

**MONROE TOWNSHIP BOARD OF HEALTH
REGULAR MEETING
MAY 12, 2021**

VICKI MACHULSKY, called the meeting of the Monroe Township Board of Health to order. Notice of the meeting was given pursuant to the provisions of the Open Public Meeting Act. Written notice was sent to two newspapers, the Gloucester County Times and the Sentinel. A copy of the written notice was given to the Township Clerk and posted on the bulletin board.

Salute to the flag.

ROLL CALL

Member	Present	Excused	Absent
Rene Pandola	X		
David Scales	X		
Dan Kozak	X		
Victoria (Vicki) Taylor-Machulsky		X	
Diana Salvadori	X		
Cncl. Ronald Garbowski	X		
Sherrie Kennedy		X	
Marie Sheridan	X		
Ben Jones			X
Debra Valcourt-Sherman	X		

PUBLIC PRESENT: Patrick McDevitt from Sustainable Monroe/Back Yard Hen Advisory Board Member and Tara Nelms Zoning Official for the Township of Monroe.

DAVID SCALES: asked for a motion to open the public portion of the meeting. **RENE PANDOLA** made a motion to option the meeting to the public, **MARIE SHERIDAN** seconded the motion.

PATRICK MCDEVITT: Stated that the Back-Yard Chicken program was sent over to the Board for our review and he just wanted to come to the meeting to see if there was anything he could clarify or questions he could answer for the Board.

DAVID SCALES: Stated that he doesn't think that the program is going to be given to the Board of Health to maintain if he is reading it properly.

DEBRA VALCOURT-SHERMAN: Stated that she has not been on the board that long but she believed this was a program the Board was not wanting to approve from the beginning.

DAVID SCALES: Explained the Boards thoughts on the program and that the board was against it from the beginning.

CHARLOTTE RUDOLPH: Stated that this program was originally under zoning and during another meeting the zoning official TARA NELMS stated that if the Chicken Advisory Board was to disband then the program should fall under the Board of Health.

RON GARBOWSKI: Stated that currently there is nothing in the Ordinance that refers the program back to the Board of Health it falls under the Advisory Board and Town Council.

DAVID SCALES: Stated that it was explained to us that if the Chicken Advisory Board disbands then the Board would be in charge of the program and we do not have the resources and/or manpower to properly maintain such a program.

RON GARBOWSKI: Stated again that there is nothing in the ordinance that states that the board will be in charge. It would be up to Town Council to make that decision should the Advisory Board disband.

CHARLOTTE RUDOLPH: Stated that the Township Clerk Aileen Chiselko notified her that there was going to be revision the ordinance stating that the program would fall under the Board of Health should the Chicken Advisory board disband.

RON GARBOWSKI: Stated he just wanted the Board of Health to review the program, give our thoughts and approve the program.

DAVID SCALES: Commented by asking why they need the board to review and give and approval if it has nothing to Do with the Board of Health.

RON GARBOSKI: Stated that he isn't sure if a violation notice is going to come from the Board of Health of from Zoning.

RENE PANDOLA: Stated that, that was her questions as well. She asked does the Advisory Board have permission to write violations and penalties?

RON GARBOWSKI: Stated that the Chicken Advisory Board goes out and does the inspections and they would issue a notice of violation to the individual and they have a certain amount of time to comply and if they do not then he believes it would fall back to the Department of Health to issue a violation notice.

DEBRA VALCORT-SHERMAN: Asked for clarification, she stated that the way she understands the program is they receive the permit from Zoning and if there are any issues like if they have them in their garage then the Board of Health steps in?

RENE PANDOLA: Stated that they are not supposed to be in the garage.

DEBRA VALCORT-SHERMAN: Asked who is in charge of the program as far as where the coups can be, what is allowed and not allowed.

RON GARBOWSKI: Stated that the Chicken Advisory board member who is present can answer that.

PATRICK MCDEVITT: Stated that the way it is written now that any complaints received will be forwarded to the Chicken Advisory Board Members and they will respond to the complaint. He stated that if the violation is not remedied in 30 days the Code Official will be notified so that enforcement proceedings can be implemented. He stated that from what he was notified about in the meeting is that a lot of the animal complaint issues have been handled through the Board of Health so that is why they wanted to send this through the Board of Health to have it reviewed.

DAVID SCALES: Stated that he is confused because they are asking for us to review and approve a program that the Board of Health was already opposed too. He asked what actions the Advisory Board is asking us to take.

