

REGULAR MEETING OF THE BLOOMFIELD BOARD OF HEALTH MAY 18, 2017

A Regular Meeting of the Bloomfield Board of Health, as established by public record in *The Bloomfield Life* and posted on the Public Bulletin Board in the Municipal Building, was called to order on May 18, 2017 at 6:33 p.m. in Room 111 in the Municipal Building.

ROLL CALL

Director Lore showed the following members to be present:

Joel Elkins, President	Present
Dr. Ruchi Mehta, Vice President	Present
Antonia Rodriguez, Member	Present
Denise Serbay, Member	Present
Jody Polidoro, Member	Present
Council Liaison Wartyna Davis	Absent (present at 6:51pm)

Also present: Karen Lore, Director of Health & Welfare.

APPROVAL OF MINUTES

The Board, on a motion by BM Rodriguez, seconded by BM Serbay, reviewed the March 16, 2017 Regular Open Session Meeting minutes.

After review, the Board unanimously approved the minutes as submitted. None were opposed.

PUBLIC COMMENT

None.

LICENSES PENDING APPROVAL – JANUARY & FEBRUARY 2017

The Board, on a motion by BM Rodriguez, seconded by BM Serbay, unanimously approved the following licenses for the months of March & April 2017:

Licenses Pending - March 2017

Trade Name	License Class	Application Fee
HEAVENLY BITES	Deli/Café/Market-With Seating	\$100.00
SOUL HOUSE THE JUKE JOINT	1 Restaurant G	\$100.00
BIBLIAH'S CAFE	Deli/Café/Market	\$100.00

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BLEND CAFE LLC	Deli/Café/Market-With Seating	\$100.00
CVS PHARMACY # 2051	Deli/Café/Market	\$100.00
THE COOKIE CONNECT	Food Services	\$100.00
ADI'S SWEET SHOP	Deli/Café/Market-With Seating	\$100.00
ASH BAR & GRILL	1 Restaurant G	\$100.00
BLOOMFIELD BUY RITE	Food Services	\$100.00
ALDI #70	Supermarket	\$300.00
BLOOMFIELD TRADERS, LLC	Candy Counter	\$25.00
HEAVENLY FLAVORS	Deli/Café/Market	\$100.00
JOHN'S DELI	Deli/Café/Market-With Seating	\$100.00
BINH DUONG RESTAURANT	1 Restaurant G	\$100.00
The Lunchbox	1 Restaurant G	\$100.00
THE BAR	1 Restaurant G	\$100.00
ANTHONY'S CHEESECAKE	Deli/Café/Market-With Seating	\$100.00
EL TROPICOFFEE JUICEBAR & RESTAURANT LLC	1 Restaurant G	\$100.00
MINT'S PLACE	Deli/Café/Market-With Seating	\$100.00
HOMESTYLE BAKERY	Wholesale/Food Processing	\$350.00
JACK'S ICE CREAM	Mobile Vendor	\$50.00
WAX & RELAX, LLC	BEAUTY/BAR 1-4	\$75.00
NEW STYLE UNISEX	BEAUTY/BAR 1-4	\$75.00
HEALING HANDS DOMINICAN SALON	BEAUTY/BAR 1-4	\$75.00
TEASE CO SALON & SPA	BEAUTY/BAR5-10	\$100.00
MY 1ST TIME CHILD CARE CENTER	CHILD CARE FAC	\$30.00
EXCLUSIVE STYLEZ	BEAUTY/BAR5-10	\$75.00
BLUSSH SALON	BEAUTY/BAR5-10	\$100.00
SERENITY SALON AND SPA	BEAUTY/BARB11+	\$150.00

Licenses Pending - April 2017

Trade Name	License Class	Application Fee
GOURMET DINING@BLOOMFIELD COLLEGE	3 Restaurant	\$300.00
CARIBBEAN QUEEN	1 Restaurant G	\$100.00
TACOS LATIN DELI	1 Restaurant G	\$100.00
JERRY'S BROAD ST DELI	Deli/Café/Market-With Seating	\$100.00
ACTIVE LIFESTYLE	Deli/Café/Market	\$100.00
CITY GREEN	Temporary	exempt

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TOP BARBER SHOP	BEAUTY/BAR 1-4	\$75.00
OAKVIEW SCHOOL	EXEMPT	\$0.00
Maddmunki Tattoos	TATTOO&BODY PI	\$200.00
SPA TRICOLOGY CLINIC	BEAUTY/BAR5-10	\$100.00
BETHANY UNITED PRES CHURCH	EXEMPT	\$0.00
CARTERET SCHOOL	EXEMPT	\$0.00
FRANKLIN SCHOOL	EXEMPT	\$0.00
DEMAREST SCHOOL	EXEMPT	\$0.00
BETHEL CHURCH OF LOVE & PRAISE	CHURCH	\$0.00
BROOKDALE SCHOOL	EXEMPT	\$0.00

REVIEW OF THE JANUARY & FEBRUARY 2017 COMMUNICATIONS

The Board, on a motion by BM Rodriguez, seconded by BM Serbay, reviewed and unanimously voted to accept the March & April 2017 communications.

DIRECTOR OF HEALTH AND WELFARE REPORT

The Director provided the following report to the Board:

- Director Lore informed the Board that today’s Tobacco Free presentation will be postponed until the next Board meeting due to an emergency.
- She informed the Board that FIOS news covered the 3rd Annual Senior Prom event. She stated that it was a success and the event was sponsored by the Bloomfield College, Neighbor to Neighbor Network and Partners for Health.
- Walkability Audit will take place from June 12 to 14th. Anyone interested in participating in the audit may reach out to the Health Department. Also Bloomfield launched the Pedestrian Smart Safety Campaign advising pedestrians and drivers alike to pay attention when using the roadways and crosswalks. The Police Department has been issuing warnings to driver’s who fail to yield to pedestrians at the intersection of Bloomfield Avenue and Grove Street. The kickoff took place in Bloomfield with the Mayor, Councilmen and County Executive present.
- The City Green truck from Clifton will be out on Municipal Plaza starting June 13th providing fresh vegetables for sale.
- The vending machines that are located in the basement of Municipal Hall will now be providing healthy options. Additionally, employee surveys will be taken to determine which healthy options they would like to see.
- Radio broadcast through Bloomfield College has started with Maya Lordo and Lindsay Prewitt, Health Educators, speaking on various health related topics. The radio show will start at 3:30pm on the last Monday of every month. It will also, in the near future, provide these radio segments as podcasts.
- The Quality Improvement process is now concentrating on consumer service. The Department will be soliciting suggestions from the public.

