

The reorganization/regular meeting of the Board of Health was held in the Board of Health Building on Wednesday, January 14, 2009 at 7:30 p.m. Phil Morlock called the meeting to order led the salute to the flag.

**THIS MEETING WAS HELD IN ACCORDANCE WITH THE OPEN PUBLIC MEETING ACT, NJSA 10:4-1 ET. SEQ. ANNUAL NOTICE HAVING BEEN FORWARDED TO THE NEW JERSEY HERALD AND POSTED ON THE BULLETIN BOARD MAINTAINED IN THE MUNICIPAL BUILDING FOR PUBLIC NOTICES.**

**ROLL CALL:**

**PRESENT:** Joel Servoss, Craig Bradley, Selma Reichert, Rob Bond, Jim Vanderhoof, Thomas Forbes and Mariano Gianni. Phil Morlock, Rosie Mitchell, Councilman Robert Modick, Liaison to the Board and Estelle Klein were also present.

**ABSENT:**

**NOMINATION FOR PRESIDENT:** Jim nominated Joel, seconded by Selma. Phil asked if there any other nominations at this time, no. Closed for nominations. Roll call, all in favor.

**NOMINATION FOR VICE PRESIDENT:** Rob nominated Thom, seconded by Joel. No other nominations, closed. Roll call, all in favor.

**NOMINATION FOR SECRETARY:** Thom nominated Rob, seconded by Mariano. No other nominations, closed. Roll call, all in favor.

**APPOINTMENT OF BOARD OF HEALTH ATTORNEY:** Joel said we have two attorneys, Mr. King and Mr. Bernstein both of whom served the Board in the past. Joel said both have CV's and the fee schedules that they both sent in are identical. There is little here that separates one from the other. Jim asked Estelle if there was something she wanted to say on this and she answered yes. Jim then said we should open to Estelle. Estelle said she just wants to make the Board aware that the attorney that you have now didn't notify anyone on this Board what was going on (Dale being brought in front of Mayor and Council). You should have been notified, whether it was Dale or whether it is somebody else, it doesn't matter, it shouldn't have gone before Mayor and Council without notifying you, it shouldn't have gone before Mayor and Council at all, Mr. Modick made the motion to dismiss the charges and I seconded it and that was the end of it. Rob asked Phil if he was aware of Dale being called in front of Mayor and Council and Phil answered yes. Rob said Phil should have notified us if he was aware of what was going on. He also said, I don't even know how our attorney got involved, he wasn't asked by the Board to take any action or look into the matter, I guess I'm struggling to place the blame on our attorney in this situation.

Mr. Modick asked if he could comment. He said he spent 32 years on this BOH, the BOH to my knowledge, unless the statute has changed, is an Autonomous Board. You have to ask Mayor and Council for the money to run it but you are it. You hire the Health Officer, the Sanitarian, ACO and on down the line. They all work for you. In the ultimate end, you have the last to say. In the case of this dog problem, I personally feel it is water over the dam. In the future it is up to the Health Officer to bring it back to you people and you make your decision, nobody else. You run the BOH.

Rob said in the future when a personnel matter, that Phil you are aware of, contact the President and the rest of the Board members about it.

Selma said she thinks it is the chain of command that we are having a question with here. If it was the attorney, I would say this was really a bad thing to have happened. We all should have known, I did not know anything that was going on until I came into the meeting. It was a disappointment to me. Some one has to explain the chain of command, who should have really notified us.

There was another discussion and then Rob asked whether the Board members feel the situation with Dale and our attorney, warrants changing attorneys. He said he was having trouble saying the attorney was at fault.

Thom said Bernstein seems to be a little more vocal in support of the Board's autonomy.

Selma said she is not happy having known nothing about what happened with that dog. Jim made a motion that the Board hires Bernstein, seconded by Selma. Roll call, Joel, Craig, Selma, Rob, Jim and Thom, yes. Mariano, no. Jim added that the Board has to be notified when something happens.

Joel read Resolution # 1-2009 in its entirety naming Eric Bernstein & Associates the Board of Health Attorney for 2009.

## **APPOINTMENT OF OFFICIAL NEWSPAPER:**

1. Resolution # 2-2009: Joel read this Resolution in its entirety naming the New Jersey Herald as the official newspaper for the Board of Health. Rob made a motion to accept this resolution, seconded by Mariano. Roll call, Joel, Craig, Selma, Rob, Jim, Thom and Mariano, yes. All in favor.

## **SCHUDELE OF MEETING DATES FOR 2009 AND JANUARY 2010:**

1. Resolution # 3-2009: Joel read this Resolution in its entirety. Jim made a motion to approve the meeting dates as read, seconded by Selma. They are as follows, February 25, March 25, April 22, May 27, June 24, July 22, August 26, September 23, October 28, November 18, December 16, 2009, and January 13, 2010 reorganization. Roll call, Joel, Craig, Selma, Rob, Jim, Thom and Mariano, yes. All in favor.

