MINUTES
BOARD OF HEALTH
TOWNSHIP OF CHATHAM
JANUARY 14, 2020

Mr. LaConte called the reorganization 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 9, 2019; notice was posted on the bulletin board in the main hallway of the Municipal Building on January 9, 2019; and notice was filed with the Township Clerk on January 9, 2019.

Oaths of Office

Mrs. Ewald, Mrs. Fowler and Mr. Nikolopoulos were sworn in as members of the Board of Health. The oath was administered by Mr. LaConte.

Roll Call

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

Selection of Board President

Mrs. Gardner moved to select Lucille Plantemoli as Board President for 2020. Mrs. Fowler seconded the motion.

Roll call: Mrs. Ewald, Aye; Mrs. Fowler, Aye; Mr. Nikolopoulos, Aye; Mrs. Gardner, Aye; Mrs. Plantemoli, Aye.

Selection of Board Vice-President

Mrs. Plantemoli moved to select Lorie Gardner as Board Vice-President for 2020. Mrs. Ewald seconded the motion.

Roll call: Mrs. Ewald, Aye; Mrs. Fowler, Aye; Mr. Nikolopoulos, Aye; Mrs. Gardner, Aye; Mrs. Plantemoli, Aye.

Resolutions

RESOLUTION BH-2020-1
RESOLUTION OF THE BOARD OF HEALTH OF THE TOWNSHIP OF CHATHAM IN THE COUNTY OF MORRIS, NEW JERSEY, ESTABLISHING REGULAR MEETING SCHEDULE FOR THE BOARD OF HEALTH DURING 2020

WHEREAS, the "Open Public Meetings Act", N.J.S.A. 10:4-6 et seq. requires that public bodies provide adequate notice of meetings;

NOW, THEREFORE, BE IT RESOLVED by the Board of Health of the Township of Chatham in the County of Morris, New Jersey, as follows:

1) During the calendar year 2020 meetings will be held by the Board of Health to discuss or act upon public business at 7:30 p.m., prevailing time, at the Municipal Building on the following dates: February 11, March 10, April 14, May 12, June 9, July 14, August 11, September 8, October 13, November 10, December 8, and January 12, 2021.

2) Certified copies of this Resolution shall be (a) mailed to The Chatham Courier, (b) mailed to the Morris County Daily Record, (c) filed with the Municipal Clerk of the Township of Chatham, (d) posted on the bulletin board in the main hallway of the Municipal Building, and (e) mailed to any person requesting notices of the meetings of the Board of Health, pursuant to N.J.S.A. 10:4-19 who has paid the required fee

theretofore. The foregoing shall be accomplished within (7) days of the adoption of this Resolution.

RESOLUTION BH-2020-2
RESOLUTION OF THE BOARD OF HEALTH OF THE TOWNSHIP OF CHATHAM IN THE COUNTY OF MORRIS, NEW JERSEY, DESIGNATING NEWSPAPERS AND FIXING CHARGES FOR NOTICES OF PUBLIC MEETINGS OF SAID BOARD OF HEALTH DURING 2020

WHEREAS, the "Open Public Meetings Act", N.J.S.A. 10:4-6 et seq., be given of meetings of public bodies as therein defined and in the manner therein set forth;

NOW, THEREFORE BE IT RESOLVED by the Board of Health of the Township of Chatham in the County of Morris, New Jersey, as follows:

1. The public place for posting of notices of meetings of the Board of Health for the calendar year of 2020 shall be on the bulletin board in the main hallway of the Municipal Building.

2. The sum of $10.00 is hereby fixed as the fee to be paid by any person requesting that notices of the meetings of the Board of Health during the calendar year 2020 be mailed to such persons as specified in R.S.40:4-19, provided, however, that no charge shall be made to any newspaper requesting the mailing of notices to its business office.

3. Certified copies of this Resolution shall be mailed by the Secretary of the Board of Health to **THE CHATHAM COURIER** and the **MORRIS COUNTY DAILY RECORD**, and a certified copy shall be filed with the Clerk of the Township of Chatham.

