

A regular meeting of the Bloomfield Board of Health, as established by public record in the *Independent Press* and posted on the public bulletin board in the Municipal Building, was called to order on April 17, 2008 at 6:32 p.m. in the Mayor’s Conference Room in the Law Enforcement Building.

Roll call by President Joel Elkins showed the following members to be present:

- Joel Elkins, President
- James McLaughlin, Vice President
- William Padilla, Member
- Jo Ponticello, Member
- Council Liaison, Patricia Barker

Absent: Mary Stark, Member

Also present: Karen Lore, Director of Health & Human Services, Trevor J. Weigle, Health Officer.

A motion was made to appoint Karen Lore as Board Secretary to the Board on a motion by J. Ponticello and second by W. Padilla.

**ROLL CALL VOTE**

BOARD MEMBERS	YES	NO	ABSTAIN	ABSENT
<b>JOEL ELKINS, PRESIDENT</b>	X			
<b>JAMES MCLAUGHLIN, VICE PRESIDENT</b>			X	
<b>MARY STARK, MEMBER</b>				X
<b>WILLIAM PADILLA, MEMBER</b>	X			
<b>JO PONTICELLO, MEMBER</b>	X			

President Elkins read a letter from Mary Stark announcing her resignation effective May 1, 2008.

The March 12, 2008 special meeting minutes were discussed and approved on a motion by J. McLaughlin and seconded by J. Ponticello.

The March 19, 2008 regular meeting minutes were discussed and approved on a motion by J. McLaughlin and seconded by W. Padilla.

President Elkins asked if any member of the public wished to be heard on a matter of public health. Resident Bonnie Brinkley, 99 West Passaic Avenue, requested that the Board allow her to raise a pair of Jacob sheep on her property as part of a 4-H Club effort or to start a 4-H Fair. J. Elkins referred Ms. Brinkley to follow-up and discuss with the Health Officer regarding the legal and health issues.

The March licenses were accepted on a motion by J. McLaughlin and seconded by J. Ponticello.

The March communications were reviewed by the Board. There were no questions or comments.

The Director presented her monthly report for March:

- The Director thanked the Board for appointing her as Acting Director and T. Weigle for his professionalism and help during this transition period.
- The Director reported that Lauren Vallier has accepted the Animal Shelter Volunteer Coordinator position.
- The Director reported that the Health Fair is scheduled for Saturday, May 3, 2008. There are sixteen (16) sponsors who have committed to donating \$5,050 and thirty-four (34) participants. A poster contest for grades 4th through 12th has been distributed to the schools. In addition, faith based organizations and Bloomfield College nursing students will be participating this year.
- The Director informed the Board that there is a Neighbor to Neighbor Network volunteer appreciation dinner scheduled for Wednesday, May 21, 2008 at 6:00 p.m. at the Knights of Columbus and that food is being donated by Nanina's in the Park.
- The Director informed the Board that Dr. Holly Hansen, DVM has resigned as the Animal Shelter veterinarian. The Director suggested a Proclamation be given at the volunteer appreciation dinner.
- The Director asked the Board to submit names of anyone who should be recognized at the dinner.
- The Director presented to the Board an animal shelter logo designed by Lauren Vallier.
- The Director reported to the Board that twenty-four (24) shelter cats have been spayed/neutered with the aide of the Bloomfield/Glen Ridge Animal League and shelter volunteers.
- The Director informed the Board that she contacted the Essex County Assistant Prosecutor in regards to the Nutley house fire cats. The cats are not needed for any of her court proceedings and the Health Department can make decisions regarding the cats. The kittens and adoptable cats will be found permanent homes.

The Director's March report was accepted on a motion by J. McLaughlin and seconded by J. Ponticello. All present voted in the affirmative.

The Health Officer presented his monthly report for March:

- The Health Officer stated he would provide copies of the Needs Assessment to the new Board Members for their review. The Health Officer has begun the Strategic Plan to achieve the goals of the Needs Assessment.
- The Health Officer informed the Board that data is still being collected for the Environmental Division time analysis. The time analysis will be presented at the next Board meeting. The Health Officer stated the Health Inspector's daily logs would be extended to include a full month. The Inspectors will include driving time, office time and court time.
- The Health Officer provided each Board Member with a copy of the Public Health Practice Standards that outlines the major responsibilities of a local board of health and local health agency.
- The Health Officer discussed with the Board the time/staff analysis conducted by the Nursing Division. The analysis revealed 1,902 extra hours needed to complete the work noted; the equivalent of at least one (1) FTE. The Health Officer explained to the Board that a per diem Nurse needs to have the same qualifications, as the state requires for

Public Health Nurses. The Director requested the Board look at the actual activities and what is required, and suggested that it will show how difficult it is to hire a per diem nurse. The Director contacted other surrounding towns regarding public health staffing to address sharing services.