- Tonight there is a Narcan training being conducted for the public sponsored by the Police Department, spearheaded by the Mayor.
- Director Lore explained to the Board that she has a conflict with the July meeting. After a discussion, the Board will reschedule its July 20th meeting to July 13th.

MARCH & APRIL 2017 FINANCIAL REPORT

The Board, on a motion by BM Rodriguez, seconded by BM Serbay, unanimously voted to accept the March & April 2017 Financial Reports.

COUNCIL LIAISON'S REPORT

No report.

BOARD PRESIDENT'S REPORT

No report.

UNFINISHED BUSINESS

“SALARY ORDINANCE AMENDMENT – NEW TITLES (2nd Reading)”

The Board, on a motion by BM Rodriguez, seconded by VP Mehta, unanimously voted to approve the following ordinance amendment on its 2nd reading:

AN ORDINANCE TO AMEND AND SUPPLEMENT AN ORDINANCE ENTITLED “AN ORDINANCE ADOPTING TITLES AND ESTABLISHING SALARY RANGES FOR OFFICERS AND EMPLOYEES OF THE BOARD OF HEALTH, TOWNSHIP OF BLOOMFIELD” IS HERETOFORE AMENDED AND SUPPLEMENTED

WHEREAS, the Board of Health has had employees from the Bloomfield Housing Agency transferred from the Building Department to the Health Department;

WHEREAS, the titles held by said employees are not within the salary guidelines of the Board of Health for its employees;

WHEREAS, additional titles need to be adjusted/created based on additional tasks current employees are performing, it is necessary to amend the Board of Health salary ordinance to create/amend these positions;

NOW AND THEREFORE BE IT ORDAINED by the Board of Health of the Township of Bloomfield, New Jersey:

Section 1. That section, “Salary Range Per Annum” of an ordinance entitled “*An Ordinance Adopting Titles and Establishing Salary Ranges for Officers and Employees of the Board of Health, Township of Bloomfield*” is hereby amended and supplemented so that the same shall read as follows: The following positions are hereby created and established in the Civil Service of the Board of Health, Township of Bloomfield and opposite each title and position there is established the salary range for such position.

<u>Position Title</u>	<u>Effective July 1, 2017</u>
Administrative Clerk/Registrar of Vital Statistics	47,405 - 72,768
Clerk Typist – Housing	32,666 - 48,224
Housing Inspector/Administrative	47,405 - 72,768

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Clerk	
Registrar of Vital Statistics	45,900 - 68,200
Clinical Supervisor/ Social Work Specialist	64,334 - 103,505

Section 2. All employees hired after January 1, 1977 shall have a salary range of seven steps, except those positions indicated in "Chapter 324, Officers and Employees of the Board of Health."

Section 3. Employees covered under this ordinance terminating their services with the Board of Health, shall be paid one-twelfth (1/12) of their annual salary for each complete month employed by the Board. Such employees working a part of a month shall be paid for the actual days worked in the final month of employment to be calculated at the rate of one-tenth (1/10) of the bi-weekly salary multiplied by the actual number of days worked in the final month of employment.

Section 4. All ordinances inconsistent herewith are hereby repealed.

Section 5. This ordinance shall take effect according to law.

“ORDINANCE – CHAPTER 658 Solid Waste”

The Board, on a motion by BM Serbay, seconded by VP Mehta, unanimously voted to approve the following ordinance amendment on its 2nd reading:

AN ORDINANCE TO AMEND CHAPTER 658, “ENVIRONMENTAL QUALITY ASSURANCE”, OF THE BOARD OF HEALTH OF THE TOWNSHIP OF BLOOMFIELD” WITHIN THE TOWNSHIP OF BLOOMFIELD, ESSEX COUNTY, NEW JERSEY:

BE IT ORDAINED, by the Board of Health of the Township of Bloomfield, County of Essex, State of New Jersey, as follows:

An ordinance to amend an ordinance within the Township of Bloomfield entitled Chapter 658 Environmental Quality Assurance which ordinance shall read as follows:

Chapter 658. ENVIRONMENTAL QUALITY ASSURANCE

§ 658-1. Definitions.

A. As used in this chapter, the terms "motor vehicle," "omnibus," "road tractor," "trailer," "truck," "truck tractor" and "vehicle" shall have the meanings stated and as defined in N.J.S.A. 39:1-1 et seq.

B. As used in this chapter, the following terms shall have the meanings indicated:

ABANDON

Includes any motor vehicle, omnibus, road tractor, trailer, truck, truck tractor and vehicle which:

- (1) Is parked without the current year's registration or identification markers as required by law.
- (2) Has been continuously parked in any of the places mentioned in this chapter for a period of 48 hours.
- (3) Is so disabled as to constitute an obstruction to traffic, and the driver or person owning or in charge thereof neglects or refuses to move the same to a place where it will not obstruct traffic.
- (4) Is found to be mechanically inoperative.
- (5) Is found without one or more tires.

BULK WASTE/ITEMS

Large residential waste, Type 13 DEP designation, and includes white metals but excludes construction debris.

COMMERCIAL WASTE

Any waste Type 10 DEP designation, as defined by N.J.A.C. 7:26-2:13, generated by wholesale, retail, or service establishments.

CONTAINER(S) PLACEMENT AND COLLECTION

The time allowed to place and remove suitable receptacles and the time of collection.

CONTRACT

An arrangement for the provision of services on a regular basis. A contract does not have to be in writing unless state law requires it to be in writing.

MULTIFAMILY

Any housing in which three or more units of dwelling space are occupied or are intended to be occupied by three or more persons who live independently of one another.