RESOLUTION BH-2020-3
RESOLUTION OF THE BOARD OF HEALTH OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, APPOINTING GREGORY J. LACONTE BOARD SECRETARY

WHEREAS, the Board of Health of the Township of Chatham, County of Morris, State of New Jersey, desires to appoint Gregory J. LaConte as Board Secretary for the period commencing January 1, 2020 and ending December 31, 2020.

NOW, THEREFORE, BE IT RESOLVED by the Board of Health of the Township of Chatham as follows:

1. Gregory J. LaConte is hereby appointed as Board Secretary for a term commencing January 1, 2020 and terminating December 31, 2020.

2. The compensation to be paid to Gregory J. LaConte for services rendered to the Board shall be an annual salary in accordance with the Salary Resolution of the Township of Chatham.

RESOLUTION BH-2020-4
RESOLUTION OF THE BOARD OF HEALTH OF THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, APPOINTING ATTORNEY FOR THE BOARD FOR THE YEAR 2020

WHEREAS, after consideration, the Board of Health of the Township of Chatham has determined to engage the services of Marisa A. Taormina, Esq. as attorney for the Board for the calendar year 2020.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Health of the Township of Chatham, in the County of Morris, New Jersey, as follows:

1. Marisa A. Taormina, Esq. is hereby appointed as the attorney for the Board of Health for the calendar year 2020. The compensation for the services performed shall be within the amount provided in the 2020 Budget for the Board of Health legal services.

2. This contract is awarded without competitive bidding as a professional service under the provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-5(a) (a) (i), and notice of the award shall be published as required by law.

RESOLUTION BH-2020-5
RESOLUTION OF THE BOARD OF HEALTH OF THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, AUTHORIZING A CONTRACT WITH MOTT MacDONALD FOR PROFESSIONAL CONSULTING ENGINEERING SERVICES

WHEREAS, the Board of Health of the Township of Chatham requires professional consulting engineering services in connection with the review of applications submitted to the Board for permits and other approvals;

WHEREAS, a proposed contract for professional consulting engineering services for the calendar year 2020 has been submitted to the Board by Mott MacDonald in the form marked "Appendix A" and attached to the Resolution, and such proposed contract is acceptable to the Board;

WHEREAS, funds will be available for payment for the services rendered by Mott MacDonald to the Board, such funds being available through technical review fees charges to applicants and/or through funds appropriated for Board operations in the 2018 Township of Chatham budget; and

WHEREAS, the Local Public Contracts Law requires that public notice be given of the award of any contract for professional services without competitive bidding.

NOW, THEREFORE, BE IT RESOLVED by the Board of Health of the Township of Chatham, in the County of Morris, New Jersey, as follows:

1. A contract for professional consulting services during the calendar year 2020 is hereby awarded to Mott MacDonald such contract to be as set forth in "Appendix A" attached to this Resolution.

2. The Mayor is hereby authorized and directed to execute on behalf of the Board the contract awarded by Paragraph 1 of this Resolution, and the Township Clerk is hereby authorized and directed to attest such contract.

3. The award of contract pursuant to this Resolution is made without competitive bidding in accordance with the professional service provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a)(i).

4. Notice of this contract award shall be published by the Secretary of the Board as required by law.

5. A certified copy of this Resolution shall be forwarded by the Secretary of the Board to Mott MacDonald.

Mr. LaConte said that the resolutions can be adopted together in one motion as a consent agenda.

Mrs. Plantemoli noted that the professional service contracts are with the same professionals as last year.

Mr. LaConte noted the meeting schedule for 2020, and mentioned that sometimes meetings are cancelled due to a lack of agenda items. He also asked that members let him know if they will be attending upcoming meetings so that a quorum is assured.

Mrs. Plantemoli moved to adopt the resolutions. Mrs. Gardner seconded the motion.

Roll call: Mrs. Ewald, Aye; Mrs. Fowler, Aye; Mr. Nikolopoulos, Aye; Mrs. Gardner, Aye; Mrs. Plantemoli, Aye.

