

REGULAR MEETING OF THE BLOOMFIELD BOARD OF HEALTH

September 17, 2009

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 September 17, 2009 at 6:41 p.m. in the Mayor's Conference Room in the Law Enforcement Building.

Roll Call – President, Joel Elkins showed the following members to be present:

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

Also present: Karen Lore, Acting Director of Health & Human Services, Michael Fitzpatrick, Health Officer

President Elkins stated that there was an addition to the Agenda under New Business; Public Health Accreditation Beta Test Grant

Approval of Minutes

The August 20, 2009 (Regular Meeting) minutes were approved on a motion by J. McLaughlin and seconded by W. Padilla. None were opposed.

Public Comment

No public comments.

Licenses Pending Approval

The August licenses were approved on a motion by James McLaughlin and seconded by J. Ponticello. None were opposed.

August Communications

The Director reviewed the August communications.

Director of Health and Human Services August Report

The Board reviewed the Health and Human Services Division's monthly report for August.

The Director informed the Board that the H1N1 Virus efforts are underway. Additionally, she stated that the State has allocated grant funding to the Township of Bloomfield for approximately \$136,000. The funding is to assist in paying the additional costs associated with administrating the H1N1 vaccine. The Health Officer will be submitting the application for the funding. The Director also stated that the Seasonal Flu Clinic will commence on October 1st at Fire Station #3 on East Passaic Avenue. The clinic for municipal employees

will begin September 21st thru the 24th. Jeff Myers, Public Relations Liaison, is also assisting the Department on ways to educate and inform the public.

The Director updated the Board on a meeting with the Consultant hired to begin the Shared Services Feasibility Study based on a previously passed resolution.

The Director informed the Board that the Environmental Division of the Health Department has two new inspectors. She stated that the employees have been a great addition to the Division and are excelling very quickly.

The Director informed the Board that Paula Peikes was invited by County officials to participate in a press conference regarding food insecurity at the Stop and Shop. She will speak on the services offered by the Township to help alleviate hunger for residents who cannot purchase food. Essex County Services will also be represented.

The Director informed the Board that Carol Manning, Social Worker, gave birth to twins on September 4th.

The Health Officer provided an update on the 3 dogs in the shelter that were of concern. In a previous directive, the animals were either to be euthanized or found an appropriate home (e.g. sanctuary, rescue). Two dogs were found homes and the aggressive dog is to be signed over to an animal shelter in Pennsylvania.

The Director's Report was approved on a motion by James McLaughlin and seconded by William Padilla. None were opposed.

August Financial Report

There have been no usual expenditures outside the budget amount for the current fiscal year ending December 31, 2009.

The August Financial Report was approved on a motion by James McLaughlin and seconded by William Padilla. None were opposed.

Council Liaison's Report

Councilwoman Barker reported that the 2010 budget process has begun and budget hearings are scheduled for October 17, 2009 which is well ahead of previous years.

Board President's Report – No report

Unfinished Business – None

New Business

Public Health Accreditation Beta Test Grant

Michael Fitzpatrick, Health Officer, informed the Board that a grant application has been submitted and awarded to the department by N.A.C.H.O. for the Public Health Accreditation Beta Test Grant Program in the amount of \$27,280. This program is sponsored by the Robert Wood Johnson Foundation and the CDC. Nationwide, only 19 municipalities out of 131 departments were chosen to participate with Bloomfield being the only Health Department in the state accepted. This is a pilot program to obtain input and development information from various health departments. The information collected will assist in drafting methods on how to implement national standards to help develop best practices with hopes of making it a national voluntary standard by 2011 and a mandatory standard afterwards.

The Board unanimously voted to accept this grant.

Hearing – Moon Palace

Based on a previous resolution passed August 2008, inspections have taken place at the Moon Palace. As a result of the latest inspection on September 17, 2009, Moon Palace was found to be unsatisfactory and was subsequently closed, requiring the owner(s) of the Moon Palace to appear before the Board to discuss any additional sanctions. Danny Premnauth, owner, was present during this hearing.

Health Officer Fitzpatrick stated that, as of the Board meeting date, there were significant improvements from the initial inspection causing the closure on September 2, 2009, with the exception of confidence in food handling techniques and non-completion of the required “ServSafe” course.