NUMBER OF RECEPTACLES

Each residential or commercial establishment shall be responsible for providing a sufficient number of suitable receptacles to contain all waste that accumulates between collections.

PAYABLE FINE

A fine imposed for the violations noted, paid directly to the court. A court appearance is not required, unless a plea of not guilty is entered.

PROOF OF COLLECTION SERVICE

A written record, log, bill or document evidencing receipt of service for the collection of solid waste for the preceding month from a person lawfully engaging in private solid waste collection services within the Township of Bloomfield.

PUTRESCIBLE

Waste composed of or comprising some portion of animal, vegetable or other organic matter that is capable of decay or decomposition during storage or awaiting collection, such as food or food products or animal waste, that will create offensive odors or liquids and be food for vermin or otherwise create a nuisance if not properly stored.

REFUSE

Nonputrescible solid waste.

REGULAR SOLID WASTE COLLECTION SERVICE

The scheduled pickup and removal of solid waste, from residential, commercial or institutional premises located within the boundaries of the Township of Bloomfield, at least once a week.

REGULAR SOLID WASTE GENERATOR

Any property owner, tenant or occupant of any single-family residential dwelling or multiple dwelling, or the owner of any commercial or institutional building or structure located within the boundaries of the Township of Bloomfield, who generates solid waste at those premises.

SOLID WASTE

Garbage, refuse and other discarded materials resulting from industrial, commercial and agricultural operations and from domestic and community activities, and shall include all other waste materials.

SOLID WASTE COLLECTION

Any activity related to the pickup and transportation of solid waste from its source or location to a solid waste facility or other destination.

SOLID WASTE CONTAINER

A receptacle, container or bag suitable for the depositing of solid waste.

SOLID WASTE FACILITIES

Includes the plants, structures and other real and personal property acquired, constructed or operated or to be acquired, constructed or operated by any person pursuant to the provisions of this or any other act, including transfer stations, incinerators, resource-recovery facilities, sanitary landfill facilities or other plants for the disposal of solid waste, and all vehicles, equipment and other real personal property and rights therein and appurtenances necessary or useful and convenient for the collection or disposal of solid waste in a sanitary manner.

SUITABLE RECEPTACLES/DISPOSAL METHOD

Suitable receptacles for household garbage, food waste, organic and putrescible solid waste collection shall mean solidly constructed receptacles made of metal or rigid plastic, in a watertight container with tight-fitting lids, handles, with a capacity of no more than 35 gallons or 50 pounds. Plastic bags with a maximum capacity of 30 gallons and a thickness sufficient to prevent tearing or ripping so as to prevent

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spillage or leakage of contents and weighing not more than 50 pounds when placed for collection are suitable for paper and refuse. Paper or plastic shopping bags and cardboard boxes are not suitable receptacles for garbage. All containers must be tightly covered, tied or sealed to prevent spillage or leakage and the intrusion of rainwater and animals.

SUITABLE RECEPTACLES/DISPOSAL METHOD FOR VEGETATIVE WASTE (I.E., LIMBS, BRANCHES, LOOSE WOOD, BRUSH, ETC.)

Shall be cut and tied in lengths not exceeding three feet in length and not to exceed 25 pounds.

SUITABLE RECEPTACLES/DISPOSAL METHOD FOR YARD WASTE

Must be placed in biodegradable bags only.

VEGETATIVE GROWTH/WASTE

Tree limbs, branches, loose wood, large brush, and any other similar organic material generated from the property.

YARD GROWTH/WASTE

Leaves, grass, clippings, small brush and lawn rakings, compost, and any other similar yard waste generated from the property.

§ 658-2. Solid waste receptacles, collection and deposits.

A. Storage of receptacles between collections.

- (1) Household waste must be stored in a suitable receptacle. All garbage, refuse, bulky waste, white metal or trees and vegetative waste must be stored in a manner that does not create a nuisance, free from offensive odors and accumulation.
- (2) No garbage, refuse, bulky waste, white metal, or trees and vegetative waste awaiting collection may be stored between the front or side building setback lines and the curb on noncollection days.

B. Suitable receptacles are required for each type of solid waste.

C. Days and hours for collection.

- (1) No garbage, refuse or rubbish shall be collected by any person lawfully providing solid waste collection services within the Township of Bloomfield on a Township-maintained street prior to 6:30 a.m. and no later than 6:30 p.m.
- (2) No garbage, refuse or rubbish shall be collected by any person lawfully providing solid waste collection services within the Township of Bloomfield on a county-maintained street prior to 6:30 a.m. and no later than 6:30 p.m.
- (3) Upon application to the Mayor and Township Council and for good cause shown, the Mayor and Township Council may, on a temporary basis, alter the hours set forth in Subsection **C(1)** and **(2)** above.

D. Deposit into waters.

- (1) No person shall place or permit to be placed or discharged or permit to be discharged or cast or deposit or cause or suffer to be deposited into any of the brooks or rivers within the limits of the Township or into any tributary thereof, which brooks or rivers empty into the Passaic River, any sewage or waste matter, article or substance, liquid or solid, of any kind, which creates odors or gases or fumes, due to the putrefaction of organic matter, or the presence of chemicals or which discolors the waters of the brooks or rivers or their tributaries or results in the presence of oil or grease on the surface of the waters of the brooks or rivers or any of their tributaries or which reduces the dissolved oxygen content thereof to such an extent as to interfere with major fish life in the waters.
- (2) It shall be unlawful for any person to dump, deposit or place or caused to be dumped, deposited or placed any rubbish, refuse or other material in any brook, stream or watercourse or the bed thereof in the Township that may, in any manner, hinder or obstruct the free flow of water in such watercourse.

E. Deposit on public or private property.

- (1) No person shall place any refuse or waste material, cause to be placed or throw or permit to be thrown any refuse, waste material or wastepaper or discard any article in any street, alley or other public place or upon any private property, whether owned by such person or not, within the Township, nor shall any person throw or deposit any refuse in any stream or any other body of water, nor shall any person cause, place, sweep or deposit, anywhere within the Township, any refuse or discard any item, article, thing or material of any kind or nature whatsoever in such a manner that it may be carried or deposited by the elements

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upon any street, sidewalk, alley, sewer, park or parkway or other public place or onto any occupied premises privately or publicly owned.