Approval of Minutes

Mrs. Plantemoli moved to approve the minutes of the December 10, 2019 meeting. Mrs. Gardner seconded the motion, and it carried unanimously.

Reports

Public Health Nurse

Mrs. Dolan introduced herself to the new Board of Health members, and provided an overview of the role of the Public Health Nurse. She said that immunization audits of schools, preschools and child care centers are being conducted. Mrs. Dolan said that there was a vote in the State Legislature to suspend religious exemptions for immunizations, and the motion was defeated by one vote. New York recently stopped religious exemptions as an option. Mrs. Dolan also reported on upcoming screening clinics to be held at the Madison Health Department. She further reported that flu shots are still available, and there is currently a high rate of reported cases. Mrs. Dolan said that the flu is an underreported disease, as it is only reported when people go to a hospital or if testing is done. Mr. LaConte asked about the efficacy of the flu shot. Mrs. Dolan said that data comes at the end of the season.

Mrs. Ewald asked about lead test monitoring. Mrs. Dolan said that any lead test on a child is reported into a statewide system. She said that there were 2 tests reported in December, which is a low number. Mrs. Dolan also noted the lead ranges that require a response from the Health Department. Mrs. Ewald asked about the year-to-date numbers for 2019 compared with 2018. Mrs. Dolan said they are routine tests. She also commented on potential sources of lead, noting that it could be environmental or could be from foreign-made toys. Mrs. Dolan also said that unregulated foods could also be a source of lead.

REHS/Health Officer

Mr. Fitzpatrick said that the Health Department is caught up on retail food establishment inspections. He also provided an explanation of the different risk levels for retail food establishments. Mr. Fitzpatrick further discussed the difference between satisfactory, conditional and unsatisfactory ratings. He also said that there could be situations where an establishment has an unsatisfactory rating through no fault of their own, such as if a sewer line backed up, but the conditions still need to be dealt with before the establishment reopens. Mr. LaConte noted that during his years as Board Secretary, there was only ever one instance of a retail food establishment being shut down by the Health Department, which had more to do with a licensing issue.

Mr. Fitzpatrick said that the Health Department also addresses matters related to noise violations, contamination of ground water, septic systems, wells, air pollution and hoarding conditions.

Mr. Fitzpatrick gave an update on a circumstance of a hoarder that was addressed, and the resident has been able to move back into their home. The resident asked about having cats, which has been discouraged because they previously had more cats than they were able to care for.

Mr. Fitzpatrick also gave an update on a noise violation from a generator, for which a notice of violation had been issued. The generator has since been moved by the homeowner, and Mr. Fitzpatrick is going to confirm with the Construction Official that the necessary permits were issued and inspections performed. He also said that installers should check sound levels before installation to make sure that the generators are at the appropriate setback. Mr. LaConte referred to an email from the property owner citing that the generator had been moved and that they had felt unfairly targeted. Mr. Fitzpatrick noted that the noise violation is not forgiven due to the fact that the Township had issued UCC permits for the installation. Mr. Fitzpatrick said that the noise limits are 65 decibels in the daytime and 55 decibels in the nighttime. Mrs. Plantemoli noted that the complaint centers around the test runs for the generator. Mr. Nikolopoulos asked if the time when the tests are conducted could be changed. Mr. LaConte noted that was already done, and the issue has remained. Mr. Fitzpatrick noted that the problem cannot be addressed during an emergency such as the aftermath of Hurricane Sandy. Mrs. Fowler asked if the same noise standard applies to yard equipment. Mr. Fitzpatrick said that yard equipment is transient, compared with a generator which is in a fixed location. Mrs. Gardner asked if inspectors check for the sound levels of generators. Mr. LaConte said that the permits issued for generators are

per UCC codes, and the inspectors from the Construction Department will not be checking for sound levels. Mr. Fitzpatrick further described the impact of the generator for which there was the violation. Mr. Nikolopoulos said that there are noise cancellation options available when generators are installed. Mr. Fitzpatrick also noted that background noise is taken into account when measurements are made. Mrs. Plantemoli suggested that if there is a long-term power outage, the aggrieved neighbor would probably want to share power with the neighbor who has the generator.

