

**BOARD OF HEALTH  
MINUTES  
March 8, 2022**

The regular monthly meeting of the Board of Health of the Township of Mahwah was held via Zoom video conference. The meeting was called to order at 7:02 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. George Cimis  
Dr. Edie DeMaria  
Mrs. Wendy DeSilva  
Ms. Patricia Esty  
Mr. Sydney Harris  
Mr. Adam Matysiak  
Mrs. Christy Varrato

**PROFESSIONALS:** Mrs. Gina Behre, Health Officer  
Mrs. Donna Ruccione, Principle REHS  
Mr. Daniel Maas, REHS  
Mr. Jeffrey Mason, Attorney  
Mrs. Kathryn Hagan, Recording Secretary

**REPORT OF PUBLIC HEALTH NURSE**

No report available at the time of the meeting.

**APPROVAL OF JANUARY 2022 REORGANIZATION MEETING MINUTES**

Moved by Mrs. DeSilva and, seconded by Mr. Harris to approve the minutes of the Reorganization Meeting of January 2022.

Mrs. Varrato queried her appointment as Chairperson of the Public Information Committee. Mrs. Hagan will clarify this information with Mrs. Campbell, Administrative Secretary to the Board of Health.

There being no further questions or comments, it was unanimously agreed to accept the January 2022 Reorganization Meeting Minutes.

**APPROVAL OF JANUARY 2022 REGULAR MEETING MINUTES**

Moved by Mrs. Varrato and, seconded by Mrs. DeSilva to approve the minutes of the Regular Meeting of January 2022.

There being no questions or comments, it was unanimously agreed to accept the January 2022 Meeting Minutes.

**APPROVAL OF HEALTH ACTIVITIES REPORT**

Moved by Mr. Matysiak and, seconded by Mrs. DeSilva to approve the Health Activities Report for January/February 2022.

Mrs. DeSilva queried the nature of a Tobacco/CBD/Marijuana inspection. Mr. Maas replied the inspectors verify that proper age-restriction signage is displayed and that proper protocol is being followed to prevent underage sales. Mrs. Ruccione added that as of July 2021, the State declared it illegal to sell flavored vaping products. She stated that upon some routine inspections, they have found these products still available and remove them from the shelves. She has received some pushback from establishment owners and suggested that a flyer be provided to each retail establishment that sells tobacco/CBD products notating the specifics of the law.

Mr. Cimis verified that currently the State allows for the sale of medical marijuana only yet stated he has seen trucks selling pizza which provided "toppings" that are provided in a separate bag to be placed on the pizza. Mr. Ervin added that he is also aware of a used ice cream truck that sells mason jars with "product" inside. Patrons are charged for the jar but not the contents. This appears to be some type of legal loophole that vendors are using to their advantage. Mrs. Ruccione stated that much of the confusion among shop owners is that the sale of CBD oil for vaping is legal in New Jersey; however, selling flavored vaping products is illegal. Mrs. Ruccione opined that this should be a legal matter involving the police and should not fall under the jurisdiction of the Health Department.

Mr. Cimis requested details of the dog-to-human bite on page 4. Mr. Maas provided details of the incident and noted that a first bite warning letter was sent to the owner of the biting animal.

Dr. DeMaria stated that all dog bite incidents do not necessarily indicate that an animal is aggressive. Dogs are naturally curious and can become frustrated when encountering another animal while on

a leash. In their frustration they may pull away from the owner, and their natural instincts will take over. The human handler bears the responsibility of being proactive in such encounters and preventing any incidents that can lead to a bite.

Mrs. DeSilva queried the Conditional ratings on Page 5. Regarding Janeks, Mrs. Ruccione stated that due to the age of the kitchen and some equipment, the need for a thorough cleaning was indicated. She was impressed with the old equipment that was still operational and did note that all food temperatures were good and proper food handling practices were being followed. A thorough cleaning was conducted by the owner, and a satisfactory re-inspection has since occurred. She will follow up on new flooring that is expected to be installed in the near future.

Kitchen maintenance was also an issue in the case of Peshwari Grill. While on Conditional status, a transfer of ownership took place causing some confusion as to who was responsible for paying the re-inspection fee. All violations have since been abated, and a satisfactory rating has been issued.

Mrs. Varrato queried the nature of an N/A rating. Mrs. Ruccione clarified that this is given when an inspector returns for a spot check of an establishment which may have had issues in the past. A full inspection is not conducted; however, the inspector verifies that all protocols are being followed and minor violations have been addressed.

