

**BOARD OF HEALTH
MINUTES
September 12, 2023**

The regular monthly meeting of the Board of Health of the Township of Mahwah was held in the Senior Center of the Mahwah Municipal Building. The meeting was called to order at 7:30 PM by Board of Health President, Adam Matysiak.

The Opening Statement was read according to the Sunshine Law.

PRESENT: Dr. Choi
Dr. DeMaria
Mrs. DeSilva
Ms. Esty
Mr. Matysiak
Mrs. Varrato

ABSENT: Mr. Harris

PROFESSIONALS: Mrs. Musella, Interim Health Officer
Mrs. Ruccione, Principal REHS
Mr. Mason, Board of Health Attorney
Mrs. Campbell, Administrative Secretary
Mrs. Hagan, Recording Secretary

REPORT OF PUBLIC HEALTH NURSE

Report was not available at the time of this meeting.

APPROVAL OF MEETING MINUTES OF JULY 2023

Moved by Dr. DeMaria and, seconded by Mrs. De Silva to approve the Meeting Minutes of July 11, 2023.

Mrs. DeSilva queried whether an interview had been conducted with Tyco Animal Control re. educating the public on the practice of feeding feral cats and why it is discouraged. Mrs. Musella confirmed that she has not yet discussed this with Carol Tyler, but will follow up.

An inquiry was made as to whether the masking mandate would be reinstated by the Governor's office due to the rising number of

Covid cases statewide. Mrs. Musella is unaware of any such directive on the horizon. She noted that the FDA has issued approval for an updated Covid vaccine. The CDC recommends one dose of the updated Covid-19 vaccine for individuals aged 5 years and older.

Mrs. Varrato noted that she has heard that Governor Murphy may reinstitute a mandatory directive to all first responders to have the updated Covid vaccine. She also stated that Covid-related hospitalizations have increased with the majority of patients having symptoms of a fever and diarrhea. To her knowledge, all of the admitted patients had previously been vaccinated.

Mrs. Musella noted that the new vaccine will neither be covered by the Federal Government nor private health insurance which will deter many from receiving it. Dr. Choi stated that the government will cover the cost of the vaccine for uninsured individuals; however, those with insurance will pay approximately \$90 out-of-pocket.

There being no further questions or comments, the Minutes of the meeting of July 11, 2023 were unanimously approved.

APPROVAL OF HEALTH ACTIVITIES REPORT FOR JULY/AUGUST 2023

Moved by Mrs. DeSilva and, seconded by Ms. Esty to approve the Health Activities Report for July/August 2023.

Mrs. DeSilva queried whether the post-exposure treatment issued was due to the bat exposure; Mrs. Ruccione replied affirmatively.

Mrs. DeSilva queried the nature of the dog bites. Mrs. Ruccione stated that all bites involved rescue dogs; however, none were serious in nature. Dr. DeMaria stated that due to the unstable upbringing of many rescue animals, it is not unusual for them to display aggressive behaviors - especially when the animal is caught off guard or enters an unfamiliar circumstance. She remarked that it is rare to see aggressive behaviors from animals raised by reputable breeders.

Mrs. DeSilva requested an update on the unsatisfactory conditions at Aranwood Kennel. Mrs. Ruccione stated that the facility owner did an excellent job cleaning and organizing the facility. The kennel has an area for dogs being boarded and a separate area for rescue animals, allowing for up to 48 animals at a time. Mrs. Ruccione will conduct regular inspections to ensure that compliance is maintained.

Mrs. Ruccione noted that a new septic plan has been submitted to DEP for Bolla Market at 131 Route 17 North. She is expecting to hear from the Engineer shortly regarding approval to move forward.

Mrs. DeSilva queried whether the hoarding complaints have subsided over the summer months. Mrs. Ruccione noted a complaint received from the Mahwah Police Department regarding a hoarding issue at a trailer in the Bogert's Ranch Estates. After receiving a phone call from a concerned neighbor, the police responded to find an elderly woman whose husband had passed away inside the home. Unfortunately, due to the amount of clutter and debris in the unit, the police were unable to easily reach the deceased. The police then called for a Health Inspector to arrive on site. Mrs. Ruccione responded, noted the unsanitary conditions, took several pictures and requested the assistance of the Code Official who deemed the structure as unsafe.

The second hoarding complaint involved a unit in Darlington Ridge Condominiums with which the Health Department is familiar. A neighbor called concerned about odors emanating from the unit. Upon speaking with the resident, it was confirmed that there are two small dogs residing with the owner. Mrs. Ruccione established a rapport with the individual and provided resources to assist with cleaning and organizing. She noted that the Health Department is primarily concerned with unsanitary conditions that potentially affect neighboring units. She will follow up as needed.

Mrs. Musella stated that another incident involved a referral from the Police Department. Upon responding to the complaint of odors emanating from the unit at Franklin Heights, the police discovered a deceased individual. Further investigation revealed that the single resident had been unemployed and was living in the home without basic utilities; therefore, there was no working air conditioning during the summer heatwave. It was unclear whether there was running water available in the home. Mrs. Campbell stated that the Utility Collector and/or DPW typically inform the Health Department when a resident's water is to be shut off due to lack of payment. The Health Department will follow up with the Water Department.