After a discussion with Mr. Premnauth, the Board, with an abstention by Stephanie Smith, approved the following:

- *Moon Palace is not allowed to serve restaurant prepared food, only bar food which will be frozen and can be cooked and served, with limited concern of food temperature variations thus reduce the potential for food borne illness.*
- *Bathroom doors needs an additional coat of paint*
- *Shelves need to be sealed in rear store room*
- *Thermometers need to be in each refrigeration unit*
- *Proof of extermination contract*
- *Ceramic tiles in the kitchen (4) must be replaced*
- *Need for one individual, who will be on-site, to successfully pass the ServSafe Course and provide proof of same*
- *All utensils need to be sanitized prior to opening the business*
- *Probation period will be extended for 1 year or until October 1, 2010 with the same requirements listed in the original resolution.*
- *Expansion of food types requiring cooking of raw to cooked and any fresh potentially hazardous foods shall not be allowed until the next Board of*

Health meeting of October 15, 2009. The determination requiring expanding the menu will be based upon the performance during the timeframe between the September to the October meeting, recommendation of the Health Officer and evaluation of the facts by the Board.

- *ServSafe course and tests is scheduled to be taken October 10, 2009 and must verify with ServSafe the date of the test results. (The Health Department contacted ServSafe which indicated a minimum of 20 days from the date of test to availability of test results.)*
- *Attend the October 15, 2009 meeting to further review his restricted operation.*

Animal Shelter Aggressive Behavior Policy

The Director informed the Board of the progress on the development of the Animal Shelter Aggressive Behavior Policy. Once complete, the proposed policy will be forwarded to the Board for review. This item will be further discussed at the next meeting under Old Business.

Shelter/Medical Protocols

Health Officer M. Fitzpatrick presented the Board with the medical protocols draft and informed it that additional changes will be submitted. He is seeking input from the Humane Society and interested veterinarians. Once a final draft is complete, these protocols will be forwarded to the Board for review and final approval.

Shelter Staffing Discussion

The Board discussed this item in Open Session after 3 of the 5 employees who received RICE notices requested that their personnel discussion take place in the Open Session. It was decided that the discussion would be limited to titles and functions without individual employee references.

The Director informed the Board that two contracts for Animal Control Services were not renewed in January 2008 and the staff is currently providing service to Bloomfield and Caldwell only. Additionally, the Board reassumed the operational responsibilities of the shelter. Consequently, there was an increased need for animal attendants and a decreased need for Animal Control. Animal Control staff began assuming more shelter attendant duties. Due to budget constraints, there is no ability to hire additional attendants. The Director recommended that steps be taken to address the current staffing needs. The Humane Society will also be making staffing recommendations in their final report and preliminary discussions indicate there will be a strong recommendation to hire a shelter manager. The Director, along with the Board, reviewed the Civil Service requirements for staffing adjustments. The Director will begin the process of developing a *Reduction in Force Plan* to be submitted to the Department of Personnel (DOP) for review. The DOP will have 30 days to approve the plan and affected employees would receive notification within 45 days.

The Board unanimously approved the development of a plan.

2010 Capital and Operating Budget

The Director submitted the Capital Budget needs of the Department. The Director reviewed the requirements noted in the vital statistics audit conducted by the State requiring changes to the current layout in Room 111. The Health Officer and Town Engineer have agreed to construct a new layout and rearrange the office area to address the concerns of the State. Capital requests were also made for the Animal Shelter and for the purchase of three vehicles.

The Director will also be submitting the Operating Budget Proposal with minimal increases in professional services due to contractual obligations.

The Board approved the initial 2010 Capital and Operational Budget requests.

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.
X	(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.
X	(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.
	(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.
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The public portion of the meeting reconvened at 9:50 p.m.

The Closed Session minutes of the August 20, 2009 meeting were passed on a motion by James McLaughlin and seconded by William Padilla. All present voted in the affirmative.

The September 17, 2009 Regular Meeting of the Board of Health of the Township of Bloomfield was adjourned at 9:51 p.m. on a motion by J. McLaughlin and seconded by William Padilla. All present voted in the affirmative.

Respectfully submitted,

Karen Lore, Acting Director of health and Human Services
Secretary to the Board