

BLOOMFIELD, NEW JERSEY

JUNE 14, 2007

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 June 14, 2007 at 6:32 pm in the Mayor's Conference Room in the Law Enforcement Building.

Roll call by James McLaughlin showed the following members to be present:

James McLaughlin, President
Patricia Barker, Member
Mary K. Stark, Member
Joel Elkins, Member

Also present: Ellen Powley, FoBAS President; Mr. John Barbarula, Board Attorney; Trevor J. Weigle, Director of Health & Human Services; Priscilla Fabregas, Clerk Typist.

Absent were:

Gloria Shorter, Vice-President
Councilman Bernard Hamilton, Council Liaison

Minutes of the May 10, 2007 meeting were approved on a motion by J. Elkins and second by P. Barker.

Minutes of the March 29, 2007 Special Meeting were deferred until next month.

President James McLaughlin asked if any member of the public wished to be heard on a matter of public health. No one wished to be heard.

The May Licenses were approved on a motion by P. Barker and second by M. Stark.

The Health Director presented his monthly report; making note of the following:

- The Health Director advised the Board that he will be attending the NEPHLI course on July 16, 2007 for a week and will be attending two more seminars for the same program later this year and early next year.
- The Director advised the Board that the floor repair in the Bukowski Animal Shelter is scheduled to commence on June 19, 2007.
- The Director informed the Board that he is having trouble getting the local newspapers to publish monthly inspection results in a timely fashion.
- The Director informed the Board that he has submitted an application for an assessment of the Animal Shelter by the Human Society of the United States.
- The Director informed the Board that there was a meeting on June 14, 2007 concerning the goose problem on Township property, and that the Board has been

requested to consider boarding a dog to control the problem. The Board of Education would purchase the dog and the Recreation Department would work the dog. The board disapproved of boarding the dog and suggested that the Director invite "Geesepeace" to present to three departments.

The Health Directors report was approved on a motion by J. Elkins and seconded by P. Barker.

The May Financial Report was approved on a motion by P. Barker and second by J. Elkins.

On a motion by J. Elkins and second by P. Barker the following Ordinance was amended on a second reading:

BE IT ORDAINED, by the Board of Health of the Township of Bloomfield, County of Essex, State of New Jersey that "Chapter 303, Food Establishments" is hereby amended as follows:

Chapter 303, FOOD ESTABLISHMENTS

ARTICLE I, General Provisions

§ 303-1. Definitions.

As used in this Article, the following terms shall have the meanings indicated:

N.J.A.C. 8:24-1.1 et seq., SANITATION IN RETAIL FOOD ESTABLISHMENTS AND FOOD AND VENDING MACHINES (CHAPTER 24) – That certain code approved by the State Department of Health and Senior Services for adoption by reference by local Boards of Health in accordance with law, being a code regulating retail food establishments, food and vending machines and providing for the inspection of such establishments.

§ 303-2. Adoption of standards; copies on file.

A. Pursuant to and in accordance with the Public Health and Sanitation Codes Adoption by Reference Act (N.J.S.A. 26:3-69.1 to 26:3-69.6), there is hereby adopted the whole N.J.A.C. 8:24-1.1 et seq., Sanitation in Retail Food Establishments and Food and Vending Machines. A printed copy of said Chapter was annexed to and incorporated by reference in the ordinance adopting said code, and is hereby incorporated in this Article by reference and made a part hereof as fully as though it had been set forth at length herein.

B. In accordance with law, three (3) copies of N.J.A.C. 8:24-1.1 et seq., Sanitation in Retail Food Establishments and Food and Vending Machines have been placed on file in the office of the Secretary to the Board of Health and shall remain on file in said office for the use and examination of the public so long as this Article shall remain in effect.

§ 303-3. Violations and penalties.

Any person who shall violate any provision of this chapter or who shall refuse to comply with a lawful order or direction of the Board of Health shall be liable for penalties as provided by N.J.A.C. 8:24-1.1 et seq., Sanitation in Retail Food Establishments and Food and Vending Machines.

ARTICLE II, Wholesale or Retail Food Establishments

§ 303-4. Definitions.

As used in this Article, the following terms shall have the meanings indicated:

DRINK -- Does not include alcoholic beverages.

