

**MINUTES
BOARD OF HEALTH
TOWNSHIP OF CHATHAM
NOVEMBER 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. Newby, Mr. Nachtigal and Mr. Brown. Dr. Marano was absent. Attorney Taormina was also 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 the July 10, 2007 meeting. Mr. Nachtigal seconded the motion and it carried unanimously.

The approval of the minutes from October 9, 2007 was held until later in the meeting.

Reports

Registered Environmental Health Specialists-

Ben Samara reported that some of the retail food establishments would be inspected a third time over the next few weeks and that many of the schools had been inspected this past month. Mr. Samara said he had done a septic inspection at 840 Meyersville Road. The areas around Hickory Plaza, Drug Fair and Charlie Brown's have been checked and there has been no evidence of rodents. A complaint was received about a dead rodent on the corner of Dale Drive and Noe Avenue, but no evidence was found. A noise complaint from a Madison resident was received about Cougar Field. Mr. Samara informed the Board the machine that tests the noise level is being calibrated and that he would follow up with readings at Cougar Field once it is received back. Mr. Samara also advised he had made some suggestions about the sound equipment to the school superintendent. A complaint was received concerning the demolition of a house on Dale Drive and the suggestion was made to use water to keep the dust down. Tamica Trotman reported that most of the retail food inspections in October were satisfactory with the exception of Good Taste Restaurant and Green Village Deli that received conditional ratings. Upon reinspection, both restaurants were satisfactory. Mrs. Trotman also advised there was a food recall of Topp's meat and Jenos Pizza. Mr. Hartford inquired about the MRSA bacterial infection in schools that is resistant to most antibiotics. Mr. Samara advised the nursing services do audits in the school once or twice a year. Mrs. Trotman added Morris Plains is taking a proactive approach by requiring the students to wash their hands before and after lunch.

Registrar of Vital Statistics-

The Deputy Registrar, Gregory La Conte reported the following licenses were issued in October:

3 Marriage Licenses	\$ 84
15 Certified copies of Marriage Licenses	100
48 Certified copies of Death Certificates	<u>270</u>
Total	\$454

Secretary – Gregory La Conte advised the Board about the additional flu clinics that were being held. Mr. Hartford made a suggestion that the website include a notice that eligible residents who missed the Chatham Township clinic could contact Madison Health Department to make an appointment to receive their flu shot. Discussion followed about who could receive a free flu shot. Mr. Brown reported 329 flu shots had been given to either Chatham Township residents or people who work for Chatham Township. Mr. Nachtigal said the CDC had made a recommendation that children under five years of age should get flu shots because they are at high risk. Mr. Nachtigal read a letter his daughter had brought home from school concerning this recommendation and thought the Board of Health should consider flu shots for children at our

clinic based on the CDC recommendation. Mrs. Trotman advised that some child doses are available. Mr. Brown recommended that residents should contact the Madison Health Department. With regard to the Flu Clinic, both Mr. Brown and Mr. Hartford agreed it went very well. Mr. Hartford thought more table space might have helped.

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

Introduction of Ordinance

ORDINANCE BH-2-07

AN ORDINANCE AMENDING AN ORDINANCE OF THE TOWNSHIP OF CHATHAM IN THE COUNTY OF MORRIS, NEW JERSEY ADOPTING THE PUBLIC HEALTH NUISANCE CODE OF NEW JERSEY (1953)

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. Section 3, Penalties, of Ordinance BH-3-79 adopted April 10, 1979 by the Board of Health of the Township of Chatham, in the County of Morris, State of New Jersey for the purpose of adopting the Public Health Nuisance Code (1953), is hereby further amended so that said section shall read in its entirety, as follows:

Section 3. PENALTIES.

Any person who violates or neglects to comply with any provision of the Public Health Nuisance Code of New Jersey (1953) hereby adopted, or who fails to comply with any notice issued pursuant thereto, shall upon conviction thereof be subject to a fine not to exceed One Thousand (\$1,000.00) Dollars for each offense and an additional penalty of not more than Fifty (\$50.00) Dollars for each day the violation continues to exist.

This Ordinance shall take effect immediately following publication of notice of final adoption as provided by law.

The Board discussed the purpose of the ordinance was to provide the Judge with more latitude and to make it consistent with other ordinances.

Mr. Brown moved to introduce Ordinance BH-2-07. Mr. Nachtigal seconded the motion.

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

Public hearing will be scheduled for December 11, 2007.

Mr. Hartford told the Board about the Property Maintenance Ordinance that has been introduced by the Township Committee and suggested the Board review it on the Township website. A concern was raised about the enforcing official.

Discussion

Noise Ordinance- Mr. Brown said that in reviewing parts of the State Model Noise Ordinance, it appears that each municipality has the right to accept or not accept certain sections and noted that landscaping and yard maintenance equipment is exempt from the State Noise Ordinance. Discussion followed about whether the State Noise Ordinance is more restrictive than the Township's Noise Ordinance. The Board also reviewed the sections pertaining to commercial and non-commercial power tools and equipment. Attorney Taormina advised the current noise ordinance for the Township of Chatham does not distinguish between commercial and domestic use. Mr. Nachtigal said the question had come up at the last meeting whether commercial lawn equipment and leaf blowers were exempt from the noise ordinance and whether landscapers fall under these guidelines. Mr. Brown stated that landscapers are not exempt from our Township Noise Ordinance. Mr. Hartford said any change in the noise ordinance may need approval from the NJ DEP and the entire ordinance would be reviewed. Mr. Brown suggested that the Board of

Health not act on this and mentioned the noise ordinance passed in Chatham Borough was by the governing body and not by the Board of Health. Attorney Taormina thought State approval was needed when the local ordinance starts setting local decibel levels. Mr. Nachtigal commented on noise levels stating there is a trade off when four men using leaf blowers create a louder disturbance for a much shorter period of time, versus one person using a leaf blower for a much longer period of time. Mr. Hartford thought some communities are requiring landscapers to use equipment that is quieter.

Letter from Carrie Feuer, PE for Metcalf and Eddy regarding Block 48.18, Lot 140, the Farm at Green Village- Mr. Brown said he had discussed the septic system design with Carrie Feuer and that the engineer had changed the proposed design from a gravity dosing to a pressure dosing system. Four minor items would still need to be resolved as indicated in her letter of November 8, 2007.

Attorney Taormina made a suggestion that the Board amend the conditional approval that was previously given to incorporate a pressure dosing system. Mr. Brown moved the amendment of the conditional approval to incorporate a pressure dosing system. Mr. Nachtigal seconded the motion.

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

Meeting Open to the Public

A Township resident and student at the College of St. Elizabeth's was present as part of a course requirement to observe a Board of Health meeting.

Mr. Hartford also inquired about shared services for Board of Health and cost efficiency.

Approval of Minutes of October 9, 2007- Mr. Nachtigal asked that the section in the October 9, 2007 minutes pertaining to the Flu Clinic include his comment about the CDC recommendation that healthy children from 6 months to five years be vaccinated.

Mr. Brown moved approval of the minutes of October 9, 2007 as amended. Mr. Nachtigal seconded the motion.

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

Since there was no further business, Mr. Brown moved to adjourn at 8:45 P.M. Mr. Nachtigal seconded the motion and it carried unanimously.

Joy Wiley
Board of Health Secretary