

**POMPTON LAKES BOARD OF HEALTH  
MEETING MINUTES – SEPTEMBER 12, 2022**

The following are the minutes of the Meeting of September 12, 2022 of The Pompton Lakes Board of Health that was held in the Municipal Building 25 Lenox Avenue, Pompton Lakes, N.J. and was called to order at 6:35 p.m.

**CALL TO ORDER:** By President Valerie Quigley

**SUNSHINE LAW STATEMENT:** “In conformance with the Open Public Meetings Act, notice of this meeting of the Board of Health of the Borough of Pompton Lakes has been posted on the bulletin board in the Municipal building and mailed to the Suburban Trends.”

**SALUTE TO FLAG:**

**ROLL CALL:** The following members were present: Valerie Quigley, Greg Smith, Kathleen Cole, Jessica Freer, Kelley Halewicz, Michael Morris. Also in attendance was Mary Ann Orapello, Health Officer, Luis Giraldo, REHS, Maria Kent, Council Liaison, Elizabeth Brandsness, Municipal Clerk, Michael Serra, Mayor. Janice Deevy was not present.

**APPROVAL OF MINUTES:** Greg Smith motioned to accept the May 2, 2022 minutes into the record. Ms. Halewicz seconded the motion. All voted in favor of motion.

**ORDINANCE BOH #22-01**

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER BH: 7-1, “FEES ESTABLISHED” BY THE BOARD OF HEALTH OF THE BOROUGH OF POMPTON LAKES”**

Motion to Approve Ordinance #BOH-22-01 for Introduction by Ms. Halewicz, Second by Ms. Cole.

**Discussion**

Ms. Cole requested clarification on the fees established for licenses, permits, inspections and reinspection within in the Ordinance.

MaryAnn Orapello, Health Officer and Luis Giraldo, REHS responded and provided the Risk Categories for Retail Food Establishments and the fee structure.

Retail Food Establishments are compared to facilities that are in the same risk level. There are four levels and each level fee is determine by the risk factors:

- Risk Level 1:** \$50.00
- Risk Level 2:** \$100.00
- Risk Level 3:** \$150.00
- Risk Level 4:** \$200.00

Food items are those foods that are prepared and served in the establishment. The risk level is determined by food items served or prepared, food processes, and meal volume.

The risk factors include the cold holding, thawing, hot holding, reheating, cooling, handling raw meat, transportation of food (delivery), etc. Meal volume identifies the number of patrons an establishment serves each day.

The risk level determines the relative risk of foodborne illness for each establishment, the number of inspections an establishment receives each year, and the annual permit fee.

Establishments are generally categorized as convenience stores, beer bar (limited food), concession stand (no cooking), coffee shop, pizza establishments, sandwich shops, simple fast food establishments, most fast food establishments, full service restaurants with simple menu, schools, full service restaurants with complex menu, large fast food establishments.

Mr. Giraldo stated the fines are normally determined by the violation and the risk/safety factor. Mr. Giraldo noted the health and safety impacts to the public along with prior violations determine the progressive action.

Members discussed the many types of establishments, including nonprofit organizations within the Borough and the various types of Risk Categories and fees outlined within the Ordinance. Members also discussed the types of licensing, various services the establishments provide, outdoor seating, and types of food served and the handling of food, food safety, and frequency of variable inspections for each category that will allow the inspectors to spend more time with food operations that are potentially a higher risk of causing foodborne illnesses. Members continued to discuss the Risk Categories outlined in Ordinance 22-01 and how the category types apply to each type of establishment. Members agreed to no changes to the Ordinance and the new fees would be in place for the January 2023 Retail License renewals.

Roll Call: Kathleen Cole, Yes, Janice Deevy, Excused, Jessica Freer Yes, Kelley Halewicz, Yes, Michael Morris, Yes, Valerie Quigley Yes, Greg Smith Yes.

Ms.Brandsness commented on the language within the Ordinance and stated the final adoption would take place 30 days after first publication and the next Board of Health meeting was scheduled to place on December 5, 2022. Ms. Brandsness stated the Board had the option to schedule a Special Meeting or wait to notice the newspaper at least 30 days prior to the December meeting. Members discussed their options and agreed to have Ms. Brandsness consult with the Borough Attorney to determine whether a Special Meeting would be needed for the final adoption for Ordinance BOH #22-01. Ms. Brandsness to notice the newspaper accordingly.

**PUBLIC HEARING:** Motion made to open the meeting to the public by Greg Smith. Motion seconded by Ms.Cole. All voted in favor. Motion made to close the meeting to the public by Ms. Halewicz. Motion seconded by Michael Morris. All voted in favor.

**COMMITTEE REPORTS:** None

- **Ordinance**
- **Finance**
- **Personnel**

**STAFF REPORTS:**

- Mayor Serra informed the Board members Jill Walsh has resigned as Board of Health Secretary. Mayor Serra stated Borough Council will meet to discuss a replacement for the position of Health Secretary.
- Mr. Morris stated Sodium Levels taken from a Borough well located on Willard Street appear to be on the higher side but are under the industry standards limit. There is speculation that the levels are high from Route 287 runoff. Ms. Cole stated the Municipal Utilities Authority has reached out to a consultant for direction and guidance to address the issue. The report is available for the public to view.
- Ms. Quigley announced the website for the Board of Health has been updated by Board member Ms. Halewicz. Ms. Quigley stated the updates to the website are informative.
- Mr. Morris commented on creating an Ordinance that would provide assurance for Pest Control in local businesses. Members discussed options as to the frequency for inspections. Ms. Orapello offered some insight for Pest Control and stated there is some recourse that can be taken under the Health Code if an issue should arise. Mr. Giraldo reported on various incidents that involved rodent issues and stated some construction work/movement of dumpsters may have resulted in additional complaints. The Board of Health will continue to monitor further complaints of rodents to determine the need for an Ordinance. Mayor Serra stated he has been in contact with the School Board.
- Ms. Cole stated she received an off-site contamination report and questioned where the contamination originated from. Mayor Serra stated this has been an ongoing issue that originated with PSE&G; NJ Department of Environmental Protection is monitoring the site.
- Ms. Halewicz requested the criteria and procedure for testing for Lead Base Paint. Ms. Orapello responded Lead Base Paint is present in older homes and a risk assessment evaluates whether an inspection is warranted; visual inspection and inspectors work off landlord tenant listing.

**OLD BUSINESS:**

- None

**NEW BUSINESS:**

- None

**CORRESPONDENCE:**

- None

**PRIVILEGE OF THE FLOOR:**

- None

**ADJOURNMENT:** Motion made by Ms. Quigley to adjourn the meeting. Motion seconded by Ms. Halewicz. All voted in favor. The meeting adjourned at 7:06 p.m.