

**MINUTES
BOARD OF HEALTH
TOWNSHIP OF CHATHAM
FEBRUARY 9, 2010**

Mr. Jim Brown called the regular meeting of the Board of Health to order at 7:34 P.M.

Answering present to the roll call were Dr. Marano, Mr. Newby, Mr. Nachtigal, and Mr. Brown. Mr. Tubbs arrived late. Mr. Samara and Ms. Taormina were 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 20, 2010; notice was posted on the bulletin board in the main hallway of the Municipal Building on January 20, 2010; and notice was filed with the Township Clerk on January 20, 2010.

Selection of President

Mr. Newby moved to nominate Jim Brown to serve as President of the Board of Health for 2010. Dr. Marano seconded the motion, and it carried unanimously.

Selection of Vice President

Mr. Brown moved to nominate John Nachtigal as Vice President of the Board of Health for 2010. Dr. Marano seconded the motion, and it carried unanimously.

Resolutions

**RESOLUTION BH-2010-1
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 2010.**

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 2009.

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 2010. The compensation for the services performed shall be within the amount provided in the 2010 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.

Mr. Brown moved to pass Resolution BH-2010-1. Mr. Nachtigal seconded the motion.

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

**RESOLUTION BH-2010-2
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 2010**

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 2010 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: March 9, April 13, May 11, June 15, July 13, August 10, September 14, October 12, November 9, December 14, and January 11, 2011.
- 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.

Mr. LaConte pointed out that to hold a meeting on the second Tuesday in June would conflict with Primary Election Day. The Board decided that the June meeting would be scheduled for the third Tuesday instead.

Mr. Brown moved to pass Resolution BH-2010-2. Mr. Nachtigal seconded the motion.

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

**RESOLUTION BH-2010-3
RESOLUTION OF THE BOARD OF HEALTH OF THE TOWNSHIP OF CHATHAM
AUTHORIZING APPLICATION FOR STATE AID FOR HEALTH SERVICES**

WHEREAS, N.J.S.A. 26:2F-1 et seq., provides that State Aid for health services shall be provided annually and shall be made available for distribution by the State Department of Health to local health agencies in amounts and in accordance with the criteria and the formula for distribution provided and set forth in said statute; and

WHEREAS, the Township of Chatham Board of Health is desirous of receiving an equal share of the funds allocated for health services for the period of January 1 through December 31, 2010, for certified health services as prescribed by statutory law;

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

1. That said Board does hereby request the State Department of Health to make available to the Board of Health of the Township of Chatham the maximum amount to which said Department is entitled to receive as its equal share of money to be allocated as aid toward rendering health services during the period January 1 through December 31, 2010, as authorized by N.J.S.A. 26:2F-1 et seq., and
2. That John Theese, the Health Officer of the Borough of Madison, is hereby instructed and authorized to complete and execute the necessary application forms for such State Aid and to forward same, together with a certified copy of this resolution, to the State Department of Health.

Mr. Brown moved to pass Resolution BH-2010-3. Mr. Nachtigal seconded the motion.

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

**RESOLUTION BH-2010-4
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 2010**

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 CHATHAM COURIER** and **THE MORRIS COUNTY DAILY RECORD** are hereby designated for the calendar year 2010 as the two newspapers to receive notices of meetings of the Board of Health as required by any and all sections of the Open Public

Meetings Act, it appearing that these newspapers are the most likely to inform the local public of such meetings.

2. The public place for posting of notices of meetings of the Board of Health for the calendar year of 2010 shall be on the bulletin board in the main hallway of the Municipal Building.
3. 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 2010 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.
4. 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.

Mr. Brown moved to pass Resolution BH-2010-4. Mr. Nachtigal seconded the motion.

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

RESOLUTION BH-2010-5

RESOLUTION OF THE BOARD OF HEALTH OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, APPOINTING GREGORY J. LACONTE REGISTRAR OF VITAL STATISTICS AND 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 Registrar of Vital Statistics for the period commencing January 1, 2010 and ending December 31, 2012.

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, 2010 and ending December 31, 2010.

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 Registrar of Vital Statistics for a term commencing January 1, 2010 and terminating December 31, 2012.
2. Gregory J. LaConte is hereby appointed as Board Secretary for a term commencing January 1, 2010 and terminating December 31, 2010.
3. 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.

Mr. Brown moved to pass Resolution BH-2010-5. Mr. Nachtigal seconded the motion.