PATRICK MCDEVITT: Stated he is confused as well he said he would have thought that someone from the Zoning office that wanted to push this off to the Board of Health would have thoughtfully explained it to the Board as to why they felt it should fall under the Board of Health and not under Zoning.

DAVID SCALES: Stated that if we are talking about amending the Board of Health code then it would fall under the Board of Health's jurisdiction and the Zoning Board would be out of it. But if it falls under Zoning then it should be administered and followed through by the Zoning Board.

RON GARBOWSKI: Stated that according to the Zoning Board the Board of Health is out of the ordinance related to the Back-Yard Hen Program.

DAVID SCALES: Stated that, that brings him back to the original question of why the Board is involved in it,
RENE PANDOLA asked the same question.

RON GARBOWSKI: Stated that the only way anything would come back to the Board of Health is if there was a violation and we had to issue a violation notice after the Advisory board has done their part.

RENE PANDOLA: Stated it does not state that in the Ordinance and **PATRICK MCDEVITT** stated that it does.

DAVID SCALES: Commented that it is going to be the Board of Health's responsibility to oversee and follow through with violations. He stated if that's the case then the whole ordinance should come to the Board of Health and he stated that we opposed the program from the beginning.

RON GARBOWSKI: Stated that the Advisory Board was going to be an arm of the Board of Health to make sure everything is in compliance with the program and ultimately the only time the Board would be involved is if there is a violation notice that needs to be issued.

RENE PANDOLA: and other Board members commented that it doesn't make sense and that the Board does not want to be involved and the Board doesn't want anything to do with it. The Board has been very frank about the fact that we were not on board with this program from the beginning and now your trying to bring it back on the Board.

DEBRA VALCOURT-SHERMAN: Asked who is on the Chicken Board.

PATRICK MCDEVITT: Stated himself and four (4) other people from Sustainable Monroe Township.

RON GARBOWSKI: Asked if there was a Council Liaison for the Chicken Advisory Board.

PATRICK MCDEVITT: Stated that Patrick O'Reilly has been the Sustainable Monroe Township Liaison so he has helped with the Back-Yard Hen Program. **PATRICK MCDEVITT** also stated that they have run the program for two (2) years and there have been no issues and everyone has remained in compliance.

RENE PANDOLA: Questioned the resident that had the chickens in his garage and started a garage fire.

PATRICK MCDEVITT: Stated that the residence that fire occurred in was not in Monroe Township, **RENE PANDOLA** and **DEBRA VALCOURT-SHERMAN** stated that it was and it was all over Facebook. **PATRICK MCDEVITT** responded that the homeowner was not part of the Back-Yard Hen program. **PATRICK MCDEVITT** stated that the pilot program allowed 25 licenses and only 18 have been issued so far. **DIANA SALVADORI** asked how many licenses they can issue. **RENE PANDOLA** asked who gave them the licenses. **PATRICK MCDEVITT** stated the Clerk's Office gives out the license. **RENE PANDOLA** stated then the program should go back to her. **RENE PANDOLA** went on to say that the Board never wanted anything to do with this program. She commented about the man who had the garage fire not being in the program but having chickens and now people will think they can have chickens because we have the program.

PATRICK MCDEVITT: Stated that he does not think that is the case, he said they advertise the program a lot. They have a Back-Yard Chicken group on Facebook and all of the participants have taken a class. He stated that everyone knows there are people in town who have chickens who are not part of the program and there isn't anything the Advisory Board can do about it. He said that any enforcement would need to fall under the Board of Health or Zoning with regards to the people who have chickens that are not licensed.

DEBRA VALCOURT-SHERMAN: Asked how the Board of Health would know who has chickens.

PATRICK MCDEVITT: Responded and stated that there are two (2) ways to find out, we can contact him, the Clerk's Office or the Zoning Office for a list of participants.

RENE PANDOLA: Asked who is doing the inspections of the participants yards, pens and chickens.

PATRICK MCDEVITT: Responded and stated that the Chicken Advisory Board is in charge of the inspections.

DAVID SCALES: Stated that the program wouldn't fall under the Board of Health then because we have a Humane Law Enforcement Officer who handles complaints and goes out to residences when there are complaints. **RENE PANDOLA** and **DAVID SCALES** commented that they are completely perplexed as to how this program came back around to falling under the Board of Health when we opposed it from the start.

DEBRA VALCOURT-SHERMAN: Stated that maybe we should have someone from the Zoning Board on the meeting with us.