Mrs. DeSilva queried the circumstances involving the Citizens complaint on pg. 11. Mr. Maas reported that he had received a complaint in 2021 from a tenant complaining of insects and mold in her apartment at Lindvale Gardens. He conducted an inspection at the time and did not find any evidence of either. After several unsuccessful attempts to contact the complainant to ask her to allow the property manager to enter the unit to conduct touch-up painting, the complaint was closed. The tenant then filed a complaint against the management company at which Mr. Maas was summoned to appear via a Zoom court appearance. The litigants did settle the complaint; however, Ms. Lopez refused to sign a hold harmless agreement against the defendant.

Mr. Matysiak queried details of the raccoon that tested positive for rabies. Mr. Maas stated this bite occurred between a family pet and a raccoon found in the yard. Tyco was called to pick up the dead raccoon, and it was sent for testing on an emergency basis. The positive results required five family members to receive post-exposure treatment. All have completed the four-shot series with no adverse side effects.

The dog was placed on required 45-day quarantine and is scheduled to be released in the coming days. Dr. DeMaria explained that the 45-day requirement is a precautionary measure in the event that a vaccinated dog does not have a positive immune response to any previously administered rabies vaccine.

Mr. Matysiak queried the sewage complaint on page 7. Mrs. Ruccione replied there was a sewage backup at one of the condo developments. A homeowner called with concern that condo management was not responding properly. The property manager explained that in the HOA Agreement, the unit owner is responsible from the point of their individual unit to the main connection. The property management is responsible for the line from the main connection to the street. The line was old and had cracked in addition to being filled with much debris. The line has since been repaired and the complaint has been abated.

Mrs. DeSilva queried the status of Bolla Market's sewer hookup. Mrs. Ruccione stated that the cesspool has been uncovered in an attempt to identify the nearest sewer line. During this investigation, it was discovered that the entire property was not hooked up to sewer. It was previously thought that part of the building had a sewer connection. Bolla is in the process of hiring a septic engineer to assess whether it is economically more feasible to install a new septic or to connect to the public sewer. The current cesspool is leaking. Mrs. Ruccione stated that per the septic code, Bolla is permitted to pump the septic to a holding tank for 90 days while they are investigating the options. She will continue to follow up regularly with Bolla and the Sewer Department.

Mr. Harris queried whether the Department is adequately staffed to handle the workload and whether so many inspections are required. Mrs. Ruccione stated that the State Code requires a minimum of one inspection per year; however, it is common practice in most local health departments to inspect establishments twice yearly. Mrs. Behre clarified twice yearly inspections are generally conducted at the high risk establishments and establishments that have had recurring issues in the past. Mrs. Ruccione appreciated Mr. Harris' concern for the Department and stated she will monitor the situation as the year progresses. Summer is a busy time in the Health Department with the opening of public recreational facilities, camps, outdoor events, septic installations etc. If staffing and workload become an issue, this may need to be addressed at a future date.

There being no further questions or comment, the Health Activities Report for January/February 2022 was unanimously approved.

**APPROVAL OF HEALTH OFFICER'S REPORT FOR JANUARY 2022**

Moved by Mrs. DeSilva and, seconded by Mrs. Varrato to accept the Health Officer's Report for January/February 2022.

Mrs. Behre confirmed that as of March 7<sup>th</sup>, masks are no longer required in schools. Her office has been reviewing the K-12 guidance and indicated that more changes are expected moving forward. The number of positive COVID cases is declining, and many people have been taking advantage of the home test kits readily available.

Northwest's Health Educator, Christine Dempsey, has been working in conjunction with Mahwah's Senior Center Coordinator to send out a survey to the senior citizen population requesting feedback on health education programs they would like to see offered.

Mrs. Behre plans to meet with the Business Administrator next week to discuss the Health Department's roll in educating the public on the existence of PFAS and the effects on water quality. Educational materials have been provided to Administration for posting on the Township website. She asked that the Board email her directly with any questions they would like her to discuss during her meeting with Administration.

Regarding the dog, Alamo, Mrs. Behre stated that she received a packet from the Township Attorney with the Agreement pertaining to Eleventh Hour Rescue transferring the dog out of State, the conditions of the transfer, and the Hold Harmless Agreement. She noted that Mahwah did receive restitution in the amount of \$1,976. She will forward this information to Mr. Mason for full review.

