

**MINUTES OF THE
MENDHAM BOROUGH BOARD OF HEALTH
REGULAR MEETING
Wednesday, January 5, 2022
Garabrant Center, 4 Wilson Street, Mendham, NJ**

I. Call to Order

II. Statement of Adequate Notice

The regular meeting of the Board of Health was called to order at 7:00PM and the open public meeting statement was read into the record via Zoom.

III. Roll Call

Ms. Gill – Present	Regular Member - Vacant
Dr. Althoff – Present	Ms. Young- Alternate 1- Present
Ms. Montenegro – Present	Alternate 2 - Vacant
Mr. Nosta – Present	

Also Present: Ms. Sharpe, Board Attorney
Ms. Dowd, Bernards Township Board of Health
Ms. Smith, Acting Board Secretary

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IV. Nomination and Election of President

The Interim Board Secretary, Ms. Smith asked for nominations for President. Ms. Gill nominated Dr. Althoff. There being no additional nominations.

Roll Call:

In Favor: Ms. Gill, Ms. Montenegro, Mr. Nosta, and Ms. Young

Opposed:

Abstain: Dr. Althoff

V. Nomination of Vice President

President Althoff asked for nominations for Vice President. President Althoff nominated Mr. Nosta. There being no additional nominations.

Roll Call:

In Favor: Ms. Gill, President Althoff, Ms. Montenegro, and Ms. Young

Opposed:

Abstain: Mr. Nosta

VI. Minutes

President Althoff asked for comments on the minutes of the December 1, 2021. There being no corrections, Ms. Gill made a motion to approve the minutes as written and President Althoff seconded

Roll Call:

In Favor: Ms. Gill, President Althoff

Opposed:

Abstain: Ms. Montenegro, Mr. Nosta, and Ms. Young

Motion Carried

VII. Resolution #01-2022 Approving 2022 Meeting Dates

Motion by Ms. Gill, seconded by Mr. Nosta and unanimously carried by voice vote to adopt a resolution (as outlined herein) setting forth the meeting dates for 2022 and the first meeting of 2023.

Roll Call:

In Favor: Ms. Gill, President Althoff, Ms. Montenegro, Mr. Nosta and Ms. Young

Opposed:

Abstain:

**BOROUGH OF MENDHAM
BOARD OF HEALTH
MORRIS COUNTY, NEW JERSEY**

**RESOLUTION #01-2022
RESOLUTION SETTING THE ANNUAL MEETING SCHEDULE
FOR THE BOARD OF HEALTH OF THE BOROUGH OF MENDHAM CALENDAR YEAR 2022**

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq., requires every public body to designate and publish its Annual Meeting Schedule and provide adequate notice of all meetings.

BE IT RESOLVED, by the Board of Health of the Borough of Mendham that for calendar year 2022, regular meetings of the Board of Health of the Borough of Mendham shall be held at 7:00PM, prevailing time unless noted otherwise, at the Garabrant Center, 4 Wilson Street, Mendham, New Jersey on the following dates:

*Wednesday, January 5, 2022 (Previously Advertised)
Wednesday, February 2
Wednesday, March 2
Wednesday, April 6
Wednesday, May 4
Wednesday, June 1
Wednesday, July 6
Wednesday, August 3
Wednesday, September 7
Wednesday, October 5
Wednesday, November 2
Wednesday, December 7
Wednesday, January 4, 2023 (Regular and Reorganization)*

The regular and reorganization meeting for 2023 will be held on January 4, 2023.

And,

BE IT RESOLVED, in accordance with N.J.S.A. 10:4-12, notice is hereby given that an executive (closed) session may be convened at any scheduled meeting of the Board of Health of the Borough of Mendham by a duly adopted resolution; and

BE IT FURTHER RESOLVED, that in accordance with N.J.S.A. 10:4-18, within 7 days following the annual reorganization meeting the Board of Health Secretary shall: (i) send a certified copy of this resolution to the two designated official newspapers for publication, (ii) shall post and maintain for purposes of public inspection the 2022 Annual Meeting Schedule of the Board of Health of the Borough of Mendham in the Phoenix House (municipal administrative office building), and (iii) shall file a certified copy of this resolution in the office of the Borough Clerk.

Dated: January 5, 2022

VIII. Resolution #02-2022 Appointing Dorsey and Semrau LLC Board of Health Legal Counsel

Motion by Ms. Montenegro, seconded by Mr. Nosta and unanimously carried by voice vote to adopt a resolution (as outlined herein) Appointing Dorsey and Semrau LLC Board of Health Legal Counsel.

Roll Call:

In Favor: Ms. Gill, President Althoff, Ms. Montenegro, Mr. Nosta and Ms. Young

Opposed:

Abstain:

**BOROUGH OF MENDHAM
BOARD OF HEALTH
MORRIS COUNTY, NEW JERSEY**

RESOLUTION #02-2022

**RESOLUTION AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT WITHOUT COMPETITIVE BIDDING TO
DORSEY AND SEMRAU LLC FOR BOARD OF HEALTH ATTORNEY SERVICES**

WHEREAS, the Board of Health of the Borough of Mendham has a need to acquire professional Attorney services without competitive bidding pursuant to the provisions of N.J.S.A. 19:44A- 20.5; and

WHEREAS, the anticipated term of this contract is one (1) year; and

WHEREAS, Fred Semrau of Dorsey & Semrau, LLC has agreed to provide the Board of Health Attorney services for the calendar year 2022 in an amount not to exceed \$5,000; and

WHEREAS, Fred Semrau of Dorsey & Semrau, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that Dorsey & Semrau, LLC have not made any reportable contributions to a political or candidate committee in the Borough of Mendham in the previous one year, and that the contract will prohibit Dorsey & Semrau, LLC from making any reportable contributions through the term of the contract; and

WHEREAS, the Board of Health desires to award the contract to Fred Semrau; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the Resolution authorizing the award of contracts for “professional services” without competitive bids and the contract itself must be available for public inspection.