RETAIL FOOD ESTABLISHMENT -- Includes all such places operated for profit, known, designated or called "restaurant," "saloon," "cafe," "bar," "grill," "dining room," "wagon," "cart," "car," "club," "soda fountain," "ice cream parlor," "road stand" or "luncheonette" and any other place or location, permanent or movable, where food, drink, either or both are sold to be consumed or on near the premises or location.

WHOLESALE FOOD ESTABLISHMENT -- Includes all such places engaged in the preparation of food products not intended to be consumed on the premises or to be sold directly to consumers.

§ 303-5. License required; fee; nontransferability; expiration.

- A. No person shall engage in the business of conducting a wholesale or retail food establishment as defined in § 303-4 hereof until such person shall have first obtained from the Board of Health a license to conduct the same and shall have paid to said Board a fee as provided in the township ordinances.
- B. A separate license shall be required for each place. Such licenses shall not be transferable either as to the holder thereof or as to the location thereof. The person named on the license must be the actual operator of the business.
- C. Each license shall expire on December 31 next after its issuance.

§ 303-6. Compliance required.

No license shall be issued unless the premises in which the business is to be conducted complies with all ordinances of the township and the Board of Health of the township.

§ 303-7. Separation of premises.

No building, structure or premises shall be licensed as or used as a restaurant unless said place or premises is separated from any room used as a dwelling, apartment or tenement by a solid and substantial wall which shall extend from floor to ceiling without a door or other opening.

§ 303-8. Repealed

§ 303-9. Closing of facilities.

When the Health Officer has reasonable cause to believe that any eating and drinking establishment or itinerant eating and drinking establishment or any employee thereof may be a source of foodborne infection, he is authorized to require the immediate closing of the eating and drinking establishment concerned until no further danger of disease outbreak exists or to cause the immediate exclusion of the employee from the eating and drinking establishment or to cause an immediate change of operating procedure to correct those conditions which may be at fault.

§ 303-10. Violations and penalties.

Any person, firm or corporation violating any provision of this chapter shall, upon conviction, be subject to the provisions of Chapter 279, Article V.

All members present voted “Yes”.

On a motion by P. Barker and second by M. Stark the following Ordinance was passed on a second reading:

BE IT ORDAINED, by the Board of Health of the Township of Bloomfield, County of Essex, State of New Jersey that “Chapter 316, Sanitary Requirements For Massage, Bodywork And Somatic Therapy Establishments” is hereby created as follows:

§ 316-1. Purpose.

The purpose of this chapter is to protect and preserve the health, safety and welfare of the citizens of the Township of Bloomfield and the patrons of massage, bodywork and somatic therapy businesses.

§ 316-2. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the same meaning ascribed to them in Chapter 174A of The Code of The Township of Bloomfield:

Massage, Bodywork and Somatic Therapies

Massage, Bodyworks and Somatic Therapist

Massage, Bodywork and Somatic Therapy Establishment

§ 316-3. Permits required.

No person, firm or corporation shall perform massage, bodywork and or somatic therapies in the Township of Bloomfield unless or until there has been obtained all necessary permits for such establishment or premises and therapist from the Township of Bloomfield

in accordance with the terms and provisions of this chapter and Chapter 173 and Chapter 174A of The Code of The Township of Bloomfield.

§ 316-4. Application for Board of Health license.

Any person requesting a massage, bodywork and somatic therapy establishment license from the Board of Health shall file a written application with the Health Officer upon a form to be furnished by the Health Officer.

§ 316-5. Establishment license fee.

Every applicant for a license to operate or conduct a massage, bodywork and somatic therapy establishment shall submit a fee as set forth in Chapter 173 and Chapter 174A of The Code of The Township of Bloomfield. Said license fee shall be paid at the time application is made. Every license issued pursuant to this chapter shall expire at the end of the calendar year. The license fee shall not be prorated in the event that an application for a permit is made at any time after January 1 of any year.

A renewal fee for all licenses shall be as set forth in Chapter 173 and Chapter 174A of The Code of The Township of Bloomfield.