The Health Officer's March report was accepted on a motion by J. McLaughlin and seconded by J. Ponticello. All present voted in the affirmative.

The March Financial Report was accepted on a motion by J. McLaughlin and seconded by W. Padilla. All present voted in the affirmative.

Council Liaison Patricia Barker updated the Board on the 2008 Operating and Capital budgets. She informed the Board that the Mayor and Town Council have pre-approved the budget and that it will be introduced. She suggested offsetting the Health Department budget by adding additional interlocal agreements to bring more revenue. She also suggested increasing licensing fees that have not been raised in a long time. Ms. Barker stated that she has received several inquiries about providing blood chemistry screening to residents. (Ms. Barker requested the Board to see the feasibility of reinstating the screening.) Ms. Barker informed the Board the Mayor and Town Council will not approve the Animal Shelter land to be sold.

The Board President's had no report.

A Resolution was presented concerning Board legal representation. Corrections were made. On a motion by J. McLaughlin and second by W. Padilla the President was given permission to sign the Resolution upon re-typing. The following corrected Resolution was passed on a motion by J. McLaughlin and seconded by J. Ponticello. All present voted in the affirmative.

#### RESOLUTION

**WHEREAS**, the Board of Health of The Township of Bloomfield has entered into a contractual agreement with John M. Barbarula, Esq. for the calendar year 2008, to serve as legal council to the Board of Health; and

**WHEREAS**, the Township of Bloomfield's Law Department serves as the legal council for matters pertaining to administrative policy and procedures for the governing body.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Health of the Township of Bloomfield, that the Board seek approval from the Mayor and Council to seek legal representation for all non-labor related matters, except where a legal conflict may exist between the Township and the Board of Health from the Township Law Department.

A motion was made to pass amendments to Chapter 324, Officer and Employees on second reading. The reading was deferred until the next meeting because the ordinance was not published following the first reading.

The Director reported to the Board that only one (1) bid each was received for a) the Organizational Review of Animal Sheltering Services and b) a Supervising Veterinarian. The Director will prepare resolutions and contracts for the next meeting for the Board's review and approval.

The Director reported that the Caldwell Animal Control Contract needed to be signed and returned.

A discussion ensued regarding Chapter 78, Animals, Article III, Management of Feral Cats. The Board President requested the Ordinance be reviewed and revised by the Health Officer.

The following Ordinance was introduced on first reading on a motion by J. McLaughlin and second by W. Padilla. All present voted in the affirmative.

**AN ORDINANCE ADOPTING A CODIFICATION AND REVISION OF THE ORDINANCES OF THE TOWNSHIP OF BLOOMFIELD BOARD OF HEALTH, COUNTY OF ESSEX, STATE OF NEW JERSEY; PROVIDING FOR THE MAINTENANCE OF PART III OF SAID CODE; REPEALING AND SAVING FROM REPEAL CERTAIN ORDINANCES NOT INCLUDED THEREIN; AND MAKING CERTAIN CHANGES IN PREVIOUSLY ADOPTED ORDINANCES.**

**Be it ordained and enacted by the Board of Health of the Township of Bloomfield, County of Essex, State of New Jersey, as follows:**

**§ 575-5. Adoption of Code.**

Pursuant to N.J.S.A. 40:49-4, the Board of Health ordinances of the Township of Bloomfield of a general and permanent nature adopted by the Board of Health of the Township of Bloomfield, as revised, codified and consolidated into chapters and sections by General Code, and consisting of Chapters 575 through 675, are hereby approved, adopted, ordained and enacted as Part III of the "Code of the Township of Bloomfield," hereinafter known and referred to as the "Code."

**§ 575-6. Code supersedes prior ordinances.**

This ordinance and Part III of the Code shall supersede the Part III of 1987 Code and all other general and permanent ordinances enacted by the Board of Health prior to the enactment of this Code, except such ordinances as are hereinafter expressly saved from repeal or continued in force.

**§ 575-7. When effective.**

This ordinance shall take effect immediately upon passage and publication according to law.

**§ 575-8. Amendments to Code.**

Any and all additions, amendments or supplements to Part III of the Code, when passed and adopted in such form as to indicate the intent of the Board of Health to make them a part thereof, shall be deemed to be incorporated into Part III of such Code so that reference to the "Code of the Township of Bloomfield" shall be understood and intended to include such additions and amendments. Whenever such additions, amendments or supplements to the Code shall be adopted, they shall thereafter be printed and, as provided hereunder, inserted in the loose-leaf book containing said Code as amendments and supplements thereto.