As a follow up to the spring Task Force meeting, Mrs. Ruccione has researched hoarding ordinances in several cities (i.e., Houston, Los Angeles, Philadelphia, etc.) She noted that Mahwah has a comprehensive Dwelling Standard ordinance which she would like to expand upon. A significant change that she would like to incorporate is to place the responsibility of compliance on the property managers of the multi-dwelling properties (i.e., condominiums, town homes, apartment complexes).

Mr. Mason stated that each Association should have something in their Rules and Covenants regarding upkeep of units. He suggested we request a copy of these documents from each multiple-housing community; if there are currently no policies in place, the Health Department should suggest they be implemented as the Association will be issued a violation notice moving forward.

A motion was made by Mr. Matysiak, seconded by Mrs. DeSilva and agreed to by all to send a notification to all property managers requesting the contact information for their respective management company and HOA president in order to inform them of their obligation to maintain all units in a safe and sanitary manner.

Mrs. DeSilva queried the Conditional rating at Tandoori Bites. Mrs. Ruccione stated that a refrigeration unit was malfunctioning and there were multiple sanitary issues. The refrigerator has since been replaced, and the establishment was Satisfactory upon reinspection.

There being no further questions or discussion, the Health Activities Report for July/August 2023 was unanimously approved.

APPROVAL OF HEALTH OFFICER'S REPORTS FOR JULY AND AUGUST 2023

Moved by Mrs. DeSilva and, seconded by Dr. DeMaria to approve the Health Officer's Reports for July and August 2023.

Mrs. DeSilva requested information on what the Township is doing to treat the infestation of Spotted Lantern Flies. Mrs. Ruccione stated that the Township received a \$15,000 grant from the Department of Agriculture to treat municipal properties. Mahwah Tree Corporation was awarded the contract and treated several locations with two applications. Unfortunately, Bergen County did not spray any of their properties in Mahwah. Also, the Board of Education chose not to have one of their ballfields in Fardale treated as school would be back in session before spraying was completed.

PAYMENT OF BILLS - JULY / AUGUST 2023

Moved by Mrs. DeSilva and, seconded by Ms. Esty and unanimously agreed to by all to pay the bills for July / August 2023.

REPORT OF ATTORNEY

Mr. Mason deferred his report for discussion during the Other Business portion.

CORRESPONDENCE

No correspondence to present.

OTHER BUSINESS

a) Discussion and/or approval new BOH Code Chapter V

Mr. Mason reviewed the revised Food Ordinance and Fee Schedule prepared by Mrs. Musella, Mrs. Ruccione and Mrs. Campbell. He finds it to be consistent with neighboring communities with clearer parameters for enforcement. Mrs. Musella noted that the fees have held stable for the past ten years, and most likely will not be updated again for several years.

Mrs. Hagan queried the charging of a \$25 fee for a Non-Profit Temporary Food License. The Health Department has traditionally waived this fee for non-profit organizations. Mrs. Ruccione will refer to the current code to determine the necessity of listing this fee. Upon discussion, it was agreed that the addition of "This fee may be waived upon discretion of the Board of Health or Health Officer" should be added to the Code.

Mrs. Campbell stated that a Resolution to update the Code and the Fee Schedule will be introduced at the October meeting. It will then be published and put to vote at the November meeting. The intention is to have the new Code and Fee Schedule in effect for the 2024 licensing year. Upon public notification, Mrs. Campbell will send a blast email to all establishment owners informing them of the new fees.

Mrs. Campbell wished to confirm the legality of the Non-Conforming Establishment category. Mr. Mason noted that any fee charged could be challenged if it appears arbitrary, unreasonable and/or capricious. However, the addition of the category gives the Health Department the ability to charge for a non-covered business model without having to update our ordinance first.

Mrs. Hagan queried the necessity of charging a licensing fee for vending machines, as following up on license applications was onerous. Some vending machine operators pay for the license themselves; in other cases, the property owner does. In any case, we have no idea how many machines are actually in town, and we don't inspect them.

Mrs. Ruccione stated that when a Tenant Application is reviewed, inquiry is made as to whether vending machines will be available on premises and contact information for the owner. Unless an inspector physically inspects the premises, there is really no way to be certain. Licensing of vending machines is included in the State Code.

Mrs. DeSilva noted that there are currently homeless individuals living at Campgaw Reservation again. The Health Department will notify Administration who can then reach out to their counterparts at the County.

Mrs. Varrato informed the Board that Governor Murphy passed legislation recently stating that if an individual has a prescription on file for oral contraceptives, it is not necessary to bring in a new prescription for each refill. She stated that it is her understanding that the Mahwah CVS is not following this new directive. Mrs. Varrato has inquired with the State DOH for further clarification. Mrs. Ruccione noted that the local Health Department has no jurisdiction over pharmaceuticals.

There being no further comments or discussion, a motion to adjourn the meeting at 9:10 pm was made by Mrs. DeSilva, seconded by Dr. DeMaria and unanimously agreed to by all present.

The next meeting is scheduled for October 10, 2023, and will be conducted in the Senior Center beginning at 7:30 pm.

Respectfully submitted,

Kathryn Hagan
Recording Secretary