THEREFORE, BE IT RESOLVED by Board of Health of the Borough of Mendham as follows:

1. *The Board of Health hereby authorizes the execution of a professional services agreement with Fred Semrau of Dorsey & Semrau, LLC of Boonton, New Jersey as Board of Health Attorney for the year 2022.*
2. *This contract is awarded without competitive bidding as a “professional service” in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law because said services are exempt from the provisions of the bidding statutes in that they are services rendered or performed by a person authorized by law to practice a recognized profession and are services which require knowledge of an advanced type in a field of learning acquired by a prolonged course of specialized instruction as distinguished from general academic instruction or apprenticeship and training.*
3. *The Business Entity Disclosure Certification, and the Determination of Value shall be placed on file with this resolution.*
4. *This Resolution is subject to the Chief Financial Officer certifying to the availability of funds in the amount as herein referenced.*
5. *A Notice of this action shall be published once in the official newspaper as required by law.*
6. *This Resolution shall take effect as provided herein*

Dated: January 5, 2022

IX. Resolution #03-2022 Designating Official Newspapers

Motion by Mr. Nosta, seconded by Ms. Gill and unanimously carried by voice vote to adopt a resolution (as outlined herein) Designating Official Newspapers.

Roll Call:

In Favor: Ms. Gill, President Althoff, Ms. Montenegro, Mr. Nosta and Ms. Young

Opposed:

Abstain:

**BOROUGH OF MENDHAM
BOARD OF HEALTH
MORRIS COUNTY, NEW JERSEY**

RESOLUTION #03-2022

**RESOLUTION DESIGNATING OFFICIAL NEWSPAPERS
FOR CALENDAR YEAR 2022**

BE IT RESOLVED by the Board of Health of the Borough of Mendham, Morris County, New Jersey as follows:

The Board of Health of the Borough of Mendham hereby makes the following designations:

1. *The Star Ledger and/or the Daily Record are hereby designated as the two newspapers to receive notice of meetings required by any and all sections of the Open Public Meetings Act, it appearing that said newspapers are most likely to inform the local public of such meetings. Notices required by the New Jersey Municipal Land Use Law or the Borough’s Land Use Regulations may be placed, as required by law, in either of the designated newspapers.*

2. Notice of this meeting of the Board of Health of the Borough of Mendham shall be posted and maintained in the Phoenix House, 2 West Main Street, Mendham, NJ for purposes of public inspection, and will be filed in the Office of the Borough Clerk in accordance with the Open Public Meetings Act
3. The sum of \$12.00 per year is hereby fixed as the amount to be paid by any person requesting individual notice of meetings as provided in Section 14 of the Open Public Meetings Act.

Dated: January 5, 2022

X. Introduction & First Reading of Ordinance #01-2021- Establishing a Reinspection Fee for Non-Compliance with Septic Permits

Ms. Sharpe gave an overview of the Ordinance establishing a reinspection fee for noncompliance with septic permits which allows the Borough to charge for the reinspection.

PUBLIC COMMENT:

President Althoff opened the meeting to the public for questions and comments on Ordinance #01-2021. There being none, the public session was closed.

Motion to approve was made by Mr. Nosta, seconded by Ms. Montenegro.

Roll Call:

In Favor: Ms. Gill, President Althoff, Ms. Montenegro, Mr. Nosta and Ms. Young

Opposed:

Abstain:

Public Hearing and Adoption scheduled for February 2, 2022

XI. Health Officer's and Health Education Reports for December 2021

Ms. Dowd summarized the Health Officer's reports and Education reports for November and December. These reports are on file on file with the Board of Health Secretary.

Ms. Dowd explained that there are about 89 cases of Covid in Mendham as of the Thursday before the meeting which is up from last December. Bernards Health Dept is doing approximately 3 vaccine clinics per week and every Tuesday and Thursday are offering testing for Covid. Ms. Dowd stated that Flu shots were also available at the Covid shot clinics. Mr. Nosta asked where the number of cases come from. Ms. Dowd explained that all Doctors offices input the test results into the system and the only tests that are not counted are the home tests. Ms. Montenegro suggested having testing more available in Mendham.

Ms. Dowd stated that there are weekly Covid meetings with the Borough Departments and Mendham Borough OEM. President Althoff asked what responsibilities the OEM has, and Ms. Dowd stated that if there are shortages of masks, gowns, etc. and to make sure each department has the proper equipment.

XII. New Business/Discussion Items

Ms. Gill suggested contacting a company named Lab Q that she has used for Covid testing at a summer camp that she worked at to come and test in Mendham.

XIII. Adjournment

There being no additional business to come before the Board, Motion was made by Ms. Gill, seconded by Mr. Nosta. On a voice vote, all were in favor. President Althoff adjourned the meeting at 7:50PM.

Respectfully submitted,

Lisa Smith

Lisa Smith
Interim Board Secretary