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

RESOLUTION BH-2010-6

RESOLUTION OF THE BOARD OF HEALTH OF THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, AUTHORIZING A CONTRACT WITH AECOM TECHNICAL SERVICES INC. 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, the firm of AECOM Technical Services, Inc. has been rendering professional consulting engineering services to the Board for such purposes;

WHEREAS, a proposed contract for professional consulting engineering services for the calendar year 2010 has been submitted to the Board by AECOM Technical Services, Inc. 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 AECOM Technical Services, Inc. to the Board, such funds being available through technical review fees

charges to applicants and/or through funds appropriated for Board operations in the 2010 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 2010 is hereby awarded to AECOM Technical Services, Inc. such contract to be as set forth in "Appendix A" attached to this Resolution.
2. The President of the Board of Health is hereby authorized and directed to execute on behalf of the Board the contract awarded by Paragraph 1 of this Resolution, and the Secretary of the Board 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 AECOM Technical Services, Inc.

Mr. Brown moved to pass Resolution BH-2010-6. Mr. Nachtigal seconded the motion.

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

Approval of Minutes

Mr. Brown moved to approve the January 12, 2010 minutes. Mr. Nachtigal seconded the motion, and it carried unanimously.

Mr. Brown moved to approve the December 8, 2009 minutes. Mr. Newby seconded the motion, and it carried unanimously.

Mr. Brown moved to approve the November 10, 2009 minutes. Mr. Nachtigal seconded the motion, and it carried unanimously.

Reports

Registered Environmental Health Specialist

Mr. Samara gave the report for January 2010, and indicated that the initial retail food establishment inspections this year went well. Mr. Samara also updated the Board of Health on the recent court appearance of a Township resident, and said that he met with the resident's psychiatric evaluator. The resident is keeping her apartment neat, and the next scheduled court appearance is March 17, 2010. Furthermore, a soil log was performed on Green Village Road. The septic in question is not a failed septic, but the homeowner is looking to expand their house. Mr. Tubbs asked about the project at St. Hubert's. Mr. Samara said that the project is still underway, and he will prepare a report for the next meeting.

Registrar of Vital Statistics

Mr. LaConte reported that fees were collected for the following items in December 2009:

1 Marriage License	\$28
1 Civil Union License	<u>\$28</u>
Total	\$56

Mr. LaConte further reported that fees were collected for the following items in January 2010:

3 Marriage Licenses	\$84
7 Certified Copies of Marriage Certificates	<u>\$60</u>
Total	\$144

Correspondence

Mr. LaConte reported that an H1N1 update was received from the Madison Health Department. Scheduling of clinics has been suspended, however people in need of vaccinations can still get them through the Health Department. Mr. Tubbs requested that the notice be posted on the Township website and on the electronic community bulletin board.

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

Unfinished Business

Septic Application – 150 Spring Valley Way

The Board of Health reviewed a letter from Mrs. Feuer regarding the septic application for 150 Spring Valley Way. The applicant had met the notification requirement, and the adjacent property owner did not provide any commentary. The Board of Health discussed the installation of a piezometer and if another field observation for water was necessary. Mrs. Feuer was contacted, and she said that the second observation should be made. The Board also discussed the requirement that the applicant's engineer certify the stability of a regraded slope.

Mr. Tubbs moved to approve the septic application contingent upon the applicant's compliance with the requests set forth in a letter from Mrs. Feuer. Mr. Nachtigal seconded the motion.

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

Discussion

Retail Food License Fees

Mr. LaConte explained that there has been an issue with some retail food establishments who do not renew their license in a timely fashion. In 2009, there was one licensee that did not renew their license at all. Although the current ordinance currently allows for a fine of \$500 for failure of compliance, Mr. LaConte suggested that perhaps a late fee should be assessed prior to the issuance of citations, and he noted that Madison charges a late fee effective February 1st. Mr. Tubbs suggested that February 1st be the effective date for the assessment of late fees. Mrs. Taormina proposed that establishments that do not renew by March 1st be issued citations. For 2010, late fees would be assessed beginning on May 1st. A draft ordinance will be reviewed at the next Board of Health meeting.

Noise Ordinance – Landscaping Equipment

Mr. Brown indicated that the State has a model noise ordinance, which includes various optional items. He would like for the Board of Health to decide if it would like to come into compliance with the model ordinance, or if the consensus is to leave well enough alone. Due to the age of Chatham Township's noise ordinance, it does not address landscaping equipment. The noise ordinance will be discussed again at the next meeting.

Meeting Open to Public

Mr. Brown opened the meeting to the public. Seeing none, the public hearing was closed.

The meeting was adjourned at 9:22 PM.

Gregory J. LaConte
Board of Health Secretary