## **RULES OF ORDER:**

1. Joel said these are the same rules we have used in the past. Rob made a motion to adopt the rules, unless someone has amendments, no amendments. Jim seconded this, all in favor.

**MINUTES OF THE PREVIOUS MEETING:** Jim made a motion to accept the minutes from the previous meeting, seconded by Thom. All in favor.

**MEETING OPENED TO THE PUBLIC:** Mr. Modick said to the Board, if you need some advice from him in the future or something from the Council, he will be there and would be happy to come to the meeting.

## **MEETING CLOSED TO THE PUBLIC**

**HEALTH OFFICER REPORT:** Phil read his entire report and asked if there were comments or questions. No questions or comments.

**YEAR END REPORT:** Phil presented the BOH monies that were deposited with the Tax Collector, the amount is \$31,044.50, this is irrespective of Medicare reimbursement for the flu.

## **SANITARIAN INSPECTOR REPORT**

## **BOROUGH NURSE REPORT**

**HEALTH EDUCATOR REPORT:** Joel stated that the Health Educator has completed her hours for this year.

## **REGISTRAR REPORT**

**ANIMAL CONTROL:** *Hopatcong/Stanhope*

**ALL REPORTS:** Mariano made a motion to approve all reports, seconded by Jim. All in favor.

**SWAT:** None

## **CORRESPONDENCE:**

1. Food Talk, Phil passed a copy of this around. This is sent to food establishment in the Borough, courtesy of the Health Department.
2. Phil said we sent a memo to Mayor and Council; this is the attendance record for the BOH. We do this every year.
3. Phil passed a letter around thanking the Boy Scout who is heading up the work at the Pound. Phil asked the Board President to sign the letter.

## **OLD BUSINESS:**

1. Septic Management: Thom had a binder with Septic Management information, TWIST (The Wastewater Information System Tool). Thom said this software is really meant for tracking Septic Management Inspections. It is in Micro Soft Access. The Health Dept. will take a look at this.
2. Certified Food Course: Phil said James Breiten is going to attend this on Jan. 26<sup>th</sup> and hopefully he will get certified to teach this. If he is successful and his grades are high enough, he can be an instructor. We will look at our ordinance and take a look to see what kind of fees we will charge.

## **NEW BUSINESS:**

1. On call Animal Control Officer: Phil said we have a gentleman that lives in Byram who we call out from time to time when Dale is not available. He is very reliable and he comes out whenever we need him which is not that often. He sent a letter to us requesting an increase given the price of gas or whatever. He was charging \$ 15.00 for a three hour minimum callout which is \$ 45.00; he would like \$ 60.00 at \$ 20.00 per hour. Jim made a motion to pay the \$ 20.00 per hour, seconded by Thom. Roll call, Joel, Craig, Selma, Rob, Jim, Thom and Mariano, yes. All in favor.
2. Ordinance # 3-2009 Cat Licensing Fees: After a brief discussion Jim made a motion to accept this ordinance on the first reading. Ordinance of the Board of Health of the Borough of Hopatcong Authorizing an Amendment to The Code of the Borough of Hopatcong Part 11 General Legislation,

Chapter 248, Animals, Section 248-21 Licensing and Control of Cats. Part A Licensing Fees. This change would raise Cat Licenses \$ 2.00 across the board. Roll call, Joel, Craig, Selma, Rob, Jim, Thom and Mariano, yes. All in favor.

3. Ordinance 4-2009: Ordinance of the Board of Health of Hopatcong Authorizing an Amendment to The Code of the Borough of Hopatcong Part 11 General Legislation, Chapter 248, Animals, Section 248-6 Licensing and Control of Dogs, Part A Licensing Fee. This change would raise Dog Licenses \$ 2.00 across the board. Mariano made a motion to accept this ordinance, seconded by Selma. Roll call, Joel, Craig, Selma, Rob, Jim, Thom and Mariano, yes. All in favor.
4. Health Educator Contract for 2009: Phil said this is basically the same contract as 2008. Mariano made a motion to accept the Health Educator Contract for 2009, seconded by Jim. Roll call, Joel, Craig, Selma, Rob, Jim, Thom and Mariano, yes. All in favor.
5. Attorney Fees for 2008: Phil said the attorney is billing us for \$ 2,150.00. Jim made a motion to pay the attorney the amount in full, seconded by Mariano. Thom asked if it customary for legal council to with hold their billing until the end of the year and to not give you a detailed or even a summary or break down of the bill. Phil said he can get that, if you want to wait or pay him that is up to the Board. Roll call, Joel, Craig, Selma, Rob, Jim, and Thom, yes. Mariano, no, he would not pay it until we get the breakdown.
6. Phil asked the Board for a motion to contact the attorney to impose a witnessing fee for septic alterations in the Borough. Mariano, made a motion, seconded by Rob. All in favor.

Jim made to adjourn, seconded by Rob. All in favor. Meeting adjourned at 8:50 pm.

Respectfully Submitted,

Rosemarie Mitchell