

The regular meeting of the Board of Health was held in the Board of Health Building on Wednesday, September 22, 2004 at 7:30 p.m. Dennis Twyford called the meeting to order, and Phil Morlock 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, THE NEWS LEADER AND POSTED ON THE BULLETIN BOARD MAINTAINED IN THE MUNICIPAL BUILDING FOR PUBLIC NOTICES.

ROLL CALL:

PRESENT: Dennis Twyford, Mariano Gianni, Rob Bond, James Vanderhoof, Thomas Forbes, and Kathleen Jacobellis. Councilpersons, Estelle Klein and Madeline McManus.

ABSENT: Melinda Conti

MINUTES OF THE PREVIOUS MEETING: Jim made a motion to approve the August minutes, seconded by Thom. All in favor.

MEETING OPEN TO PUBLIC:

CLOSED TO THE PUBLIC

HEALTH OFFICER REPORT

1. Rob questioned # 5, Oakdale Well. Phil explained that it is a shallow well with a hand pump on it. We feel the well should be improved and brought up to specs. Gary had tests done on it and they all come back with coliform. It is a private well with access to a number of people in that neighborhood. Our position is if they can not bring it up to snuff, we should not spend our time to test it. It then becomes a health concern for us. If they cannot bring this well into compliance, we want them to seal it.
2. Rob questioned # 6, 239 Chincopoe Ave.: Phil said the septic on this property was malfunctioned and the effluent was running down the front lawn and the road. Gary was there and we authorized an inexpensive repair because sewers were coming within a year. While the repair was going on, the original tank collapsed. This could not go for another year with effluent running down the road. I authorized the plastic tank and the bed was done as inexpensively as possible. When I went to do the final inspection, the guys were in the road drilling holes to put sewers in. The homeowner became upset; they said why did you make us spend \$ 8000.00 to fix this. They contacted the Mayor and he contacted Steve Ward. I explained the events to them. I want to say to you that if we know sewers are coming, we will allow a repair to be done as inexpensively as possible. I will perceive this happening again. We are trying to work with people. Rob added to make the homeowner aware of when the sewers will be coming; if they see someone out there working that does not mean it will be soon.
3. Dennis commented on # 4, APEX PH. Our APEX has already been submitted and there is still no time frame on the Governance Training. Phil added that whatever we are required to do as the local board, we will do to the best of our ability. Gary, Fran and I have gone through all the training for the Practice Standards. Additionally, the BOH has been registered with the State and we have done the APEX. We are holding our end. We will watch what they want and we will complete it as best we can. Fran did a fantastic job and we are making sure we are in total compliance.

SANITARIAN REPORT

BOROUGH NURSE REPORT

1. Phil said that he and Fran met with the new Epidemiologist that the county hired for bioterrorism. We discussed that if there were a situation here, what we would expect from her as far as assistance. He said he explained to her how our government is structured in Hopatcong. We went through what we felt our priorities would be and her response was favorable to what we were telling her.

HEALTH EDUCATION

REGISTRAR REPORT

ANIMAL CONTROL: *Hopatcong/Stanhope.*

SWAT: None

ALL REPORTS: Jim made a motion to accept all reports, seconded by Rob.

CORRESPONDENCE:

1. Phil passed around thank you letters that were written to Dale for helping a resident in time of need. Also a letter for Fran for her presentation to Hopatcong Seniors on Terrorist Preparedness.

2. 450 River Styx Rd.: Phil said the Mayor sent another letter to Bradley Campbell, Commissioner of NJDEP, because we did not receive a response to the first letter. The letter requested NJDEP to devote priority attention and undertake all necessary enforcement actions to ensure the prompt remediation of the contaminated soil and groundwater at 450 River Styx Rd.
3. Phil passed around a copy of Food Talk that is sent to the food establishments in the Borough.
4. Phil passed around a flyer for Pet Adoption Day at the Borough Pound. He said it will be on Sunday, September 26th, 12:00 to 4:00 pm. It is advertised on the Borough webpage, the community bulletin board, in the newspapers and there are flyers out there. Hopefully we can get some of the animals adopted out and find some homes. There are about a dozen cats and a couple of dogs.
Dennis thanked Rob for his assistance in putting this on our webpage.

OLD BUSINESS:

1. Dennis started by saying the Board had requested the BOH attorney, Eric Bernstein to clarify rules and responsibility of the BOH. We received a letter from the attorney and the BOH members were given copies. He said he met with Mr. Ward and the feeling I got from the Governing Body, the situation of the administrative authority to hire and fire BOH personnel will remain status quo. Any request for a change will have to be initiated by the BOH. According to Steve, Mr. Stein has no dispute with his opinion as it applies to the strict law, but historically the administrator has been responsible for disciplinary matters regarding employees. The governing body also feels the BOH cannot pick and choose what areas of autonomy they will be responsible for. There maybe a recommendation that the Board become totally autonomous.

Madeline McManus explained what totally autonomous means, the Health Dept. would give Mayor and Council a budget and then you would pay your own employees, fix your building, you would be totally completely autonomous. You would do your own hiring and firing and pay your own employees. As it is now, the employees of the Health Dept. get their checks from the Municipality. Estelle disagrees with that, she said this Board has been autonomous since it was founded in the forties. Madeline said the Council says if the Board chooses to be autonomous, we cannot be making out checks and setting rules for the employees on one hand and then not have the ability to hire and fire. It is not that we don't want you to be autonomous, if you want to be autonomous, set up a budget and be completely autonomous. Madeline also said the important thing to do is set up a time to come to closed session and work this out so you know exactly the spirit in which the total members of the Council feel. Maybe if you want, we could meet at 5:30, one half hour earlier, so we could have enough time to do this and the Health Dept. would receive the courtesy that they deserve to receive and you would understand the position of the Council.

Dennis said, I think the Board's position is, and correct me if I am wrong, we would like to have this cleared up one way or another and have it understood if it is the law, we should abide by the law. Right now we have to determine an issue that may have been done incorrectly and could adversely be affecting a former employee and could adversely affect the Borough because if it was done incorrectly, then the Borough is at risk. We are here for the Borough and just like any other issue in town, we want clarification. Rob said when the law uses words like *shall* you should take that seriously and when we are not doing the *shall* that the law says, we need to explore why, that is pretty serious and we need to discuss that. I too agree meeting with Council in closed session, I would suggest with our attorney present is probably the best course of action to try to work through those things.

Dennis asked if the Board would like to make a motion to contact Mr. Bernstein and request the time with Council in closed session to discuss this. Rob made the motion to have Phil contact the attorney to see if he is available to attend the closed session meeting with the Board and Council for Wed. Oct. 6th with the goal of getting back to Council by next Wednesday, seconded by Mariano, roll call, all in favor. Dennis thanked Madeline for her input and said this will be a learning experience for us all.

NEW BUSINESS:

1. Payment of attorney fees: Phil explained the bill was for the research of personnel issues. The amount was \$ 736.00. Jim made a motion to pay the attorney fees, seconded by Thom. Roll call, all in favor.

Jim made a motion to adjourn, seconded by Rob. Meeting adjourned at 8:50 pm.

Rosemarie Mitchell