RENE PANDOLA: Stated that if the Clerk's Office gave out the license that they she be responsible for the program. **DAVID SCALES** agreed.

RENE PANDOLA: asked if there was an ordinance that this all falls under.

DAVID SCALES: responded and said there was Back Yard Chicken pilot program ordinance that was put in place 2 years ago and that the Ordinance Committee is proposing to replace the pilot program with an Ordinance for the Back-Yard Hen program.

PATRICK MCDEVITT: Stated that the Back-Yard Hen program is replacing the Pilot Program.

DAVID SCALES: Stated that, that is why he is perplexed he stated that the board opposed the Pilot Program and it was put through and the board had nothing to do with it, and now they are trying to change the Ordinance to make it fall under the Board of Health when we were not on board with the program from the beginning. He stated that it was Council approved and the Zoning Board and the Clerk's Office was overseeing it then all jurisdiction and all follow through should go with them. He stated that he can't send our Humane Officer out to take care of construction violations because we do not have anything to do with that.

DIANA SALVADORI: Asked why the Pilot Program is being done away with?

DAVID SCALES: Stated that they are revising it to be a permanent ordinance.

RENE PANDOLA: Stated that she still doesn't understand how the Clerk's Office gave out a license. Under what law?

DAVID SCALES: Stated that they did it under the Pilot Program. He stated that two years ago when it was brought before the board for review and we opposed it, Council approved it against our recommendations and approved the pilot program. So that is where the original ordinance came to be. He stated that, that ordinance never fell under the Board of Health.

RENE PANDOLA: Asked if there is a licensing procedure and **PATRICK MCDEVITT** and **RON GARBOWSKI** said yes there is.

RENA PANDOLA: Asked then why are we involved.

PATRICK MCDEVITT: Stated that he can't answer that question that is in internal Township decision and he has no impact on it.

RON GARBOWSKI: Stated that he thinks Zoning was the one who stated it should fall under the Board of Health.

DEBRA VALCOURT-SHERMAN: Stated that is why she thinks we should have someone from the Zoning Office present for the meeting.

DAVID SCALES: Stated that if Zoning administered the program then it should fall under Zoning.

RON GARBOWSKI: Stated that we should table the program, he will take it back to the Ordinance Committee and tell them that we need to definitely clarify who it is going to fall under.

DIANA SALVADORI: Stated that we need more information before the Board just says ok.

DEBRA VALCOURT-SHERMAN: Asked if we would have to update ourselves on the abuse of chickens.

CHARLOTTE RUDOLPH: Stated that hens only lay eggs for a certain amount of time, so what are the homeowners going to do with the chickens once they are no longer making eggs.

PATRICK MCDEVITT: Stated that the chickens are being kept as pets.

DIANA SALVADORI: Stated that we brought up that issue in the past.

DAVID SCALES: Stated that we opposed the program for many reasons, one being that if they are allowed to keep them as pets when they are no longer producing eggs, it goes against the ordinance the Board of Health has only allowing 3 dogs and 3 cats per residence.

DIANA SALVADORI: Stated then if those chickens are now pets are the people allowed to get more chickens for the eggs and then when they are no longer producing eggs they will become pets and the circle just continues.

DAVID SCALES: Stated that one of the Board's biggest oppositions to the program is that there is plenty of farmland in Monroe Township. He said by all means if you want to have chickens and other livestock you have to have the acreage and farmland to do so.

PATRICK MCDEVITT: Stated that as we have seen with other Townships around the Country that, that is a very discriminatory stance to take against having a few chickens.

DAVID SCALES: asked how that is discriminatory?

PATRICK MCDEVITT: Stated well how many dogs can I have?

DAVID SCALES: answered three (3).

PATRICK MCDEVITT: Stated that, that is why they put a limit on the chickens at six (6).

RENE PANDOLA: Stated that dogs and cats are domesticated animals and chickens are farm animals.

PATRICK MCDEVITT: Stated that chickens are domesticated animals.

RENE PANDOLA: Asked how many times have you walked into someone's kitchen and there was a chicken walking around?

PATRICK MCDEVITT: Responded that he has been to several.

RENE PANDOLA: Responded that they shouldn't be, that's a health violation they are dirty animals.

PATRICK MCDEVITT: Responded back saying that's inaccurate and maybe you should be a little more educated since you're on the Board of Health.

RENE PANDOLA: Stated that she has been on the Board of Health longer than any other member and no one has ever questioned...

DAVID SCALES: Mr. McDevitt regardless of that matter the Board of Health has opposed this program from the beginning. Again, why is it coming back to us if we opposed it from the beginning?