- (2) It shall be unlawful for any person to deposit refuse, rubbish or waste matter or material of any kind upon any field, vacant lot or building plot in the Township.

F. Deposits into public litter baskets.

- (1) The public litter baskets as located throughout the Township of Bloomfield are specifically to be used for litter.
- (2) It shall be unlawful for any person to dump private refuse, which should be disposed of through scavenger services, into public litter baskets.

G. Commercial, institutional and multifamily sources.

- (1) Any commercial, institutional or multifamily source unable to comply with suitable receptacles of this chapter may place refuse out for collection in plastic bags, with a capacity of no more than 30 gallons or weight of not more than 50 pounds putrescible garbage; plastic bags must be of a thickness sufficient to prevent tearing or ripping and sealed to prevent spillage or leakage of contents while awaiting collection.
- (2) The cleanup of any spillage or leakage from said plastic bags shall be the responsibility of the building owner and or business owner. Any spillage or leakage must be cleaned up within two hours of collection.
- (3) Private haulers collecting from the curbside shall collect on the same day municipal collection occurs in the area affected.
 - (a) The owners or occupants of stores or other places of business shall keep the sidewalks and street curbs in front of their respective premises in a clean and orderly condition.
 - (b) In order to properly maintain a clean and orderly condition as hereinabove set forth, it shall be the duty of the owners or occupants to broom-clean the sidewalks and street curbs within 30 minutes after the opening of the premises for business, and upon closing of business as needed to comply with Subsection **G(3)(a)** above.

H. Placement of receptacles for collection; days and hours for collection.

- (1) No solid waste receptacle or bulky wastes shall be placed at the curb, on the sidewalk or on any public right-of-way prior to 5:00 p.m. on the day preceding the scheduled collection day.
- (2) No receptacle shall be permitted to remain at the curb longer than two hours in any commercial or business area after its collection.
- (3) No residential receptacle shall be permitted to remain at the curb longer than 24 hours after being set out for collection.

I. Bulk waste.

- (1) Bulk waste items too large to be contained in a receptacle must be broken or reduced in volume and tied or bundled so that the greatest dimension is not more than three feet, except that furniture will be accepted without being broken or bundled.
- (2) No item or bundle shall weigh more than 50 pounds.
- (3) The Director of Public Works reserves the right to reject any bulky items offered for collection if its disposal is prohibited at the facility designated by the county for use by the Township.

J. Vegetative growth/waste:

- (1) Must be cut into three-foot lengths and tied in bundles.
- (2) Items shall weigh no more than 25 pounds each.
- (3) Shall not be piled to create a nuisance or attract insects or rodents.
- (4) Composting location shall be a minimum of 10 feet from each property line.

K. Yard growth / waste:

- (1) Shall be placed in a biodegradable bag.
- (2) No item shall weigh more than 50 pounds.
- (3) Grass/weeds growth must not exceed nine inches.

L. Recycling

- (1) Recycling must be put out for collection on the appropriate weekly pickup (comingled vs mixed paper)

M. Prohibited Items in township collection (to dispose of privately)

- 1) Construction debris
- 2) Tires

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- 3) Propane gas tanks
- 4) Electronics/TVs

§ 658-3. Public Health Nuisance.

A. Hedges/Obstruction of Vision:

(1) The owner of lands lying within the Township shall keep all brush, hedges and other plant life growing upon his property within 10 feet of any street and within 25 feet of the intersection of two streets cut to a height of not more than 2 1/2 feet where the Township Council shall deem it necessary and expedient for the preservation of the public safety.

(2) The owner of lands lying within the Township shall keep all brush, hedges and other plant life growing upon his property from obstructing any passage or public sidewalk.

B. Landscaping.

The landscaping of premises shall be maintained in an orderly state, with lawns and bushes trimmed and free from litter, including brush and leaves. Open areas shall be graded to eliminate holes, depressions, gullies, mounds, accumulations of debris or other unsightly or unsafe conditions.

C. Insects/Rodents.

Depositing, accumulating or maintaining any matter or thing which serves as food for insects or rodents and to which they may have access or which serves or constitutes a breeding place or harborage for insects or rodents in or on any land, premises, building or other place including the presence of burrows.

D. The growth, existence or presence of poison ivy, poison oak or poison sumac on any property.

E. The existence or presence of any water or other liquid in which mosquito larvae breed or exist.

§ 658-3 B. Abandonment of vehicles prohibited.

It shall be unlawful for any person to abandon a motor vehicle, omnibus, road tractor, trailer, truck, truck tractor or vehicle on any public street or highway of the Township; on any municipally owned or operated parking lot; on any property which is owned, leased or maintained by the Township; on any property which is owned, leased or maintained by the Board of Education of the Township; or on any property which is owned, leased or maintained by the Board of Recreation Commissioners of the Township.

§ 658-4. Order to abate violation; notice.

A. In any case where the Health Officer or designee(s) shall determine that it is necessary and expedient for the preservation of the public health, safety and general welfare, or to eliminate a fire hazard, this section requires that the Health Officer or designee(s) is to order the immediate removal of any brush, grass, weeds, dead and dying trees, stumps, roots, obnoxious growths, filth, garbage, bulk waste/items, trash and/or debris from any land in the Township. In the event, The Health Officer, or designee(s), determines that items above do not pose an immediate risk to public safety, a violation notice will be issued for items above for which the owner or tenant or person, firm, corporation and/or entity of such land shall comply within the time given in the violation notice not exceeding 10 days when issued.

B. When more than three Bulk/ waste items are deposited at curbside or in public view (line of site) from either of the front side lines of the property creating a visible blight (nuisance) a violation notice shall be issued to the owner or tenant or person, firm, corporation and /or entity of such land shall comply within the time given. which the owner or tenant or person, firm, corporation and/or entity of such land shall comply within the given time not exceeding 24 hours.

