

**MINUTES  
BOARD OF HEALTH  
TOWNSHIP OF CHATHAM  
MARCH 13, 2007**

President Jim Brown called the regular meeting of the Board of Health to order at 7:30 P.M.

Answering present to the roll call were Mr. Hartford, Mr. Nachtigal and Mr. Brown. Dr. Marano arrived a few minutes after roll call. Mr. Newby arrived at 8:05 P.M. Attorney Taormina was not present.

**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 12, 2007; notice was posted on the bulletin board in the main hallway of the Municipal Building on January 12, 2007; and notice was filed with the Township Clerk on January 12, 2007.

**Approval of Minutes**

Mr. Brown moved to approve the minutes of January 9, 2007. Mr. Nachtigal seconded the motion and it carried unanimously.

**Reports**

Registered Environmental Health Specialist- Ben Samara reported that during the month of January he started to introduce the retail food establishments to the new code. Mr. Samara noted some of the changes with the new code and explained that one person from each retail food establishment must be certified. All the retail food establishment inspections during the month of January were satisfactory. Mr. Samara reported that he inspected a septic system at 567 River Road and he is working on a mold complaint at the Heritage Green Condos. A complaint about an odor at King James Nursing Home was corrected. A debris complaint at an abandoned house on Southern Boulevard has been rectified.

During the month of February, all the retail food establishment inspections were satisfactory with the exception of Salad Works that received a conditional rating. Mr. Samara has since reinspected the restaurant and it was satisfactory. An oil spill occurred at Chatham High School when a holding tank flooded on the floor, but it was contained very well. A debris problem in a yard at a house on Meyersville Road is still pending. Mr. Samara will also follow up with a reinspection concerning debris at a house on Fairmount Avenue. Mr. Hartford inquired about the recent norovirus at Fairleigh Dickinson. Mr. Samara said the common areas have been sanitized. Mr. Hartford questioned whether the Board of Health could take any pro-active measures before any outbreak takes place. Mr. Samara said he could talk with the schools and the nursing homes concerning the importance of hand washing.

Registrar of Vital Statistics- Mrs. Wiley reported the following licenses were issued:

|   |       |            |
|---|-------|------------|
| January                                   |       |            |
| 6 Certified copies of Marriage Licenses   |       | \$ 45      |
| 28 Certified copies of Death Certificates |       | <u>175</u> |
|   | Total | \$220      |
| February                                  |       |            |
| 3 Marriage Licenses                       |       | \$84       |
| 7 Certified copies of Marriage Licenses   |       | 60         |
| 11 Certified copies of Death Certificates |       | <u>65</u>  |
|   | Total | \$209      |

Secretary- Mrs. Wiley reported that a second reminder had been sent out to the few retail food establishments that have not renewed their license yet this year. Mr. Samara has been following up with them as well.

A letter has been prepared that will be sent out later this month regarding compliance with the Board of Health requirement to pump out the septic system every three years. A copy of the letter dated February 16, 2007 that was received from Murphy and Hollows was distributed to the Board. Mrs. Wiley also advised that with regard to a recent blockage in the sewer lines, the Township Engineer John Ruschke had requested that the Board of Health follow up with all the restaurants in the Southern Boulevard area to insure that they are disposing of grease properly. Mr. Samara said he would contact the restaurants in the area and request copies of receipts indicating the grease traps have been cleaned.

Mr. Brown moved to accept the reports. Mr. Nachtigal seconded the motion and it carried unanimously.

### **Public Hearing/Final Adoption of Ordinances**

#### **ORDINANCE BH- 1-07**

### **AN ORDINANCE OF THE BOARD OF HEALTH OF THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, REQUIRING LICENSING AND THE INOCULATION AGAINST RABIES OF CATS WITHIN THE TOWNSHIP AND PROVIDING PENALTIES FOR VIOLATION THERETO**

**WHEREAS**, the Board of Health of the Township of Chatham, in the County of Morris, has determined that the spread of rabies to this area of New Jersey requires the adoption of certain regulations for the protection of the public health and welfare of residents of the Township.

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

1. Definitions. For purposes of this ordinance the following terms shall have the meanings set forth below.

“Cat” shall mean and include any member of the domestic feline species, male, female or neutered which has attained the age of seven (7) months of which possesses a set of teeth.