PATRICK MCDEVITT: Again, that's a Township decision that's a question that I can't answer.

RENE PANDOLA: Well the Councilmen is sitting there.

RON GARBOWSKI: Yeah, well Zoning threw it into your lap.

TARA NELMS (Zoning Official): Stated that she was under the understanding that the program was always under the Board of Health before she asked for the statement that the program be enforced by the Board of Health as it will no longer be a pilot program.

DAVID SCALES: Stated that the Board opposed this program two (2) years ago and Council and Zoning put it through.

TARA NELMS: Stated that this wasn't a Zoning Ordinance.

DAVID SCALES: Stated then Council put it through and was under the impression that the Clerk's Office and Zoning would oversee the program, the Board of Health did not oversee the program so who actually oversaw it?

TARA NELMS: The Chapter that it fell under was the Board of Health according to the Township Solicitor.

DAVID SCALES: Stated that the pilot program nor the ordinance were never voted on by the Board of Health.

TARA NELMS: Ok, so according the solicitor even after our ordinance meeting last week it fell under the Board of Health Ordinance but because they are licensed animal they are going to be treated as such just like a dog or a cat.

DEBRA VALCOURT-SHERMAN: Asked if the chickens are tagged?

TARA NELMS: Patrick will be able to answer that.

PATRICK MCDEVITT: No tags to his knowledge.

DAVID SCALES: My question is going back to the original program, when it came up to the Board of Health two (2) years ago, it got shot down we were not putting it through, council over road that, this has not been administered through the Board of Health since. We didn't put into our ordinances, we have no idea who wrote the program, where it came from, we never administer or did follow ups on any of this.

RON GARBOWSKI: Asked if when it came up to the Board two (2) years ago if it was an ordinance?

DAVID SCALES: Stated he would have to refer back to our minutes but he knows we collectively agreed we were not going to move forward with the program.

RON GARBOWSKI: Said OK, because I am not sure who two (2) years ago it would have gone through.

CHARLOTTE RUDOLPH: Stated she was going to look back through the minutes.

DAVID SCALES: Stated he just remembers being told in a meeting that Council was moving forward with the program without the Board of Health.

TARA NELMS: Ask who Chapter 280 of the ordinance is? All members stated that, that is the Board of Health.

CHARLOTTE RUDOLPH: Stated that she believed that is why Aileen Chiselko from the Clerk's Office emailed her to state that she did not know how it was listed under 280 for the Board of Health when we opposed it.

DAVID SCALES: Stated that we never did a reading for the Back-Yard Hen program in a meeting to adopt the ordinance and it needs to be read and voted on.

RON GARBOWSKI: Stated that before it wasn't an ordinance it was just a pilot program and they are pushing it into and ordinance.

DAVID SCALES: Stated that it says on the top of the new ordinance that it is replacing the old ordinance. So, someone put an actual ordinance in that was never read or acted upon by the Board of Health.

TARA NELMS: Stated that she was in the ordinance book the pilot program was adopted May 28, 2019.

CHARLOTTE RUDOLPH: Stated that she was looking through the old minutes and there were no readings of the ordinance just references to the council having a meeting about it and Vicki stating she reached out to the County Board of Health with some questions in reference to program

DEBRA VALCOURT-SHERMAN: Asked if the Chickens are licensed and they aren't banded and they get loose how do we find out who owns them?

PATRICK MCDEVITT: Stated that typically the back-yard hen owners are some of the most responsible pet owners that we have in town and they know their birds and they would not allow them to run free without anyone looking for them.

DEBRA VALCOURT-SHERMAN: Said she understands that but she personally knows abusive chicken people also in town. She stated that her problem is, is that once they stop laying eggs they aren't going to have them inside their homes as pets, so how do we control knowing whose chickens are whose. She said she lives off Winslow Road and she sees stray chickens all the time.

PATRICK MCDEVITT: Stated like I said they are not kept in anyone's house right now they are kept in a coup in the back yard and so like I said everyone knows their own pets and I haven't heard of any chicken programs being banned yet. We are one many town's in South Jersey that are revising our ordinances to allow this and from the twelve (12) towns that we know of no one has had any issues. He stated that he will give us the fact that he knows there are people choosing not to participate in the pilot and just like us we don't have any say over what they are doing with their chickens.