**§ 575-9. Publication; filing.**

The Secretary of the Board of Health of the Township Bloomfield and/or the Township Clerk, pursuant to law, shall cause this Adopting Ordinance to be published, in the manner required, in a newspaper of general circulation in the Township. Sufficient copies of the Code shall be maintained in the office of the Secretary and/or Clerk for inspection by the public at all times during regular office hours. The enactment and publication of this Adopting Ordinance, coupled with availability of copies of Part III of the Code for inspection by the public, shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

**§ 575-10. Code book to be kept up-to-date.**

It shall be the duty of the Secretary and/or Clerk or someone authorized and directed by them to keep up-to-date the certified copy of the book containing the Code required to be filed in his or her office for the use of the public. All changes in said Code and all ordinances adopted subsequent to the effective date of this codification which shall be adopted specifically as part of the Code shall, when finally adopted, be included therein by reference until such changes or new ordinances are printed as supplements to said Code book, at which time such supplements shall be inserted therein.

**§ 575-11. Severability of Code provisions.**

Each section of Part III of the Code and every part of each section is an independent section or part of a section, and the holding of any section or a part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof.

**§ 575-12. Severability of ordinance provisions.**

Each section of this ordinance is an independent section, and the holding of any section or part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof.

**§ 575-13. Repealer.**

All ordinances or parts of ordinances inconsistent with the provisions contained in Part III of the Code adopted by this ordinance are hereby repealed; provided, however, that such repeal shall only be to the extent of such inconsistency, and any valid legislation of the Board of Health of the Township of Bloomfield which is not in conflict with the provisions of Part III of the Code shall be deemed to remain in full force and effect.

**§ 575-14. Ordinances saved from repeal.**

The adoption of Part III of the Code and the repeal of ordinances provided for in § 575-13 of this ordinance shall not affect the following ordinances, rights and obligations, which are hereby expressly saved from repeal:

- A. Any ordinance adopted subsequent to 1-17-2008.
- B. Any right or liability established, accrued or incurred under any legislative provision prior to the effective date of this ordinance or any action or proceeding brought for the enforcement of such right or liability.
- C. Any offense or act committed or done before the effective date of this ordinance in violation of any legislative provision or any penalty, punishment or forfeiture which may result therefrom.
- D. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered, prior to the effective date of this ordinance, brought pursuant to any legislative provision.
- E. Any franchise, license, right, easement or privilege heretofore granted or conferred.
- F. Any ordinance providing for the laying out, opening, altering, widening, relocating, straightening, establishing of grade, changing of name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, park or other public place or any portion thereof.
- G. Any ordinance or resolution appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond or other instruments or evidence of the Township's indebtedness.
- H. Ordinances authorizing the purchase, sale, lease or transfer of property or any lawful contract, agreement or obligation.
- I. The levy or imposition of taxes, assessments or charges or the approval of the municipal budget.
- J. All currently effective ordinances pertaining to the rate and manner of payment of salaries and compensation of officers and employees.
- K. Any ordinance relating to or establishing a pension plan or pension fund for municipal employees.

**§ 575-14. Changes in previously adopted ordinances.**

In compiling and preparing the Board of Health ordinances for adoption and revision as part of the Code pursuant to N.J.S.A. 40:49-4, certain grammatical changes and other minor changes were made in one or more of said ordinances. It is the intention of the Board of Health that all such changes be adopted as part of the Code as if the ordinances so changed had been previously formally amended to read as such.

Seconded reading and public comment will be held in the Mayor's Conference Room of the Law Enforcement Building at the next regularly scheduled Board of Health meeting as published in the Bloomfield Life. This Ordinance will become effective thirty (30) days from publication of this first reading and upon seconded and final reading.

The discussion pertaining to hiring a P/T Manager, Animal Control Facility was moved into closed session.

The following resolution to move to closed session at 9:07 p.m. was passed on a motion by J. McLaughlin and seconded by W. Padilla. 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.
<b>X</b>	(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 10:11 p.m.

The closed session minutes of the March 12, 2008 meeting were passed on a motion by J. McLaughlin and seconded by J. Ponticello. All present voted in the affirmative.

The closed session minutes of the March 19, 2008 regular meeting were passed on a motion by J. McLaughlin and seconded by W. Padilla. All present voted in the affirmative.

The April 17, 2008 regular meeting of the Board of Health of the Township of Bloomfield was adjourned at 10:14 p.m. on a motion by J. McLaughlin and seconded by W. Padilla. All present voted in the affirmative.

Respectfully Submitted,

Karen Lore, Director  
Secretary to the Board