“Certificate of Exemption” shall mean a certificate issued by a duly licensed veterinarian stating that because of an infirmity, other physical condition or regimen of therapy, the inoculation of a particular cat against rabies is deemed inadvisable.

“Owner of a cat” shall mean and include any person who has a right of property in or custody of a cat, who harbors or maintains a cat, or who knowingly permits a cat to remain on or about any premises occupied by that person within the Township of Chatham.

“Resident of the Township of Chatham” shall mean a person whose ordinary dwelling place is within the Township of Chatham.

2. Requirement for Inoculation of Cats against Rabies.

2.1 Every resident of the Township of Chatham who is the owner of a cat shall have and keep such cat inoculated against rabies through October of the year the license of said cat is issued, unless a certificate of exemption issued to such cat is currently effective.

2.2 All cats shall be vaccinated against rabies by a licensed veterinarian in accordance with the latest Compendium of Animal Rabies Vaccines and Recommendations for Immunization, published by the National Association of State Public Health Veterinarians.

3. Requirements for licensure of cats.

3.1. Any person who shall own, keep or harbor a cat of licensing age (seven months) shall annually, in January, apply for and procure from the Animal Licensing Clerk a license and official metal registration tag for each cat owned, kept or harbored. License tags are not transferable.

3.2 Whenever any person commences to own, keep or harbor a cat of licensing age after January 31<sup>st</sup> in any year, that person shall

comply with the aforesaid licensing requirement within ten (10) days after the cat is acquired or becomes of licensing age.

3.3 Any person who shall bring in or cause to be brought in to the Township of Chatham any cat licensed in another state for the current year and possessing a registration tag, and who shall keep the same or permit the same to be kept within the Township of Chatham for a period of more than 90 days shall immediately apply for a license and registration tag for each such cat. Any person who shall bring in or cause to be brought in to the Township of Chatham any unlicensed cat from another state and who shall keep the same or permit the same to be kept within the Township of Chatham for a period of more than ten (10) days shall immediately apply for a license and registration tag for each such cat.

3.4 The current valid license of a cat brought into the Township of Chatham from another municipality shall remain in effect until its expiration date, as issued by the foreign municipality. Thereafter, any owner of a cat shall have ten (10) days following expiration of said license, to apply to the Township of Chatham for a new license and registration tag.

3.5 The license application shall state the breed, sex, age, color and markings of the cat for which license and registration are sought and whether it is of a long or short-haired variety. The name and street address of the owner of such cat shall also be provided.

3.6 License forms and official tags shall be furnished by the Animal Licensing Clerk and shall be numbered sequentially and shall bear the year of issuance and the name of the municipality.

3.7 The Animal Licensing Clerk shall not issue a license and registration tag for any cat unless the owner thereof provides evidence that the cat to be licensed and registered has been inoculated with a rabies vaccine, as provided by Section 2. of this Ordinance. The rabies inoculation shall be administered by a duly licensed veterinarian permitted by law to do the same.

3.8 A license shall be issued after payment of an annual fee of \$8.00 for each cat that is spayed or neutered and an annual fee of \$11.00 for each cat that is not spayed or neutered. Persons who fail to obtain a license as required within the time period specified in this section shall be subject to a late fee of \$5.00.

3.9 If a cat license tag has been misplaced or lost, the Animal Licensing Clerk may issue a duplicate registration tag for the particular cat for a fee of \$5.00.

3.10 Proof of cat licensing shall be produced by any person owning, keeping, maintaining or harboring a cat, upon the request of any health official, police officer, animal control officer or other authorized person.

3.11 Any person who violates or fails or refuses to comply with the provisions of this Ordinance shall be liable for a penalty not less than \$25.00 and not more than \$500.00. Each day that a violation of or failure or refusal to comply with the provisions of this Ordinance shall constitute a separate offense.

3.12 If the provision of any section of this Ordinance shall be judged invalid by any Court of competent jurisdiction, such Order or Judgment shall not effect or invalidate the remainder of any such section, paragraph or clause, and, to this end, the provisions of this Ordinance are hereby declared to be severable.

