

BLOOMFIELD, NEW JERSEY

MAY 10, 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 May 10, 2007 at 6:37 pm in the Mayor's Conference Room in the Law Enforcement Building.

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

James McLaughlin, President
Gloria Shorter, Vice-President
Patricia Barker, Member
Mary K. Stark, Member
Joel Elkins, Member

Also present: Ellen Powley, FoBAS President; Vincent Nicosia, Environmental Health Supervisor; Terrance McDonald, Bloomfield Life; Ms. Argueles, member of the public; Alex Rodaki, member of the public; Daniel Perez, member of the public; Nicolas Martinez, member of the public; Trevor J. Weigle, Director of Health & Human Services, Priscilla Fabregas, Clerk Typist.

Absent were:

Councilman Bernard Hamilton, Council Liaison

Minutes of the March 8, 2007 meeting were approved on a motion by J. Elkins and second by M. Stark.

Minutes of the April 12, 2007 meeting were approved on a motion by J. Elkins and second by J. McLaughlin.

President McLaughlin asked if any member of the public wished to be heard on a matter of public health. The following members of the public spoke:

Alex Rodaki, 107 Orchard St., Bloomfield, spoke concerning Mister Softee. Mr. Rodaki stated he hopes that Mister Softee will be allowed to conduct business in the Township of Bloomfield.

Daniel Perez, 24 Oakridge, Bloomfield, spoke about wanting Mister Softee in the Township of Bloomfield.

Nicolas Perez, 263 Bloomfield Ave, Bloomfield, spoke about wanting Mister Softee to be allowed to conduct business in the Township of Bloomfield.

The April Licenses were approved on a motion by G. Shorter and second by J. Elkins.

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

- The Director and Environmental Health Supervisor Vincent Nicosia informed the Board that Curbside Diner will have to appear before the Zoning Board in reference to the their facility. Once the Zoning Board decides whether they are a mobile vendor or a stationary vendor the Department will inspect to see if they are in compliance with the Board's ordinances.
- The Director advised the Board that according to Hillman Environmental Group, there are no environmental concerns in the area that is being proposed for funding at Memorial Field.
- The Director informed the board that in reference to the Watsessing School fire sprinkler break, the Department received a letter from Insurance Restoration Specialist (IRS), stating there is no visible mold and that IRS followed Hillmann's recommendations. Classrooms were checked and were dried out before reoccupying.
- The Director informed the Board that the Department held its annual Health & Wellness Fair on May 5, 2007.

The Health Directors report was approved on a motion by J. Elkins and seconded by G. Shorter.

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

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

BE IT ORDAINED, by the Board of Health of the Township of Bloomfield, County of Essex, State of New Jersey that "Chapter 133, Food Establishments" is hereby amended as follows:

Chapter 133, FOOD ESTABLISHMENTS

§ 133-1. License required; compliance.

It shall be unlawful for any person or any body corporate to conduct a food establishment, as defined in and governed by N.J.A.C. 8:24 et seq. without first having procured an annual license from the local Board of Health so to do and without complying with any or all of the provisions concerning operation and maintenance of the same as contained in the aforementioned New Jersey Administrative Code

§ 133-2. License fees.

The annual fees for licenses of food establishments are hereby fixed as follows:

A. Restaurants, luncheonettes and similar establishments.

Group	Seating Capacity Fee	
I	1 to 50	\$100
II	51 to 100	\$250
II	101 to 200	\$300
IV	Over 200	\$400

B. License fees for miscellaneous food establishments shall be as follows:

- (1) Supermarkets: \$300.
- (2) Catering units, mobile, packaged goods only: \$50.
- (3) (Reserved)
- (4) Candy counters: \$25.
- (5) Food processing, commercial and wholesale: \$350.

- (6) Food service: \$100.
- (7) Single food handling: \$100.
- (8) Delicatessen: \$100.
- (9) Cafeteria: \$100.

