MINUTES
BOARD OF HEALTH
TOWNSHIP OF CHATHAM
JULY 14, 2020

Mrs. Plantemoli called the Regular Meeting of the Board of Health to order at 7:30 P.M.

Adequate notice of this meeting of the Board of Health was given as required by the Open Public Meetings Act as follows: Notice was given to both the *Chatham Courier* and the *Morris County Daily Record* on January 15, 2020; notice was posted on the bulletin board in the main hallway of the Municipal Building on January 15, 2020; and notice was filed with the Township Clerk on January 15, 2020.

Roll Call

Answering present to the roll call were Mrs. Ewald, Mrs. Fowler, Mr. Nikolopoulos, Mrs. Gardner and Mrs. Plantemoli. Ms. Taormina, Mr. Fitzpatrick and Mrs. Dolan were also present.

Participation in this meeting was provided to the Board members and the public via Zoom.

Approval of Minutes

Mrs. Plantemoli moved to approve the minutes of the June 9, 2020 meeting. Mrs. Gardner seconded the motion, and it carried unanimously.

Discussion

Noise from Leaf Blowers

Ms. Taormina said that she had sent the Board information about an ordinance adopted in Maplewood prohibiting commercial leaf blowing from May 15th to September 30th, and the ordinance was challenged in Federal Court because the ordinance was discriminatory. The case was settled, and the details of the settlement are not public. Ms. Taormina said the Maplewood's approach was extreme.

Ms. Taormina also reported that Montclair adopted a resolution urging landscapers and residents to limit the use of leaf blowers and loud machines. She said she does not know how successful Montclair's resolution has been.

Ms. Taormina said that the Township's Noise Ordinance limits sound above 65 decibels, and the OSHA and EPA guidelines generally state that anything over 85 decibels is considered harmful. She also questioned how noise regulations can be effectively enforced in regards to landscapers. Mr. LaConte noted that the Township has an ordinance that prohibits landscapers on Sundays. Mr. Fitzpatrick commented on the challenge of calibrating sound measurement equipment and the comparisons that are necessary to enforce a noise ordinance. Mr. LaConte addressed a suggestion made at the last meeting regarding registration of landscapers to make sure they are familiar with the Noise Ordinance.

Mr. Nikolopoulos suggested that a mailing be sent to residents to remind them of the Noise Ordinance regulations. Mr. Nikolopoulos also said that perhaps landscaping could be limited to certain days, and he said he would like to hear from local landscapers on this matter.

John Carini and Steve Simonfay were invited to participate in the discussion.

Mr. Carini said that older leaf blowers are usually louder than 65 decibels. He also suggested that perhaps mufflers could be added to lawn equipment to mitigate noise issues. Mr. Carini said that landscapers could replace older equipment with newer, quieter equipment. He also said that he does not want to see landscapers go out of business due to regulation. Mr. Carini further addressed the potential health damage from particles that are kicked up by leaf blowers, and he thanked the Board of Health for taking this matter seriously.

Lake Road resident Paul Heitlinger asked about noise from lawn care equipment used by the Fairmount Country Club. Mr. LaConte read aloud the regulations in the Noise Ordinance regarding the allowed hours for lawn care equipment.

Mr. Simonfay addressed the impact of the Maplewood ordinance on the landscaping industry. He also asked about the intent of the Board's discussion, and Mrs. Plantemoli said that the intent is to enforce compliance with the Noise Ordinance. Mr. Simonfay asked why only landscapers are being targeted, and Ms. Taormina said that the Board would not want to take discriminatory action. Mr. Simonfay said that if leaf blowers cannot be used, residents would need to accept diminishing lawn care services. He also asked how many residents have complained about noise from leaf blowers. Ms. Taormina said that this is not the first time that residents have raised this issue with the Board of Health. Mr. Carini added that many residents complain about lawn care noise on the Facebook Chatham Community Forum.

Mrs. Plantemoli asked if landscaper equipment could be operated at a lower RPM. Mr. Simonfay said that he is not sure, and he said that often the industry moves in the direction of more powerful equipment that winds up being louder. Mr. Carini said that there was an ordinance adopted by a municipality in California that listed some compliant equipment. He also said that the Township's Noise Ordinance is sufficient if it is enforced. Mrs. Plantemoli said that education may be the best option, and that the issue arose this time because more people are working from home during the COVID-19 pandemic.

Mr. Simonfay asked why leaf blowers are being targeted rather than other types of equipment. Mr. Fitzpatrick said that leaf blowers are transient, and are used closer to a property line than a generator would be. Mr. Simonfay asked why property lines are relevant, and Mr. Fitzpatrick explained that noise ordinances measure sound levels at a property line. Mr. Simonfay asked about other types of equipment. Mr. LaConte opined that construction crews leave a neighborhood once a house is built, whereas landscaping crews come back and therefore attract more attention regarding noise complaints.

Mr. Simonfay asked if there is information available about the decibel levels of leaf blowers. Mr. Carini said that they are usually 85-100 decibels, and only the best ones are about 65 decibels. Mr. Carini asked if landscapers consider sound levels when they buy equipment. Mr. Simonfay said that noise levels are not something they have monitored.

