

BOARD OF HEALTH MEETING

WEDNESDAY, MAY 18, 2016

Time, Place Presiding: The Board of Health held their regular meeting on Wednesday, May 18, 2016. Mr. Nicastro called the meeting to order at 6:34 PM. The Pledge to the Flag was recited. Claudia Tomasello, Board Secretary, read the "Open Public Meetings Act."

Present: Mr. Nicastro, Mrs. Cooper, Mr. Kana, Dr. Wallack, Dr. Miccio(6:38 arrival)

Absent: Dr. Abrams, Dr. Ross

Mr. Nicastro recognized the Health Officer, Mr. Trevor Weigle, and Attorney, Nick DePalma. The Board of Health Secretary, Claudia Tomasello, was also recognized.

Minutes: Mr. Nicastro asked for a motion to approve the minutes for April, 2016. Mr. Kana made the motion seconded by Dr. Wallack. Mrs. Cooper abstained, all other members were in favor.

Correspondence: All correspondence was sent with the packets.

**Written Reports:
(Health Officer,
Animal Control,
Registrar, and Nurse)** Mr. Nicastro asked for a motion to approve the May, 2016 Written Reports. Dr. Wallack made the motion, seconded by Mrs. Cooper. Mr. Kana asked about the retail food inspections, pg. 3. He wanted to know what type of an establishment this was. Mr. Weigle explained that this is the new Brazilian Steak House on Rt. 46 almost in Hackettstown. Dr. Wallack asked if the conditionals for the Steak House were corrected yet. Mr. Weigle explained that these were corrected, reinspection has not occurred yet, but the issues have been resolved. They are waiting for a plumbing inspector to inspect the new sink that was needed to be installed. Mrs. Cooper asked the status of the Public Health Nurse's salary since she was not at the last meeting. Mr. Nicastro explained that nothing will happen this year, this will not change mid-stream. Mr. Nicastro spoke with the Mayor regarding this issue. Mr. Weigle will need to put this in his budget to get approved for next year. All Board Members hope we do not lose her because of this. Seeing there were no other questions or comments regarding the May 2016 Written Reports, Mr. Nicastro asked for roll call. All members were in favor.

Ordinance First Reading: **Ordinance 2016-1** Ordinance of the Mount Olive Board of Health Adopting the State of New Jersey's Model Noise Ordinance.
Mrs. Cooper read the motion to begin to discussion. Mr. Kana wanted to know if this is more stringent or less than the previous Ordinance. Mr. Weigle explained that this new one is the model Ordinance that we would use

because it includes noise decibels levels. Mr. Weigle explained that we did this Ordinance previously, we sent it to the State, they wrote back and said we missed a few things that are required. Including some missing definitions. So, we went back and are introducing it verbatim to the model ordinance. Mr. Kana asked who our noise officers are. Mr. Weigle explained that Robert Stahlhut and Derrick Webb are certified and will respond only to complaints. On page XI, Mr. Kana asked what the "exceptions" were. It was explained by Mr. Weigle that these would be the unamplified human voice, religious exceptions, and emergency work on roads. Mr. Kana explained that he felt the whole ordinance was very confusing, Mr. Weigle explained that the noise control officers have been educated on all this and it is not confusing to them. Mr. Kana is concerned because he does not understand the ordinance and is not comfortable trusting the State. He stated that he went to the hearing on the well contamination and he does not trust the State to do the right thing. Mr. Weigle explained the difference between commercial and non-commercial equipment. He explained that the complaints we mostly receive are not neighbor to neighbor, but a resident complaining about a business...for example, a resident who lives near a commercial site with a squeaky air conditioning unit on the roof running 24/7. Mr. Kana asked if we get noise complaints now and what is the nature of them. Mr. Weigle explained that we received one and it turned out to be not valid. Mr. Miccio asked if this was for parties, etc. Mr. Weigle explained that would be covered under this. Mr. Kana asked who makes the decision for the fine and felt that these penalties were pretty harsh. Mr. Weigle explained that this is at the discretion of the Judge. This is a basic ordinance that many other towns and the county currently use. Mr. Weigle explained that noise is very complicated and this ordinance allows us to detect noise from each separate octoband in the noise. It is more precise and exact. Mr. Kana voted against the ordinance, all other members were in favor.