§ 316-6. Establishment requirements: Inspections

Each establishment must comply with each of the following minimum requirements:

1. All massage tables, bathtubs, shower stalls, steam or bath areas and floors must have surfaces which may be readily disinfected and shall be maintained in a sanitary condition and regularly cleaned and disinfected.
2. Adequate bathing, dressing and locker facilities shall be provided for the patrons to be served at any given time. In the event that a male and female patron is to be serviced simultaneously, separate bathing, dressing, locker and massage room facilities shall be provided.
3. The premises shall have adequate equipment for disinfecting and sterilizing non-disposal instruments and materials used in administering massage. Such non-disposable instruments and materials shall be disinfected after use on each patron.
4. All employees, including massage, bodywork and/or somatic therapist shall be clean and wear clean, non-transparent outer garments.
5. All massage, bodywork and/or somatic therapy establishments shall be provided with clean laundered sheets and towels in sufficient quantity, which shall be laundered after each use thereof and stored in a sanitary manner.
6. All walls, ceiling, floors, pools, showers, bathtubs, steam rooms and all other physical facilities and surfaces shall be in good repair and maintained in a clean and sanitary manner. Wet and dry heat rooms, steam or vapor rooms or steam or vapor cabinets and shower compartments and toilet rooms shall be thoroughly cleaned each day the business is in operation. Bathtubs and showers shall be kept dry, clean and sanitary.
7. Oils, creams, lotions and other preparations used in administering massage, bodywork and/or somatic therapies shall be kept in clean closed containers or cabinets.
8. Animals, except for Seeing Eye dogs, shall not be permitted in the massage work area.
9. All employees and each massage, bodywork and/or somatic therapist shall wash his or her hands in hot running water, using proper soap or disinfectant before administering a massage, bodywork or somatic therapy to a patron.

§ 316-7. Right to inspect premises.

The Department of Health may, from time to time, make inspections of each massage, bodywork and/or somatic therapy establishment granted a license under the provisions of this Chapter for the purpose of determining whether the provisions of this Chapter are being complied with. Such inspection shall be made at reasonable times and in a reasonable manner. It shall be unlawful for any licensee to fail to allow such inspection officer access to the premises or to hinder such officer in any manner.

§ 316-8. Display of license/permits.

The massage, bodywork and/or somatic therapy establishment shall display its license as well as a therapist's permit as required by Chapter 174A of The Code of The Township of Bloomfield of each and every massage, bodywork and/or somatic therapist employed in the establishment in an open and conspicuous place on the premises of the establishment. The massage, bodywork and/or somatic therapy establishment shall make available for inspection at the request of any client their most recent Health Department inspection results.

§ 316-9. Suspension or revocation of license.

A license issued under this Chapter may be immediately suspended for a period of not more than thirty (30) days, pending a hearing to revoke the permit for any of the following causes:

1. Fraud, misrepresentation or false statement in the application for the license or any violation of this Chapter.
2. Conducting the permitted business in the Township in an unlawful manner or in such manner as to constitute a menace to the health, safety or general welfare of the public.

Notice of the hearing for the revocation of a license shall be given in writing, setting forth specifically the grounds of the complaint and the time and place of the hearing. Such notice shall be given personally or mailed to the licensee at his/her last known address at

least five (5) days prior to the date set for the hearing. Such notice shall contain a brief statement of the grounds to be relied upon for revoking the permit. At the hearing, the licensee shall have an opportunity to answer and be heard, and after due consideration, the permit may be revoked or the complaint may be dismissed. The Health Officer or Board of Health shall serve as the hearing officer or body for any hearings pursuant to this subsection.

§ 316-10. Violations and Penalties.

In addition to the revocation or suspension of the license granted under this section, any person who violates any provision of this Chapter shall be subject, upon conviction thereof, to a fine: for a first offense, not less than \$250 or more than \$500; for a second offense, not less than \$500 or more than \$1,000; and, not less than \$1,000 for a third and subsequent offense or to imprisonment for a term not exceeding ninety (90) days, or to both such fine and imprisonment.

§ 316-11. 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.

All members present voted “Yes”.

The Professional Services Contract for Psychiatrist was approved on a motion by M. Stark and second by P. Barker.

The 2006 Local Health Evaluation Report required of local Boards of Health by the State Department of Health & Senior Services was approved on a motion by J. Elkins and seconded by P. Barker.

A motion to move to closed session was made by J. Elkins and seconded by P. Barker at 7:53 pm.

The regular portion of the meeting was re-opened at 9:45 pm. Board President J. McLaughlin stated that the minutes of the closed portions of the April 12, 2007 and May 10, 2007 meetings were passed. No other formal action was taken.

The June 14, 2007 regular meeting of the Board of Health of The Township of Bloomfield was adjourned at 9:46 pm on a motion by P. Barker and second by M. Stark.

Respectfully Submitted,

Trevor J. Weigle
Secretary to the Board