C. Fees for temporary food-handling permits shall be as follows:

- (1) Maximum of 10 days for carnivals, fairs and other temporary amusements: \$30.

(2) A temporary nonprofit permit for a recognized Bloomfield-based nonprofit organization for events sponsored by said organization with temporary food service equipment owned or operated by members of the organization can be granted upon application to and approval by the Board of Health. The fee per facility, stand, cart, etc. is \$20.

D. License fees will be waived for any nonprofit, not-for-profit, tax exempt or charitable organization based in Bloomfield, upon presentation of properly completed license application and supporting documentation from the United States Internal Revenue Service and the State of New Jersey. For profit entities operating under contract to or under an agreement with an organization, or which are housed within a facility owned or operated by such an organization eligible for fee waiver, are not granted a fee waiver.

E. Reinspection fee: An inspection fee, in addition to the annual fee as prescribed in this chapter, shall be imposed upon any food establishment as follows:

- (1) For each inspection carried out pursuant to a complaint when such inspection results in a determination that said food establishment is in violation of the State Sanitary Code or of any municipal ordinances relating thereto; and

(2) For each reinspection carried out after an initial or reinspection resulting in a conditionally satisfactory or unsatisfactory rating or of failure of an inspection carried out pursuant to a complaint as set forth in Subsection E(1) there shall be a fee of \$100.

§ 133-3. Expiration of license; renewal fee; late charge.

A. With the exception of mobile catering units, the licenses issued aforesaid shall be effective for the calendar year, expiring on the 31st day of December of the year of issue. The licensing period for mobile catering units shall be May 1 through April 30.

B. With the exception of mobile catering units, the fee for license renewals shall be due and payable on or before the first day of February in the year of renewal. A license for mobile catering units will be issued only after a satisfactory health inspection and proof of compliance with § 194-9.

C. There shall be a late fee charge of \$25.00 where the renewal fee is paid after February 1.

§ 133-4. Suspension or revocation of license.

Any license issued under the terms and provisions of this chapter may be suspended or revoked by the Board of Health of this municipality for the violation by the licensee of any provision of this chapter or N.J.A.C. 8:24 et seq. or whenever it shall appear that the business, trade, calling, profession or occupation of the person, firm or corporation to whom such license was issued is conducted in a disorderly or improper manner or in violation of any law of the United States, the State of New Jersey or any ordinance of this municipality or that the person or persons conducting the food establishment is of an unfit character to conduct the same or that the purpose for which the license has been issued is being abused to the detriment of the public or is being used for a purpose foreign to that for which the license was issued.

§ 133-5. Hearings; notice.

A. A license issued under the terms and provisions of this chapter shall not be revoked, canceled or suspended until a hearing thereon shall have been had by the Board of Health.

B. Written notice of the time and place of such hearing shall be served upon the licensee at least three days prior to the date set for such hearing. Such notice shall also contain a brief statement of the grounds to be relied upon for revoking, canceling or suspending such license. Notice may be given either by personal delivery thereof to the person to be notified or be deposited in the United States post office in a sealed envelope, postage prepaid, addressed to such person to be notified at the business address appearing upon said license.

C. At the hearing before the Board of Health, the person aggrieved shall have an opportunity to answer and may, thereafter be heard, and, upon due consideration and deliberation by the Board of Health, the complaint may be dismissed, or, if the governing body concludes that the charges have been sustained and substantiated, it may revoke, cancel or suspend the license held by the licensee.

§ 133-6. Reissuance of revoked or suspended license.

If any such license shall have been revoked, neither the holder thereof nor any person acting for him, directly or indirectly, shall be entitled to another license to carry on the same business within the city unless the application for such license shall be approved by the Board of Health.

§ 133-7. Construal of provisions.

No provision of this chapter shall be applied so as to impose any unlawful burden on either interstate commerce or any activity of the state or federal government.

§ 133-8. Violations and penalties.