§ 658-5. Administrative lien.

A. In the event that the owner or tenant shall have refused or neglected to comply with the notice as provided in the preceding section within the time specified, the Health Officer, or designee(s), shall, pursuant to N.J.S.A. 40:48-2.13 and 40:48-2.14, remove from such lands the brush, weeds, dead and dying trees,

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stumps, roots, obnoxious growth, filth, garbage, trash and debris that may be thereon, and such officer shall certify the cost thereof to the Township Council of Bloomfield, which shall examine the certificate and, if found correct, shall cause the cost shown thereon to be charged against the property. The amount so charged shall forthwith become a lien on such land and shall be added to and become part of the taxes next to be assessed and levied against such lands, the same to bear interest at the same rate as taxes and shall be collected and enforced by the same officers and in the same manner as taxes.

- B. In no event shall the assessment of costs against the owner or tenant of such lands relieve such owner or tenant of penalties as provided for upon conviction for failure to obey the notice as required by this and the preceding section.

§ 658-6. Adoption of certain regulations by reference.

The following municipal ordinances are adopted by reference:

- A. Chapter **380**, Noise: in toto but amending § **380-7** to allow for penalties described in § **658-7** below.
B. Chapter **423**: in toto Article **II**, Adoption of International Code 2009 by reference, § **423-17**, and to allow for penalties described in § **658-7** below.

§ 658-7. Violations and penalties.

- A. Anyone found in violation of any provision of this chapter shall be subject to the penalty provisions of this chapter of the Bloomfield Board of Health ordinances.
B. Any person, firm or corporation and/or entity violating this Board of Health ordinance shall be punished by a payable fine of not less than \$ 75 for each first offense; not less than a payable fine of \$250 for each second offense; and not less than a payable fine of \$500 for a third offense.
C. Any subsequent offense(s) within a 12 month timeframe, shall require a mandatory court appearance and a minimum fine of \$1,000 or imprisonment in the county jail for a period not exceeding 90 days, or both such fine and imprisonment, or be subject to a civil penalty, not to exceed \$500, which penalty shall be enforced or collected through any court of competent jurisdiction in accordance with the Penalty Enforcement Law, N.J.S.A.
2A:58-1 et seq. Each violation of any of the provisions of this chapter and each day or part thereof the same is violated shall be deemed and taken to be a separate and distinct offense.
D. When a violation is found to meet section 658-4B. then the fines are as follows:
First truck load of Bulk waste/items removed by the township \$500, Second truck load \$1,000 and third truck load not to exceed \$5000.
E. Fines assessed under this article shall be recoverable from the owner and shall be a lien on the property.

Section 2.

All ordinances inconsistent herewith are hereby repealed.

Section 3.

This ordinance shall take effect upon final passage and publication in accordance with the law.

NEW BUSINESS

“PRESENTATION – TOBACCO FREE NEW JERSEY”

Director Lore informed the Board that today’s presenter had an emergency to tend to and could not present to the Board the topic of Tobacco Free New Jersey. It will be placed on the Board’s June agenda.

“ORDINANCE – AMENDMENT TO CHAPTER 575”

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The Board, on a motion by BM Serbay, seconded by BM Rodriguez, unanimously voted to approve the following ordinance amendment with its second reading to take place on June 15th:

AN ORDINANCE TO AMEND “CHAPTER 575, ARTICLE II – ADOPTION OF CODE BY BOARD OF HEALTH” WITHIN THE TOWNSHIP OF BLOOMFIELD, ESSEX COUNTY, NEW JERSEY:

BE IT ORDAINED BY THE BOARD OF HEALTH OF THE TOWNSHIP OF BLOOMFIELD THAT “CHAPTER 575” BE AMENDED AS FOLLOWS:

ARTICLE II (renamed from “Adoption of Code by Board of Health” to) Board of Health: Organization; Meetings; Duties of Officers

§ 575-5. Organization.

The Board of Health shall organize annually in January and shall elect a President, Vice President and a Secretary and such other officers as the Board may deem necessary, all of whom shall hold office for one year and conduct any and all acts necessary to accomplish the statutory requirements of a Board of Health.

§ 575-6. Purpose.

The Board of Health, a legally constituted body of the Township of Bloomfield, New Jersey, as authorized by N.J.S.A. 26:3-1 and Chapter 5, Administration of Government of the Code of the Township of Bloomfield, Article X, shall exist as is required by such authority to pass, alter or amend ordinances and resolutions and make and modify rules and regulations pertaining to the health of the residents and occupants of this Municipality and to appoint officers and employees, fix their salaries and duties and establish appropriate policy and procedure for the Board’s employees and agents.

§ 575-7. Quorum and Meetings.

Regular Meetings. Regular meetings shall be held once per month as published in the newspaper of record for the Board and posted on the public bulletin board in the Municipal Building located at 1 Municipal Plaza. The Board shall meet to determine and establish the rules of its own proceedings, to pass, promulgate, amend or adopt rules, regulations, orders, ordinances, bylaws and resolutions pertaining to the purposes and objectives of the Board as may be necessary to properly carry out the provisions of applicable state laws governing the powers and duties of local Boards of Health.

- A. Special Meetings. At the Discretion of the President of the Board or any three (3) members thereof, and with notice given in accordance with the New Jersey Open Public Meetings Act and notice to each Board Member a Special Meeting may be called.
- B. Quorum. A quorum shall be necessary to conduct any official business of the Board. A quorum shall be three (3) members of the Board. In the case where there exists a vacancy on the Board, a majority of sitting members shall constitute a quorum.
- C. Order of Business. The order of business at the meetings of the Board shall be as follows:
 - (1) Call to Order
 - (2) Sunshine Law Statement
 - (3) Roll Call
 - (4) Approval of Minutes of the previous regular meeting and subsequent special meetings
 - (5) Public Comment
 - (6) Licenses
 - (7) Communications
 - (8) Reports
 - (9) Unfinished Business
 - (10) New Business
 - (11) Closed Session
 - (12) Adjournment

§ 575-8. Duties of Officers of the Board of Health.

