plumbing Inspector (Russell Hall) will visit all the food establishments in the two malls and have them open their grease traps for inspection.

Mrs. Mertz reiterated her concerns regarding the residents of Potomac Homes. Our summons notwithstanding, Mrs. Homler is perplexed by the lack of compliance especially when classes are conveniently available online. Mrs. Musella noted that our local ordinance creates some ambiguity as it gives new managers a year to obtain required certification. The State Code -Chapter 24- mandates certification, but does not limit the time in which a manager has to [successfully] obtain it. One of her goals for the coming year will be to update and tighten our local ordinance.

Mr. Wasson asked if new certifications are required each January when licenses are issued and, if so, who keeps track of them. Mrs. Musella stated that the expiration dates for food handling/managing certifications are tied to the date of successful course completion so vary by individual. Mrs. Homler noted the Department maintains a database to track all certified food handlers and managers in our establishments. Proactive updates to the database are made when staff changes are documented during routine inspections and also when new certifications are requested for those that have expired.

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. Mertz and, seconded by Mr. Wasson to approve the Health Officer's Report for November.

Mr. Harris was pleased that discussion concerning updating our food handling ordinance had taken place at a staff meeting on November 13th.

Mr. Mason asked about an inquiry Mrs. Musella had received regarding drug testing of employees in the food service industry. Mrs. Musella answered that she responded to the enquirer that this matter does not fall under our jurisdiction.

Mr. Harris requested clarification on a phone conversation Mrs. Musella had with Carol Tyler of Tyco Animal Control. Mrs. Musella explained that a defendant in one of our court cases claimed not to understand the charges against him. Carol Tyler is working with that defendant to bring about required changes; the purpose of Mrs. Musella's call was to direct Mrs. Tyler to be very specific with the defendant about what was required and expected.

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 Mr. LaMontagne to pay the bills for November.

Mr. Harris inquired about the bill for Coded Systems. Mrs. Campbell explained that this cost covers the updates to our printed Board of Health Code binders as well as the electronic version available through the Township website.

There being no further questions or discussion, it was unanimously approved to pay the bills for November.

REPORT OF LIAISON TO MAYOR AND COUNCIL

Mr. LaMontagne reported that the potential candidate he had solicited for the open Board position was planning to attend this evening's meeting and would be coming directly from work. Mr. LaMontagne then stated he had not been able to speak with Mr. Laforet but is scheduled to meet with him next week regarding our staffing issues. Mrs. Campbell asked Mr. LaMontagne to call her the morning he planned to come in and she would have copies of the reports and correspondence relating to our staffing request, and also the latest minutes and monthly reports ready for him to deliver in person.

REPORT OF ATTORNEY

Mr. Mason noted that the Board's Privacy Policy, in effect since 2003, only needs minor tweaking. He expects to complete this shortly and when finished would like to see it posted on the Township website.

From a court standpoint, Mr. Mason summarized that it had been a quiet year. He credited Mrs. Homler and Mr. Maas for effectively handling the majority of issues facing the Department. He then asked the staff to confirm that their cases were being scheduled on the Thursday daytime docket. Mrs. Homler responded that first appearances are still scheduled for Tuesday evenings but the inspectors are not required to be in court for these.

She then noted that the staff had devised a form to submit to the court in the event of a guilty plea and it was working well. Mr. Mason explained that the form advises the judge of prior violations, the status of the current violation and recommends a fine as determined by the Health Officer.

CORRESPONDENCE

12/4/13 To: Mayor Laforet From: Angela Musella

Recommending the reappointment of Mr. Harris to the Board of Health

OTHER BUSINESS

Mr. Wasson noted that New York State was trying to pass a law requiring that children get influenza immunizations. He asked if New Jersey was moving in that direction. Mrs. Mertz noted that New Jersey already requires influenza vaccines for pre-kindergarten and daycare. These populations are at higher risk and attendance at these institutions is optional. Once the children reach kindergarten, attendance is mandated. For this population, influenza vaccination is recommended, but not mandated as many other immunizations are.

Discussion ensued regarding the proliferation of religious exemptions that are being granted and which prevent the exclusion of unvaccinated children from school. The concern for public health is that the 'herd immunity' the United States has enjoyed for many years will diminish, and that will compromise children who cannot receive vaccinations for medical reasons.

**Resolution No, 2013-10: Appointment of Jeffrey C. Mason, Esq. as
2014 Attorney for the Board of Health**

Motion: Mr. Wasson
Second: Mrs. Mertz
Roll Call: 4 Ayes, 2 Absent

Motion carries.

**Resolution No. 2013-11: Appointment of Douglas Fenkart, MD as
2014 Child Health Conference Physician**

Motion: Mr. LaMontagne
Second: Mrs. Mertz
Roll Call: 4 Ayes, 2 Absent

Motion carries.

PUBLIC SESSION

Mr. Harris welcomed the nursing students from Eastwick College in attendance. He then introduced Mrs. Homler and asked her to provide a brief synopsis of the services we provide as mandated by State Code. Mr. Harris addressed policy setting and the legislative authority of our Board. Mrs. Musella explained some of the responsibilities of our public health nurses including follow up on communicable and reportable diseases. Mr. Harris solicited questions from the students then offered to sign their papers to document their attendance.

There being no further questions or discussion, a motion to close the meeting was made at 8:15pm by Mr. Wasson, seconded by Mr. LaMontagne and, unanimously agreed to by all present.

The next Regular meeting is scheduled for **January 14, 2014** at 7:30pm.

Respectfully submitted,

Marianne Campbell
Secretary