

BLOOMFIELD, NEW JERSEY

APRIL 12, 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 April 12, 2007 at 6:35 pm in the Mayors 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
Joel Elkins, member
Councilman Bernard Hamilton, Council Liaison

Also present: Donna Williams, Nurse Supervisor; Ellen Powley, President FoBAS; Alex Rogate, Public; Trevor J. Weigle, Director of Health & Human Services; Priscilla Fabregas, Clerk Typist.

Absent were:

Gloria Shorter, Vice President
Mary K. Stark, Member

J. Elkins requested that the March 8, 2007 minutes reflect the voting record concerning the FoBAS contract and the wording be removed as described by the Board Attorney. Revisions were also requested by Board member P. Barker for the March 29, 2007 Special meeting minutes. She request that Board of Health responsibilities included in more detail. The board requests that the Director forward a copy of all approved minutes to the Town Administrator.

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 Rogate, 107 Orchard St, Bloomfield, spoke concerning Mister Softee Ice Cream Truck. Mr. Rogate stated that Mister Softee would be a better choice of Ice Cream for the children and adults of Bloomfield, Mr. Rogate pointed out that Mister Softee Ice Cream is made on the truck with milk products! Pre packaged ice cream can melt and be refrozen causing bacteria and that pre- packaged ice cream and Rita's Italian Ices are made with artificial flavorings, sweeteners and dyes which are not healthy.

Ellen Powley, FoBAS President, stated that she was disappointed that FoBAS never received the opportunity for open discussion about the termination if their contract. Ms. Powley stated that she has not received a courtesy call to draft the proposed changes.

The March Licenses were approved on a motion by J. Elkins and second by P. Barker.

P. Barker questioned license number 29, mobile food vendor, "Curbside Diner". The Director advised the Board that they do not meet the requirements of a mobile food vendor. They are hard

wired and have running water. Pat Barker asked if Curbside was brought to the Zoning Board. The Director informed the Board that the facility was approved by the Building Department.

J. Elkins questioned why the Budget was presented to the Council without review from the Board. The Director informed the Board that it was requested by the Township Administrator and in the future he would bring such request to the Board.

P. Barker also requested information from the March Communications about the outdoor obstruction of Bloomfield Watsessing Elementary School. She wanted to know if a reply was received from Thomas Peter, MS, CIH of the Insurance Restoration Specialist. Reply will be presented at the next Board of Health meeting being held on May 10, 2007.

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

The Director informed the Board about a Wellness Program made by Tressa Lewis, Inspector for the Health Department. He explained how T. Lewis is attending NYU and is doing a thesis for a Masters Program. She would like to start a Wellness Program with the Township employees with diet and exercise and hope to spread the program through the Township employees. The Board thought it was a wonderful idea and asked that the Director present a Pilot of the program. The Director also advised the Board about Youth Week and Government Day in hopes that the Board Members will participate.

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

Councilman Hamilton presented a brief report. He informed the Board about the Prostate Cancer Commercial and that it was very successful and also the amount of men that participated. He also informed the Board about the relation between the Board and Council. He commented about the Town Attorney being directed to review what the Board of health presents. Spoke about the Board Attorney and his recommendations.

The following Ordinance was passed on second reading on a motion by P. Barker and second by J. Elkins.

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

§ 303-8. Sale of food from stands or vehicles.

No prepared food or beverage intended for human consumption shall be sold or offered for sale or distributed from any stand, pushcart, truck or mobile vehicle in this township, except for those packaged foods that have been carefully wrapped and sealed at some permanently fixed and approved place of fabrication and preparation. These foods shall be maintained at the respective food temperatures prescribed in N.J.A.C. 8:24-1.1 et seq., which provisions are made a part thereof. Said vendors shall be otherwise properly licensed.

§ 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.

The following Ordinance as introduced on first reading on a motion by P. Barker and second by J. Elkins. All members approved.

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. The following Ordinance as introduced on first reading on a motion by P. Barker and second by J. Elkins. All members approved.

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.

The following Ordinance as introduced on first reading on a motion by J. Elkins and second by P. Barker. All members approved.

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.

A motion was made by P. Barker and second by J. Elkins to adjourn to a closed session at 8:15 pm.