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- A. It shall be the duty of the President of the Board of Health to preside at all meetings of the Board and to perform all duties usually pertaining to this office.
- B. The Vice-President of the Board of Health shall perform all duties of the President in the absence or disability of the President.
- C. In the case that a quorum is present and neither the President nor Vice-President is present the remaining members shall take a vote to decide who shall preside.
- D. The Secretary of the Board shall keep minutes of all proceedings and record the same. In the event that the Board should enter into Closed Session, Closed Session proceedings shall not be recorded. In the absence or disability of the Secretary to the Board, an employee designated by the Secretary or Board shall perform the duties of the Secretary to the Board.

ARTICLE III, Employees.

§ 575-9. Divisions, Titles, Employees and Salaries.

The salaries and compensation of all officers and employees of the Board of Health are set forth from time to time by ordinance of the Board. A copy of the currently effective Salary Ordinance of the Township is on file in the office of the Board and available for examination during normal office hours. Titles and salary ranges of all employees employed by the Board of Health shall be fixed by said ordinance: "An ordinance adopting titles and establishing salary ranges for officers and employees of the Board of Health, Township of Bloomfield."

All employees employed by the Board of Health prior to November 16, 1993 shall be entitled to additional compensation based on longevity provisions established by the Board of Health up to a maximum of 10% of their annualized salary.

- A. Director/Department Head of Health and Human Services. The Board shall appoint a Director/Department Head of Health and Human Services. This person shall be the Chief Executive Officer of the Agency. In addition, the Director/Department Head shall be required to:
 - (1) Unless otherwise excused from, attend all meetings of the Board of Health.
 - (2) Prepare an annual budget for Board review and approval.
 - (3) Function as custodian of official records of the Board of Health and the Local Health Department.
 - (4) Complete and submit a Departmental report to the Board of Health on a monthly basis.
 - (5) Inform the Board on all matters, instructions and notices necessary for the Board to carry out its legal responsibilities.
 - (6) Act as the Board's agent as customary for Chief Executive Officers in all matters pertaining to the management of the Department of Health and Human Services and its personnel.
 - (7) Oversee the Supervisors of each Division within the Department and employees who by the nature of their position do not have a Division Supervisor.
 - (8) Report to the Board, on a monthly basis, major activities of the Divisions.
 - (9) Prepare and deliver a State of the Health of the Municipality report annually, in conjunction with the Health Officer.
 - (10) The salary for this position shall be in accordance with a five (5) step salary range.
- B. Health Officer. The Board shall appoint a Health Officer to be its general agent and Chief Executive Officer of the Health Division for the enforcement of health ordinances and sanitary laws of the State. The Health Officer shall be responsible for all duties and responsibilities as outlined in N.J.A.C. 8:52 et seq, Public Health Practice Standards of Performance for Local Boards of Health in New Jersey, and interlocal health agreements requiring the services of said Health Officer. In addition, the Health Officer shall be required to:
 - (1) Inform the Director of Health and Human Services and the Board on all matters, instructions and notices necessary for the Board to carry out its legal responsibilities.
 - (2) Prepare a report for Board submission to the Director of Health and Human Services on a monthly basis outlining the major activities of the Health Division.
 - (3) Prepare a State of the Health of the Municipality report annually, in conjunction with the Director of Health and Human Services.
 - (4) Complete and submit all reports or forms required of a Local Board of Health to any appropriate Federal, State or Local agency.
 - (5) The salary for this position shall be in accordance with a five (5) step salary range.

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Within the Health Division, the Environmental Staff shall be responsible for the typical sanitary protection responsibilities of a Local Health department as referenced in the State Sanitary Code, the Public Health Practice Standards of Performance for Local Boards of Health in New Jersey, the Ordinances of the Board of Health of the Township of Bloomfield and other appropriate State regulations and mandates. Pursuant to N.J.S.A. 26:3-25.1 and N.J.S.A. 26:1a-41, positions designated with any derivative of the title Registered Environmental Health Specialist shall have a five (5) step salary range.

Within the Health Division, the Public Health Nursing and Health Education Staff shall be responsible for community health nursing and health education services typical of a Local Health Department as referenced in The Public Health Practice Standards of Performance for Local Boards of Health in New Jersey, the Ordinances of the Board of Health of the Township of Bloomfield and other appropriate State regulations and mandates.

- C. Human Services Division. The Board shall appoint a Director of Social Work to be its general agent and Chief Executive Officer of the Human Services Division for the operation and administration of its Outpatient Mental Health Program and all social service and social work related programs and activities. The Director of Social Work shall be responsible for ensuring compliance with all state board licensing requirements, HIPPA regulations, Privacy Rules as it relates to practice and NASW practice standards and Code of Ethics guidelines. Additionally, the Division shall perform all social service related activities and community-based social work services including assessment, referral, benefits screenings, linkage to community resources, client follow up and case management services when indicated. In addition, the Director of Social Work shall be required to:
- (1) Inform the Director of Health and Human Services and the Board on all matters, instructions and notices necessary for the Board to carry out its legal responsibilities.
 - (2) Prepare a report for Board submission to the Director of Health and Human Services on a monthly basis on major activities and statistical data pertaining to the Human Services Division.
 - (3) Prepare a Municipality report annually outlining the mental health and social service needs of the community and services rendered, in conjunction with the Director of Health and Human Services.
 - (4) Complete and submit all reports or forms required of an Outpatient Mental Health Clinic/Social Service Agency to any appropriate Federal, State or Local agency.
- (5) Evaluate community needs and develop programs accordingly.
- D. Administration Division. The Administration Division shall be responsible for the typical clerical and Vital Statistic responsibilities of the Department of Health and Human Services.
- E. Legal Counsel. The Board of Health may hire an attorney to act as legal advisor of the Board, attend its meetings, represent the Board of Health or the Department of Health and Human Services in litigation to which it may be a party and perform all such other legal services as may, from time to time, be required by the Board of Health.
- F. No individual may serve in a title requiring a State license or certification without having such a valid license or certification.
- G. The Board of Health may employ such other personnel as it may deem necessary, including technicians, inspectors, nurses, social workers and others on a permanent, temporary or contractual basis, including temporary independent contractors on a part-time or limited basis not to exceed sixty (60) days, as necessary to carry out the powers vested in the Board of Health by law. All personnel shall, where required, be appropriately licensed or certified.
- H. The Board of Health shall fix the duties and compensation of every appointee of the Board of Health.
- I. The Board of Health may employ part-time employees under the above and enumerated titles on an hourly basis and said compensation shall be fixed within the salary range guidelines.