3.13 All other provisions of the said ordinance shall remain in full force and effect.

3.14 All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistencies.

3.15 Each and every provision relating to the inoculation of cats against rabies contained in Ordinance BH-2-90 adopted on April

10, 1990 by the Board of Health of the Township of Chatham, in the County of Morris, State of New Jersey, is hereby repealed and rescinded.

4. Effective date.

4.1 This ordinance shall take effect on January 1, 2008.

Mr. Brown opened the hearing on Ordinance BH-1-07 to the public. Hearing no one, Mr. Brown closed the public hearing.

Mr. Brown moved to adopt Ordinance BH-1-07. Dr. Marano seconded the motion.

Mr. Hartford questioned the enforcement aspect of the ordinance and whether an individual would need to appear in court. Mr. Hartford was concerned about the possible consequence of this ordinance. Mr. Nachtigal thought a fine or summons would be necessary as the incentive to comply with the ordinance. Mr. Brown suggested that reminders could first be sent to individuals who did not comply. Mr. Samara added that if there were continual problems with compliance, the individual would receive a summons to appear in court. The Judge has discretion with the amount of the fine. Mr. Brown explained that all the Board of Health ordinances require individuals to appear in court to explain to the Judge why they did not comply. Mr. Hartford also said he had questioned the Township Attorney as to why the dog licensing falls with the Township, and cat licensing falls under Board of Health.

**Roll call:** Dr. Marano, Aye; Mr. Hartford, Aye; Mr. Newby, Aye; Mr. Nachtigal, Aye; Mr. Brown, Aye.

**New Business**

Septic System Alteration, Block 62, Lot 68, 504 River Road

The owners Nils Klarlund and Lien Tran were present. The architect, Arthur Demarest, was not at the meeting. Carrie Feuer, P.E. from Metcalf and Eddy referenced Metcalf and Eddy's letter dated February 27, 2007. Mrs. Feuer explained that the homeowners wanted to move the existing tank 11 feet since the house is expanding. The septic system design was approved by the Board of Health for construction of a 4 bedroom house in 1993. Mrs. Feuer stated the main concern is the number of bedrooms in the house since this is an alteration, not a repair of a failed septic system and the size of the septic system directly relates to the number of bedrooms. Mrs. Feuer said the new library could be considered a new bedroom and although the system is oversized with the old Chatham regulations, an engineer would need to review the design and do the calculations. Mr. Brown said that even though the intent of homeowners was to use the room as a library, if the house was ever sold, new homeowners might use the room as a bedroom. Mrs. Feuer read the description of a bedroom in the New Jersey Administrative Code. Mr. Klarlund offered to make an opening in the room into the hallway to create a balcony effect so it would look more like a loft than a room. Dr. Marano questioned the probability that the septic system would need to be changed if this was considered a 5-bedroom house. Mrs. Feuer responded that there was a high likelihood that the size of the disposal field may be adequate given Chatham's standards at the time this septic system was designed, however an engineer would need to review the design to make sure the present requirements are met. Mr. Nachtigal also noted the new walk was an encroachment over the trenches. Mr. Klarlund stated that would be changed. Mr. Hartford raised the question about whether a resolution or deed restriction could apply stating the library could not be used as a bedroom. Mr. Brown did not think that would be a viable option. Following the discussion, the Board determined that they could not be convinced that the room being added could not be used as a bedroom. Therefore, the homeowners would need to get a professional engineer to verify the disposal field is adequate and that the septic tank is the right size for a 5-bedroom house. The Board suggested that the homeowners submit an application for a septic system alteration and ask their engineer to work with Mrs. Feuer prior to the next Board of Health meeting so that Metcalf and Eddy could provide a letter at that meeting recommending approval of the design.

With reference to the Murphy & Hollows letter dated February 16, 2007 regarding property at 526 Green Village Road, Mrs. Feuer said the system was built in September 2000. The Board was curious whether this is a special aeration system. The Board briefly discussed the letter and

thought normal procedures should be followed. Mrs. Feuer will contact Mr. Murphy to discuss the letter and suggest that Murphy and Hollows comes back to the Board with a conceptual plan.

There being no further business, Mr. Brown moved to adjourn at 9:00 P.M. Mr. Nachtigal seconded the motion and it carried unanimously.

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Joy M. Wiley  
Board of Health Secretary