Any person, firm or corporation violating any provision of this chapter shall, upon conviction, be punished by a fine of not less than \$100 for each first offense, not less than \$250 for each second offense and not less than \$500 for each offense thereafter, or be imprisoned in the county jail for a period not exceeding 90 days, or by 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.

§ 133-9. Statutory authorization.

This chapter is being enacted pursuant to N.J.S.A. 40:52-1.

§ 133-10. Administration and enforcement.

The Board of Health of the Township of Bloomfield shall be responsible for the administration and enforcement of this chapter.

On a motion by G. Shorter and second by P. Barker the following ordinance was amended on second reading:

BE IT ORDAINED, by the Board of Health of the Township of Bloomfield, County of Essex, State of New Jersey that “Chapter 78, Animals” is hereby amended as follows:

Chapter 78, Animals

ARTICLE II, Dogs

§ 78-14. License fees; expiration date of license; late charge.

A. The person applying for the license and registration tag for a dog shall pay an annual fee of \$13.80 and any other amount required by state law to be collected and remitted to the State of New Jersey Department of Health. The annual license fee for a dog found to be dangerous or potentially dangerous and each renewal thereof shall be \$700 in addition to the regular dog license fee.

C. There shall be a late charge of \$20 for renewal applications filed after July 1 in addition to the aforesaid application fee.

ARTICLE III, Cats

§ 78-35. License required.

G. License fee schedule. A license shall be issued after payment of a fee of \$18 for each non- spayed/neutered cat and \$15 for each neutered/spayed cat. Persons who fail to apply for a license as required after July 1 will be subject to a late charge of \$20.

On a motion by G. Shorter and second by P. Barker the following ordinance was amended on second reading:

BE IT ORDAINED, by the Board of Health of the Township of Bloomfield, County of Essex, State of New Jersey that “Chapter 279, Administration” is hereby amended as follows:

ARTICLE IV, Fees

§ 279-9. Fees.

Fees shall be as follows:

- A. Vital statistics.
 - (1) Certified copies of all vital statistics: \$10 per copy.
 - (a) [Deleted]
 - (b) [Deleted]
 - (c) [Deleted]
 - (d) [Deleted]
 - (2) Marriage license: \$3 in addition to State fee.
 - (3) Burial permits: \$1 per copy.
 - (4) Certified correction to a vital record: \$10 per copy.
 - (5) Domestic Partnership Registration: \$3 in addition to State fee.
 - (6) Civil Union License: \$3 in addition to State fee.

- C. Nursing Division.
 - (1) PSA: 3rd party lab fee plus \$5 administration fee.
 - (2) Urinalysis: \$5.
 - (3) Hemoglobin: \$5.
 - (4) Colorectal screening: \$5.
 - (5) SMAC: 3rd party lab fee plus \$5 administration fee.
 - (6) Blood type: 3rd party lab fee plus \$5 administration fee.
 - (7) Child health conference per session fee: \$5.
 - (8) Flu shot: equivalent to current Medicare reimbursement rate for same.
 - (9) Reserved.
 - (10) Pneumonia shot: equivalent to current Medicare reimbursement rate for same.
 - (11) Mantoux: \$10.
 - (12) Diabetes Screening: \$5.
 - (13) Reserved.

On a motion by P. Barker and second by J. Elkins the following ordinance was amended on first 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.

On a motion by G. Shorter and second by J. Elkins the following ordinance was introduced on first 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 or 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.

President James McLaughlin excused himself from the remainder of the meeting at 7:45 pm in order to conduct non-Board related (personal) business.

Closed Session Resolution # 5-2007 was passed on motion by G. Shorter and seconded by P. Barker at 7:50 pm.

The regular meeting reconvened at 8:32 pm on a motion by J. Elkins and second by P. Barker.

The May 10, 2007 regular meeting of the Board of Health of The Township of Bloomfield was adjourned at 8:33 pm on a motion by J. Elkins and second by P. Barker.

Respectfully Submitted,

Trevor J. Weigle
Secretary to the Board