Registrar of Vital Statistics

Mr. LaConte reported that fees were collected for the following items in December 2019:

4 Death Certificates		$30
	Total	$30

Mr. LaConte also reported on the total revenue collected for 2019. He suggested that the Board may want to review the fees for certified copies. He said they are $10 for the first copy with $5 for each additional, and the fees have not been updated in several years. Mrs. Dolan said that in Madison, a certified copy of a marriage certificate is $20 for the first and $15 for each additional. Madison's fees for certified copies of death certificates is $10 for each copy. He also said that the volume of requests can fluctuate.

Board of Health Secretary

Mr. LaConte reported that renewal of retail food licenses is underway, as are renewal of dog licenses. Mrs. Plantemoli asked about the term of a dog license. Mr. LaConte said that dog and cat licenses are annual licenses. He also noted that not many cat owners license their cats, and the primary way to enforce licensure would be to conduct a dog & cat census. Mr. LaConte said that the fees for dog licenses are $21 for neutered and spayed dogs, and $24 for non-neutered or spayed. Of the fee, $1.20 is the State's share plus any $3 fees for population control. Mr. Nikolopoulos asked if there is a way to have online renewals. Mr. LaConte said that it may be possible, provided that the Township start collecting payments by credit card. He noted that credit card payments would have to include a processing fee. Mr. Nikolopoulos said that people would likely be willing to pay the processing fee for the convenience of online renewal. Mrs. Fowler asked what happens if a pet owner fails to license their dog or cat. Mr. LaConte said that a summons could be issued, and the pet could be quarantined if there is a potential rabies exposure.

Discussion

Well Permit Application – 80 Swamp Road

Mr. LaConte said that an application for a well permit for 80 Swamp Road was received. The application was reviewed by both the Health Officer and the Board Engineer.

Mrs. Plantemoli asked if the well would be for the home's water supply. Mr. Fitzpatrick said that it would, and that homes are required to be on the public water system when available. He also addressed the necessary setbacks from septic systems and required depths. Mr. Fitzpatrick further discussed several technical aspects of wells.

Mrs. Plantemoli asked if this well is in a different spot from the older well. Mr. Fitzpatrick said it is a new spot, because new wells cannot be drilled in the same spot as an old well. He also said that wells can last for 75 to 100 years, and well drilling techniques have improved since the old well was drilled. Mrs. Plantemoli asked about the cost of drilling a new well. Mr. Fitzpatrick said it is much cheaper than installing a new septic system, and the proposed well could be $10,000 to $11,000. Mr. Nikolopoulos asked about use of wells for landscaping. Mr. Fitzpatrick said that it is usually not allowed to hook up an irrigation system to a well, as the water technically is owned by the State. However, plants can be hand-watererd.

Mrs. Ewald asked if there are rules for decommissioning the old well. Mr. Fitzpatrick said that it will need to be filled and sealed. He also said that there are State approvals for issuance of a well permit. Mr. Fitzpatrick further noted that the old well would not be abandoned until after

the new well has been drilled and tested, otherwise the home would lose its water supply. Mrs. Ewald asked if the Township follows up to make sure that is done, and Mrs. Plantemoli asked if the abandonments plan can be submitted to the Board.

Mrs. Plantemoli asked about the size of the well. Mr. Fitzpatrick said that wells are measured by the rate of flow, and 2 gallons/minute is the minimum rate required. He also said that well systems have holding tanks so that normal water usage can occur.

Mrs. Plantemoli moved to approve the well permit application, contingent upon submission of the well abandonment plan. Mrs. Gardner seconded the motion.

Roll call: Mrs. Ewald, Aye; Mrs. Fowler, Aye; Mr. Nikolopoulos, Aye; Mrs. Gardner, Aye; Mrs. Plantemoli, Aye.

Meeting Open to Public

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

Mrs. Ewald moved to adjourn at 8:50 PM. Mrs. Gardner seconded the motion, and it carried unanimously.

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Gregory J. LaConte
Board of Health Secretary