

**BOARD OF HEALTH  
MINUTES  
January 14, 2020**

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 7:48 PM by Board of Health President, George Cimis.

The Opening Statement was read according to the Sunshine Law and was followed by Roll Call:

**PRESENT:** Mr. Cimis  
Dr. DeMaria  
Mr. Harris  
Mr. Matysiak

**ABSENT:** Mrs. DeSilva  
Mr. LoFaso

**PROFESSIONALS:** Mr. Jeffrey Mason, Esq.  
Mrs. Homler, REHS  
Mrs. Campbell, Administrative Secretary  
Mrs. Hagan, Recording Secretary

**APPROVAL OF DECEMBER 2019 MEETING MINUTES**

Moved by Dr. DeMaria and, seconded by Mr. Matysiak to approve the Minutes of the Regular Meeting of December 2019.

Mr. Cimis requested the status of a letter the Township Attorney was to send to the Court, requesting the human euthanization of the Potentially Dangerous Dog, Bella. Mrs. Homler replied no letter had been prepared as of this date. Mr. Matysiak queried who would be responsible for paying the bill at Tyco. Mr. Mason believes the Township will not be responsible; Tyco may file a claim against the dog's owner for reimbursement.

On the Board's direction, Mr. Mason will draft a letter to Mr. Campion requesting the Township petition the court in this matter.

There being no further questions or comments, the minutes of the meeting of December 10, 2019, were unanimously approved.

**APPROVAL OF DECEMBER 2019 HEALTH ACTIVITIES REPORTS**

Moved by Dr. DeMaria and, seconded by Mr. Harris to approve the Health Activities Report for December 2019.

Mr. Cimis wished to know at which public bathing facilities the Conditionally Satisfactory water reports were received. Mrs. Homler replied that the bathing water at both Brandywine Senior Living and the Marriott Courtyard have been retested and deemed satisfactory.

Mr. Harris queried the outstanding abatement notice written to the owner of two dogs at 1104 Sage Court for lack of licensing in the year 2019. Mrs. Homler has made several unsuccessful attempts to have the dog owner comply with licensing requirement. The defendant has failed to appear in court on numerous occasions. Mrs. Homler has been informed by the Court Administrator that bench warrants cannot be issued on any local ordinance so the summonses just stay open.

Mrs. Campbell explained that this is probably due to recent bail reforms in the judiciary system. As she understands it, local ordinances that are violated are not subject to the issuance of a bench warrant. Mr. Mason posited that because licensing is done through the Clerk's office, he believes enforcement can be mandated through the Police Department. Mrs. Homler explained that the Clerk doesn't enforce animal licensing; however, the Health Department, Animal Control, and the Police Department are all empowered to do so.

Mr. Mason suggested imposing a fine if compliance does not occur within fifteen days of notice being issued. Failure to pay a fine would be available within a central data base; if a property owner were to come in to obtain a building permit or pay a tax/water bill, the account would be red flagged. Whatever issue the resident was trying to advance would be stalled until the licensing issue was satisfied. Mr. Cimis was concerned that this would not apply to tenants; therefore, many would still fail to comply.

Mrs. Homler stated the concern from Animal Control regarding animal licensing enforcement at the condominium developments. Mrs. Tyler, ACO, feels strongly that the onus for licensing compliance should fall on the condominium associations. Pets that are currently licensed are also current on their rabies immunization.

Mr. Mason suggested that Carol Tyler, ACO, submit a report to the Health Department regarding animal complaints originating from the condo developments. Based on this report the Health Department can make a recommendation to Council that additional enforcements be put in place in an effort to ensure public health safety.

Dr. DeMaria informed the Board that NJAC 4:19-15.2 requires all dogs to be licensed within the municipality where they reside. NJAC 4:19-15.a requires proof of valid rabies vaccine. Mr. Mason informed the Board that a summons written citing a State Statute allows for a bench warrant to be issued by the court should an individual fail to comply or fail to appear in court.

There being no further comments or discussion, the Health Activities Report for December 10, 2019, was unanimously approved.

**APPROVAL OF HEALTH OFFICER'S REPORT FOR DECEMBER 2019**

Moved by Dr. DeMaria and, seconded by Mr. Harris to approve the Health Officer's Report for December 2019.

Mr. Harris requested clarification on the Conditional rating issued to River Palm Terrace. Mrs. Homler explained there were flooring issues which needed to be rectified.

Mr. Matysiak requested an update on the ongoing issues regarding the Ramapo College pool. Mrs. Homler replied that due to recent changes in the Public Bathing Code, pools over 2,000 square feet in size require two lifeguards during operating hours. Due to budgeting issues and the lack of swimmers at certain times, the college is reluctant to comply. They can comply by roping off lanes when the bather-load is low, or by applying for a waiver from the State. There are also internal issues amongst personnel at the College as to who on staff is the CPO for this pool. Mrs. Homler has been in touch with the State Health Department, and informed the Board that the head of the program will be conducting a joint inspection with her at the college. They will also visit the new Valley Wellness Center. Both of these facilities have applied for waivers from the State.

There being no further questions or comments, the Health Officer's report for December 2019, was unanimously approved.

**BILLS**

Moved by Mr. Harris, seconded by Mr. Matysiak, and unanimously agreed to by all present to approve the bills for December 2019.

Mrs. Campbell noted that due to a shortage of high dose vaccine this year, we did not receive that part of our order. Fortunately, we were able to purchase some of the high dose vaccine from Northwest Bergen Regional Health (NWBRC) in time for our clinic.

There being no further questions or discussion, payment of the bills for December 2019 was unanimously approved.

**REPORTS OF STANDING COMMITTEES**

No reports to present.

**REPORT OF ATTORNEY**

Mr. Mason had composed a letter to Mr. Surgent prohibiting the keeping of livestock on his property in the future. He will confirm with his office staff that this letter was sent via certified mail.

Mr. Mason has reviewed the new Health Officer's Contract with NWBRHC. There are no significant changes.

Mr. Mason requested that Mrs. Campbell, Administrative Secretary, create a spreadsheet with five-year data of Health Activities. From this data, a bar graph or pie chart can be developed to assist in determining trends or validating budget requests.

Mr. Mason wrote to the property owner of Cluck-U Farms stating that the Health Department cannot move forward with licensing of fowl until the Zoning issues are satisfied. However, since the Health Department is interested in health and safety compliance, he believes the property should still be inspected. Mrs. Homler will make an appointment with the property owner and Tyco Animal Control to conduct such an inspection.

**CORRESPONDENCE**

None to present.

**OTHER BUSINESS**

Mrs. Campbell reminded the Board members that the 2020 Rabies Clinic will be held at the municipal building on Saturday, January 25<sup>th</sup>.

**PUBLIC COMMENTS**

No public present.

A motion to adjourn the meeting at 9:01 pm was made by Mr. Harris, seconded by Dr. DeMaria and, unanimously agreed to by all present.

The next meeting is scheduled for **February 11, 2020,** at 7:30 pm.

Respectfully submitted,

Kathryn Hagan  
Recording Secretary