Mr. Simonfay said that there came a time that landscapers had to start registering in Maplewood to do work there, and he said that the registration process would be a time for regulation information to be distributed. Mr. Simonfay further noted that he stopped working in Maplewood because of the regulations. Mr. LaConte suggested that the Board avoid creating regulations that would drive away landscapers.

Ms. Taormina reiterated Mr. Nikolopoulos's suggestion that a mailer be sent out to residents to remind them of the Noise Ordinance regulations. Mr. Nikolopoulos suggested that the letter also advise residents to inform their landscapers of the regulations.

Mr. LaConte said that he would prepare a draft letter for the Board of Health to review, and perhaps it can be sent out with the next round of tax bills.

Reports

Public Health Nurse

Mrs. Dolan reported that the outbreak of COVID at the Township's long-term care facilities has been declared over. She also discussed the current reporting process for COVID related issues. Regarding some recent cases, Mrs. Dolan said that one of them was someone outside of State whose permanent address still showed as Chatham Township. Regarding the Multi-Inflammatory Syndrome seen in children, Mrs. Dolan reported that of the 51 cases in New Jersey there have not been any deaths reported. Mrs. Dolan said that a lot of calls have been received for guidance regarding reopening of schools. Mrs. Dolan further reported that vaccinations are still available for children. It is not yet known if flu clinics will be held in the usual fashion, and Mrs. Dolan said that she has been in touch with the Senior Center. Mrs. Plantemoli noted that

Mr. Fitzpatrick walked the Municipal Building and Senior Center, and she asked if there are any State guidelines about reopening. Mr. Fitzpatrick said that he reviewed the current guidelines with the Senior Center. Mrs. Dolan said that when exposure to COVID takes place in a school, the Health Department takes the lead with contact tracing. She said that the Health Department may need assistance with that process. Privacy concerns will also need to be addressed. Mrs. Plantemoli asked if parents could be asked to sign a waiver acknowledging the risk of their child attending school. Mrs. Ewald asked about the increase in total counts, and if the recent cases are the start of a new uptick. Mrs. Dolan said that there have not been any LTC cases in a few weeks, and the recent cases have tended to be younger people. Some new cases have been associated with residents who travelled to hot spot areas, and one was a student who is out of state. Regarding contact tracing, Mrs. Dolan said that three attempts are made to contact people before the attempts are closed, and she described the challenges in contact tracing. Mrs. Dolan further reported that a pharmaceutical company is in the third phase of developing a COVID-19 vaccine.

REHS/Health Officer

Mr. Fitzpatrick reported that he has participated in a variety of Zoom calls about reopening schools, restaurants and other businesses. Pools have also been inspected. When inspecting restaurants, social distancing is being enforced. Mr. Fitzpatrick also addressed questions about operating summer camps amidst the COVID-19 pandemic.

Mrs. Plantemoli asked if there were any issues with outdoor dining. Mrs. Ewald commented that there are a number of restaurants that are offering outdoor dining, and there are more restaurants offering outdoor dining than had submitted applications for permission. These were restaurants that already had sidewalk seating or have green space where they can fit seating without impacting pedestrians or parking.

Registrar of Vital Statistics

Mr. LaConte reported that fees were collected for the following items in June 2020:

5 Marriage Licenses		$140
3 Marriage Certificates		$20
	Total	$160

Mr. LaConte also reported that for the 2nd Quarter of 2020, a payment was made to the State of New Jersey in the amount of $250 for 10 marriage licenses. He noted that a marriage license fee is $28, of which $25 is the State's portion.

Board of Health Secretary

Mr. LaConte reported that Mr. Fitzpatrick had done a walkthrough of the Municipal Building to offer guidance regarding the future reopening of the building, both for normal business and for public meetings.

Mr. LaConte reported that the contract with the Madison Health Department expires at the end of 2020, and Madison has indicated that they will no longer be offering contract renewals for health department services. Mr. LaConte asked Mr. Fitzpatrick to prepare a proposal for periods of 1-year, 3-years and 5-years. Mr. Fitzpatrick said that he will prepare the proposal, and the Bloomfield Health Department would be glad to take on Chatham Township as a client. He also commented on the services provided by the Bloomfield Health Department to the municipalities with whom they have contracts, and he said that any contract would be comparable with the contracts that the Township has previously had with Madison.

Mr. Nikolopoulos asked if the Township would be required to get multiple proposals. Mr. Fitzpatrick encouraged multiple proposals for comparative purposes. Mr. LaConte said that Chatham Borough contracts with Westfield, which could potentially be an option for comparison.

Mrs. Ewald asked if Mrs. Dolan is a Bloomfield or Madison employee. Mr. Fitzpatrick said that Mrs. Dolan is a Madison employee, and a contract could be written such that Mrs. Dolan would still be the Public Health Nurse serving Chatham Township.

Mr. Fitzpatrick noted that the decision by Madison to stop offering health department service contracts was due to pressure from the State Department of Health to have certain configurations in their contracts.

Meeting Open to Public

Mrs. Plantemoli opened the meeting to the public.
Seeing no public comment, the public hearing was closed.

Mrs. Ewald moved to adjourn at 9:24 PM. Mrs. Gardner seconded the motion, and it carried unanimously.

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Gregory J. LaConte
Board of Health Secretary