ARTICLE IV, General Provisions.

§ 575-10. Power to make rules and regulations and adopt and amend ordinances.

The Board of Health may enact and amend health ordinances, and make and alter necessary rules and regulations in the execution of any power delegated to it or in the performance of any duty imposed upon it by law.

§ 575-11. Adoption of ordinances and resolutions.

Ordinances may be introduced and read on first and second reading by reading the title only. Upon the adoption of any amendment following second reading, the amended ordinance shall take the course prescribed by law. Copies of

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each ordinance and resolution, in printed or typewritten form, bearing a notation by the Board Attorney as to his approval as to form and legality, shall be forwarded by the Secretary to the Board to each Board Member at least forty-eight (48) hours prior to introduction, provided that the failure of the Secretary to the Board to make such forwarding shall not invalidate any action taken by the Board.

§ 575-12. Hearings.

Any person feeling aggrieved at the official action of the Board or any of its members or employees shall be entitled to a hearing during any regular meeting of the Board. In the event that the Board determines that additional time or further consideration is necessary, the Board in its sole discretion may adjourn and reschedule the meeting and/or hearing and conduct additional investigation and/or research or the like before making its final decision.

§ 575-13. Inspection and Right of entry.

A. Inspection of premises. The Board of Health, its agents and employees shall have the right to inspect any premises in the Township of Bloomfield if they have reason to believe that any provision of this chapter or any health related ordinance is being violated, or as part of a regular program of inspection.

B. Search warrant. If the owner or occupant of any premises refuses to permit entry for the purpose of inspection, the Board of Health may apply to the Municipal Judge for a search warrant. The application shall be based upon an affidavit setting forth that the inspection is part of a regular program of inspection or that conditions and circumstances provide a reasonable basis for believing that a nuisance or unsanitary or unhealthy condition exists on the premises. If the Judge is satisfied as to the matters set forth in the affidavit, he shall authorize the issuance of a search warrant permitting access to and inspection of the premises.

§ 575-14. Severability.

The provisions of this ordinance are declared to be severable, and if any section, subsection, sentence, clause or part thereof is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of any remaining sections, subsections, sentences, clauses or part of this ordinance.

§ 575-15. Repealer.

Any ordinances or parts of ordinances inconsistent herewith are hereby repealed.

§ 575-16. Effective Date.

This ordinance shall become effective in accordance with law.

“RESOLUTION – NEW HIRE FULL TIME REHS”

The Board, on a motion by BM Rodriguez, seconded by BM Serbay, discussed and subsequently voted to unanimously approve the following resolution:

**RESOLUTION
FULL- TIME / REGISTERED ENVIRONMENTAL HEALTH SPECIALIST (REHS)**

WHEREAS, A vacancy currently exists for a *full-time Registered Environmental Health Specialist* (REHS) within the Department of Health & Human Services of the Township of Bloomfield following an employee promotion to Assistant Health Officer; and

WHEREAS, the Board of Health of the Township of Bloomfield determined that it is in the best interest of the Department and Township of Bloomfield to authorize the hire of a *full-time, REHS*, to assist the Department; and

WHEREAS, Sagar H. Patel having met all requirements of the New Jersey Department of Personnel and is seeking an intergovernmental transfer into the Department of Health and Human Services as a full-time REHS and;

Whereas, Director Karen Lore is requesting authorization to *approve the transfer* of Sagar H. Patel having met all job specifications required for *Registered Environmental Health Specialist*.

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NOW, THEREFORE, BE IT RESOLVED that Sagar H. Patel, 547 Ashwood Road, Springfield, NJ 07081 be transferred, pending completion of the *Intergovernmental Transfer Agreement DPF-721* and all necessary documents required to effectuate the transfer in accordance with *New Jersey Department of Personnel* procedures.

NOW, THEREFORE, BE IT FURTHER RESOLVED that pursuant to N.J.S.A. 26:3-25.1 and N.J.S.A. 26:1a-41, that Sagar H. Patel be placed in a 5 Step range for the title of full-time REHS effective June 12, 2017 at Step 3 of the Board's Salary range for said title.

“2017 STRATEGIC PLAN REVIEW”

The Board, on a motion by BM Rodriguez, seconded by BM Serbay, opened the above topic for discussion.

Director Lore informed the Board that the Strategic Plan needs to be reviewed and minor updates made have to be made for the 2017 year.

Various surveys need to be conducted as well as health data being collected as part of this plan review, which funding has been sought through our community partners. Director Lore will provide the Board with further information as it becomes available.

CLOSED SESSION

The Board, on a motion by BM Rodriguez, seconded by BM Serbay, unanimously voted to move to Closed Session at 7:20 pm. All present voted in the affirmative.

CLOSED SESSION RESOLUTION

WHEREAS, N.J.S.A. 10:4-12 allows for a public body to go into closed session during a public meeting; and

WHEREAS, the Board of Health of the Township of Bloomfield has deemed it necessary to go into closed session to discuss certain matters which are exempted from the public; and

WHEREAS, this meeting of the Board of Health will reconvene immediately following the closed session,

NOW, THEREFORE BE IT RESOLVED, that the Board of Health of the Township of Bloomfield will go into closed session for the following reason(s) as outlined in N.J.S.A. 10:4-12:

	(1) Any matter which, by express provision of Federal law or State statute or rule of court shall be rendered confidential or excluded from the provisions of subsection a. of this section.
	(2) Any matter in which the release of information would impair a right to receive funds from the Government of the United States.
	(3) Any material the disclosure of which constitutes an unwarranted invasion of individual privacy such as any records, data, reports, recommendations, or other personal material of any educational, training, social service, medical, health, custodial, child protection, rehabilitation, legal defense, welfare, housing, relocation, insurance and similar program or institution operated by a public body pertaining to any specific individual admitted to or served by such institution or program, including but not limited to information relative to the individual's

	personal and family circumstances, and any material pertaining to admission, discharge, treatment, progress or condition of any individual, unless the individual concerned (or, in the case of a minor or incompetent, his guardian) shall request in writing that the same be disclosed publicly.
	(4) Any collective bargaining agreement, or the terms and conditions which are proposed for inclusion in any collective bargaining agreement, including the negotiation of the terms and conditions thereof with employees or representatives of employees of the public body.
	(5) Any matter involving the purchase, lease or acquisition of real property with public funds, the setting of banking rates or investment of public funds, where it could adversely affect the public interest if discussion of such matters were disclosed.
	(6) Any tactics and techniques utilized in protecting the safety and property of the public, provided that their disclosure could impair such protection. Any investigations of violations or possible violations of the law.
	(7) Any pending or anticipated litigation or contract negotiation other than in subsection b. (4) herein in which the public body is, or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer.
X	(8) Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of, promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all the individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting.
	(9) Any deliberations of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit belonging to the responding party as a result of an act or omission for which the responding party bears responsibility.

The public portion of the meeting reconvened at 7:30p.m.

NEW BUSINESS, (continued)

“SALARY ORDINANCE AMENDMENT – NEW TITLES (1st Reading)”

The Board, on a motion by BM Rodriguez, seconded by VP Mehta, unanimously voted to approve the following ordinance amendment with its 2nd reading to take place on June 15th:

AN ORDINANCE TO AMEND AND SUPPLEMENT AN ORDINANCE ENTITLED “AN ORDINANCE ADOPTING TITLES AND ESTABLISHING SALARY RANGES FOR OFFICERS AND EMPLOYEES OF THE BOARD OF HEALTH, TOWNSHIP OF BLOOMFIELD” IS HERETOFORE AMENDED AND SUPPLEMENTED

AN ORDINANCE TO AMEND AND SUPPLEMENT AN ORDINANCE ENTITLED “AN ORDINANCE ADOPTING TITLES AND ESTABLISHING SALARY RANGES FOR OFFICERS AND EMPLOYEES OF THE BOARD OF HEALTH, TOWNSHIP OF BLOOMFIELD” IS HERETOFORE AMENDED AND SUPPLEMENTED

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WHEREAS, certain titles need to be adjusted/created based on additional tasks current employees are performing and in order to be consistent with New Jersey Civil Service titles, it is necessary to amend the Board of Health salary ordinance to create/amend these positions;

NOW AND THEREFORE BE IT ORDAINED by the Board of Health of the Township of Bloomfield, New Jersey:

Section 1. That section, "Salary Range Per Annum" of an ordinance entitled "*An Ordinance Adopting Titles and Establishing Salary Ranges for Officers and Employees of the Board of Health, Township of Bloomfield*" is hereby amended and supplemented so that the same shall read as follows: The following positions are hereby created and established in the Civil Service of the Board of Health, Township of Bloomfield and opposite each title and position there is established the salary range for such position.

<u>Position Title</u>	<u>Effective July 1, 2017</u>
Keyboarding Clerk 2	33,873 - 50,453
"Senior Clerk Typist/Deputy Registrar of Vital Statistics" changed to "Deputy Registrar of Vital Statistics/ Keyboarding Clerk 3"	39,857 - 57,621

Section 2. All employees hired after January 1, 1977 shall have a salary range of seven steps, except those positions indicated in "Chapter 324, Officers and Employees of the Board of Health."

Section 3. Employees covered under this ordinance terminating their services with the Board of Health, shall be paid one-twelfth (1/12) of their annual salary for each complete month employed by the Board. Such employees working a part of a month shall be paid for the actual days worked in the final month of employment to be calculated at the rate of one-tenth (1/10) of the bi-weekly salary multiplied by the actual number of days worked in the final month of employment.

Section 4. All ordinances inconsistent herewith are hereby repealed.

Section 5. This ordinance shall take effect according to law.

"RESOLUTION – CHANGE OF TITLE – ADMINISTRATIVE CLERK/REGISTRAR OF VITAL STATISTICS"

The Board, on a motion by BM Rodriguez, seconded by VP Mehta, after discussion, unanimously approved the following resolution:

R E S O L U T I O N – CHANGE OF TITLE – ADMINISTRATIVE CLERK/REGISTRAR OF VITAL STATISTICS

WHEREAS, Pursuant to N.J.S.A. 26:8-11(c) a local board having jurisdiction over each registration district shall appoint a local registrar for that district; and

WHEREAS, based on various needs of Local Health Contracts, the position of Health Officer, which F. Michael Fitzpatrick currently holds, is crucial to the continuance of said contracts; and

WHEREAS, F. Michael Fitzpatrick is also the Local Registrar of Vital Statistics and his time is best served concentrating on the aforementioned contracts; and

WHEREAS, Ernest Gonzalez currently holds a Certified Municipal Registrar certification and currently holds the position of Administrative Clerk/Deputy Registrar of Vital Statistics.

NOW, THEREFORE, BE IT RESOLVED by the Board of Health of the Township of Bloomfield, that Ernest Gonzalez be appointed as Administrative Clerk/Registrar of Vital Statistics, with salary comparable to his current salary within the range of said title, and relieving F. Michael Fitzpatrick from the duties as Registrar of Vital Statistics. Said appointment shall not become effective until thirty days from the date of filing of this resolution/certification to the NJ Department of Health – Vital Statistics & Registry and, pursuant to N.J.S.A. 26:8-13, shall be for a period of 3 years from approval.

ADJOURNMENT

The Board, on a motion by BM Rodriguez, seconded by BM Serbay, unanimously voted to adjourn the May 15, 2017 Regular Meeting of the Board of Health of the Township of Bloomfield, County of Essex, State of New Jersey at 7:33p.m.

Respectfully submitted,

Karen Lore, Director of Health and Welfare
Secretary to the Board