CHARLOTTE RUDOLPH: Stated that she read back through the minutes and from the May of 2019 meeting there was a section that Vicki reported that the Back-Yard Chicken Pilot program was approved through Council and that there is a section that states that there is to be no slaughtering of chickens and she reached out to the Township's Solicitor and had the section changed to state that there will be no slaughtering of chickens on site under the program. She also stated there was a section regarding chicken waste so she reached out to the County Board of Health and they informed her that there is to be no disposal of waste in normal trash pick-up. She also stated that she would have to listen to the actual meeting but she knows at no point did the Board approve this program it was all pushed through by Council.

RENE PANDOLA: Stated that it may be a good idea to table this until we have all the facts and we have a little more information as to what is going on and find out who really is going to handle this. It doesn't seem like we are getting anywhere.

CHARLOTTE RUDOLPH: Stated that they only give is 40 minutes free on Zoom so if it cuts off she will send out another link to get back in.

RON GARBOWSKI: Asked if they take it back to the Ordinance Committee can we have a representative from the Board of Health attend the meeting?

DAVID SCALES: Said he will attend, **DEBRA VALCOURT-SHERMAN** stated she is always at the meetings.

CHARLOTTE RUDOLPH: Stated that Vicki is out for medical reasons and Sherri really has nothing to do with the Board of Health as she has never been a part of it. Charlotte stated that is why she has been doing everything in Vicki's absence.

RON GARBOWSKI: Stated he would let **JEN HARBINSON** know to notify us when the meeting will be. So, any of us can attend.

DEBRA VALCOURT-SHERMAN: Stated she is always there but she doesn't want to speak upon it but she would take notes and bring info back.

DAVID SCALES: Stated he will attend and **RON GARBOWSKI** thanked him.

DEBRA VALCOURT-SHERMAN: Stated that she would like to have information about the program from **PATRICK MCDEVITT** so she can read up on it and research it herself.

PATRICK MCDEVITT: Responded and said he could send info to her and requested an email address.

DAVID SCALES: Stated we will wait to hear back from Mr. Garbowksi about the meeting.

TARA NELMS and **PATRICK MCDEVITT** left the meeting.

DAVID SCALES asked for a Motion to close the public portion of the meeting. **RENE PANDOLA** made a motion to close the Public Portion of the Meeting, **MARIE SHERIDAN** 2nd the motion. All members agreed.

PUBLIC PORTION IS CLOSED

There was a group discussion about the program prior to resuming the meeting.

Zoom meeting was cut off I had to send out another link.

APPROVAL OF MINUTES:

DEBRA VALCOURT-SHERMAN made a motion to approve the minutes from the April 14th, 2021 meeting of the Monroe Township Board of Health. The motion was seconded **RENE PANDOLA**. All members agreed to approving the minutes.

DAVID SCALES: The total cash settlement for April of 2021 was \$3,408.07.

REPORTS:

CHARLOTTE RUDOLPH: Stated that Sherri has had a lot of tall grass complaints for vacant lots so she has been sending out a lot of notices.

MARIE SHERIDAN: Nothing to report.

RENE PANDOLA: Stated that she called Charlotte who told her to reach out to Sherri in reference to the workers in the Amish Market not wearing masks. She stated that she went in there two (2) weeks in a row all the servers are not wearing masks in the part that sells the hot dogs and milkshakes. She also stated that all of the employees in the candy section were not wearing masks. She stated that all the other departments were complying. Rene said Sherri stated she would mention it to Dan Kozak and then Sherri sent Rene over to speak to Aileen in the Clerk's Office and she said she would let the person know who handles the violations. Rene stated she wasn't sure if anything was addressed. There was a brief discussion in reference to this matter.

DEBRA VALCOURT-SHERMAN: Nothing to report.

DAN KOZAK: Nothing to report.

DIANA SALVADORI: Nothing to report.

SHERRIE KENNEDY: Not present.

RONALD GARBOWSKI: Nothing to report.

DAVID SCALES: Nothing to report.

BEN JONES: Not Present

DAVID SCALES: With no further business to discuss, **DAVID SCALES** asked for a motion to adjourn and **RENE PANDOLA** made a motion to adjourn the Monroe Township Board of Health meeting of May 12, 2021 the motion was seconded by **MARIE SHERIDAN**. All were in favor and the meeting was adjourned.

Respectfully submitted,

Charlotte Rudolph
Clerk Transcriber

These minutes are an extract from the meeting that was held on the above date and are not a verbatim account or to be construed as an official transcript of the proceedings.

Approved as submitted _____ Date _____

Approved as corrected _____ Date _____