Ordinance 2016-2 Ordinance of the Mount Olive Board of Health Amending Chapter 415 of the Township Code Entitled, Food Handling Establishments, Retail

Mrs. Cooper read the motion to begin discussion. Mrs. Cooper asked for an example of a Risk Type 2 Non-Profit Establishment. Mr. Weigle explained that Risk Type 2 is cooking a hamburger, mozzarella sticks, french fries, etc....Mr. Kana stated that according to what we have now it states that a manager has to be present at all events. He wondered how that is actually helping them. This is less stringent than the last one that required all workers to be certified. Dr. Miccio suggested we state that a person with the certification "be available" instead of "be present." Dr. Miccio stated that no one will ever be at every game. Mr. Weigle explained that we were referring to the coaches who are always present. Dr. Miccio felt that this was a bit much and a big burden and not going to happen. Mr. Weigle explained that our main concern is public safety. Mr. Nicastro stated that was why we were gearing this towards the managers since they are always there. Mr. Weigle explained that he understands that this is non-profit with volunteers and the money is for a good cause, but there is still a cost of business even for non-profits. The non-profits

can get as many people certified as they want. Mr. Nicastro did say he remembered from last meeting that a major concern was the cost of certifying so many people. Dr. Wallack stated to Dr. Miccio that he was looking at it from their point of view. What if there was an E. Coli outbreak from under cooked meat, Dr. Wallack asked who was "on the hook" for that? This is something that the attorney, Nick DePalma, needs to look into. Dr. Wallack asked if it would work if we changed it to non-commercial instead of non-profit. Mr. Weigle explained that we still need to have some type of rules and requirements. Mr. Kana asked if there was a way to define "regularly available" that would satisfy the intent of the regulation. Mr. DePalma didn't have any answers without having a statute in front of him to refer to. Mrs. Cooper asked if we would be more comfortable if everyone handling food were to go to the two hour course. Mr. Weigle stated that one thought was to make it clear that it was a non-profit "seasonal." So, a "seasonal" could be excluded from "B" the more strict version, which required someone on site at all times. Mr. Nicastro stated that it sounded like the bottom line would be that we let everyone do the food handlers class, then we would still need a manager, but if that is the case, the only thing we are changing is making them "readily available" and "seasonal." Mr. Weigle stated that he isn't even sure if we need to say "readily available." There must be one manager, who has taken the manager course and is responsible for all operations. We will go with this for now and table this ordinance and allow Peter King, Attorney, to review all this. Mr. Kana made the motion to table Ordinance 2016-2, seconded by Dr. Miccio, all members were in favor.

Ordinance

Second Reading: None

Resolutions: None

New Business:

Mr. Weigle stated that we now have three cases of Chicken Pox in the schools. One is in the Middle School, one in the High School, and one in Chester Stephens. Two of those are siblings, and one is of no relation. He stated that we sent out the State guidance and precautions. Mr. Weigle stated that all three had one dose of the vaccination.

Dr. Wallack asked when the meeting was for the environmental landfill and for a recap of what happened. Mr. Kana stated that he was there and that he lives within a mile of the landfill. He stated that his interest was his neighbors and family at risk. He stated that he came to the meeting to get reassurance and left with no reassurance. The people who live in the immediate vicinity have had their wells tested and are getting onto a public water system. But, their attitude was "you are on your own." There are only two labs in the country that will identify this 1,4-Dioxane. Mr. Kana asked them to reach out a little beyond the immediate area and test some wells to see whether or not there is a problem. He stated that the State would not agree to do this. Mr. Weigle stated that he requested a map from the State of the area that will also show monitoring wells. He had just received this in the mail that afternoon. Mrs.

Cooper asked if anyone could stop in and see these, Mr. Weigle said that was ok, stop in whenever you can. Dr. Miccio asked if the town could do some sort of random testing in the vicinity of the landfill. Mr. Weigle said that if the town was willing to foot the bill but he didn't know the cost, he feels it will be expensive since there are only two labs in the country that test for this. Mr. Nicastro stated that he will check with the Business Administrator to see what can be done.

Old Business: None

Legal Business: None

Public Portion: None

Board Comments: None

Adjournment: Mr. Nicastro asked for a motion to adjourn, Mrs. Cooper made the motion, seconded by Dr. Wallack. All members were in favor. There being no further business before the Board, the meeting was adjourned at 7:27 PM.

Joe Nicastro, Chairman

Claudia Tomasello,
Board of Health, Secretary