Mrs. Behre indicated that Tyco Animal Control suggested that Mahwah have a special fund in the event a vicious animal must be held at a facility while an investigation is being conducted or while awaiting a court hearing. She would like to invite Tyco to attend a future Board meeting to discuss in more detail.

A Public Action Alert was issued by the State Health Department regarding recalled infant formula. The inspectors conducted an investigation among retail food establishments and food pantries and did not find any recalled product on the shelves.

There being no further questions or comment, the Health Officer's Report for January/February 2022 was unanimously approved.

**PAYMENT OF BILLS**

Moved by Mrs. Desilva and, seconded by Mr. Matysiak and, unanimously agreed by all present to approve the bills for January and February 2022.

**REPORTS OF STANDING COMMITTEES**

No Reports to present.

**REPORT OF ATTORNEY**

Mr. Mason has reviewed the annual Nursing Contract received by HARP. There are no substantial changes from previous years, and he recommends acceptance by the Board.

**CORRESPONDENCE**

No correspondence to present.

**OTHER BUSINESS**

A motion to waive the reading of Resolution 2022-05 and Resolution 2022-06 was made by Mrs. DeSilva, seconded by Mrs. Varrato and agreed to by all present.

**Resolution 2022-05: Inter-local Agreement with Waldwick for CHC**

Motion: Mrs. DeSilva

Second: Mr. Harris

Roll Call: 7 Ayes

Motion carries.

**Resolution 2022-06: 2022 Public Health Nursing Contract**

Motion: Mr. Matysiak

Second: Mr. Harris

Roll Call: 7 Ayes

Motion Carries

### PFAs in Drinking Water

Recently, the Mahwah Water Department issued a special Water Quality Report to the Township's residents because Well #19 had an exceedance of PFAs over the NJ State standard. The Health Department staff has been fielding questions from the public, and Mrs. Ruccione has recently attended seminars on New Jersey's water quality, educating herself extensively on this issue. She reiterated that New Jersey is the first state in the nation to issue such a stringent maximum contaminant level and believes this is an environmental issue falling under the purview of the Health Department.

Lengthy discussion ensued among the Board Members, and all recognized that water quality is a national issue. Mrs. Ruccione is concerned that the Health Department has not been included in discussions among Administration and the Water Department. She would like to see the Township become more proactive in providing information on the Township website and will be happy to consult with Administration on the best way to communicate information to the public.

Mr. Ervin stated that all the water storage tanks have recently been tested and all meet the acceptable standard. If Mahwah were to take Well #19 offline, it will severely impact the Township's water supply. The Township would then have to purchase water from Suez at a cost of up to \$8,000 per day. For cost effectiveness, the Council has consulted with Boswell Engineering, and it was determined that this money would be better spent installing a filtration system at each well point. There is no definitive timeframe available yet for installing these systems. Concerned homeowners can personally install a carbon filtration system or reverse osmosis system; however, these can be costly and would be an individual's personal decision. It was noted that currently, Mahwah has blended water pulling from five different wells.

Of concern to Mrs. Ruccione is the fact that homeowners with private wells are also showing high PFAs in their water supply. When a homeowner's well tests high for PFA levels, [the local health department is notified, and in turn] must notify the DEP of those results. During a recent seminar she learned that the State has a Spill Fund, and homeowners with a private well can apply for monetary assistance to defray the cost of installing a filtration system and/or for monitoring their private well. Unfortunately, those utilizing public water do not have this same assistance available. Mrs. Ruccione will forward the information regarding assistance offered through the Private Well Testing Act to the Board Members.

Dr. DeMaria queried where to find a list of acceptable filtration systems. Mrs. Behre stated that there is a link to this information on the EPA website, and she will consult with Administration about having this information available on Mahwah's website to be easily accessible to residents.

Mr. Mason stated that it is incumbent on the Board to make information regarding prophylactic devices available to the public and to present environmental concerns in a format that is understandable to the general public. He also indicated that the Health Department has jurisdiction to write a summons against a known perpetrator that is causing environmental pollution.

**GENERAL COMMENTS BY PUBLIC**

No public present.

There being no further discussion, a motion to adjourn the meeting at 8:51 pm was made by Mr. Harris and, seconded by Mrs. DeSilva and, unanimously agreed to by all present.

The next meeting is scheduled for April 12, 2022, at the Mahwah Municipal Building beginning at 7:00 pm.

Respectfully submitted,

Kathryn Hagan  
Recording Secretary