

BLOOMFIELD, NJ

August 9, 2007

This 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 March 8, 2007 at 6:30 pm in the Mayor's Conference Room in the Law Enforcement Building.

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

James McLaughlin, President

Patricia Barker, Member

Joel Elkins, Member

Mary Stark, Member

Absent was Gloria Shorter, Vice-President.

Also present: Ellen Powley, FoBAS, President; Holly Hansen, DVM, Trevor J. Weigle, Director, Karen Lore, Human Services Supervisor and Michele Nemeth, Sr. Clerk Typist.

The July 12, 2007 minutes were discussed and were approved on a motion by M. Stark and second by P. Barker.

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

July licenses were accepted on a motion by J. Elkins and second by P. Barker.

July communications were discussed/reviewed by the Board.

The Director presented his monthly report for July:

The Director reported that a resident Eagle Scout is looking to perform some volunteer work. The Board requested the Director to present a few ideas at the next Board of Health meeting.

The Director's report was accepted on a motion by P. Barker and seconded by M. Stark.

The Board requested the Director to verify if Capital Funds are allocated for three (3) years.

The July Financial Report was accepted on a motion by J. Elkins and second by P. Barker.

Council Liaison, Councilman Hamilton will inquire and e-mail the Director regarding employees taking town vehicles home prior to the next Board meeting.

The HSUS Animal Services Consultation Proposal was deferred. The Director will contact HSUS regarding the timeframe and schedule an evaluation for January or February.

The Board discussed with Dr. Holly Hansen, DVM the opportunity of volunteering as the Supervising Veterinarian for the animal shelter. She informed the Board she would be available a few days each week and would like to keep the animal shelter open one night to the public for pet adoptions. The Director will contact Dr. Hansen to tour the animal shelter.

The following Ordinance was introduced on first reading on a motion by P. Barker and second by M. Stark.

AN ORDINANCE TO AMEND “CHAPTER 316, SANITARY REQUIREMENTS FOR MESSAGE BODYWORK AND SOMATIC THERAPY ESTABLISHMENTS” WITHIN THE TOWNSHIP OF BLOOMFIELD, ESSEX COUNTY, NEW JERSEY:

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 amended 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.

§ 316-12. Effective Date.

This ordinance shall become effective on June 24, 2007. All massage, bodywork and somatic therapy establishments operating prior to June 24, 2007 shall come into compliance with the provisions of this Chapter no later than November 1, 2007.

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

AN ORDINANCE TO AMEND “CHAPTER 279, ADMINISTRATION, ADMINISTRATION” WITHIN THE TOWNSHIP OF BLOOMFIELD, ESSEX COUNTY, NEW JERSEY:

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.
 - (2) Marriage license: \$3 in addition to State fee.
 - (3) **Burial permits: \$5 per copy in addition to State fee.**
 - (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.

The Board nominated Karen Lore, Human Services Supervisor as Interim Volunteer Coordinator for the animal shelter. Ms. Lore accepted as Interim Volunteer Coordinator. Ms. Lore will contact present and prior volunteers to meet regarding volunteer responsibilities and discuss and address concerns of the volunteers.

The Board discussed changes to the Draft Animal Shelter Program Policy and Procedure Manual. The Board requested the Director to inquire regarding Town insurance coverage of animal shelter volunteers. The Director will verify the surrender fee and update the draft with requested changes of the Board. The Director will revise the Draft Animal Shelter Program Policy and Procedure Manual and present it at the next Board meeting.

The Board discussed the opportunity for a shared services grant opportunity with Newark. The Board decided to inform the Mayor and Town Council that the Board is not inclined to apply for a feasibility study with any other town at this town.

The Board discussed correspondence received by the Town Administrator asking the Mayor and Town Council to sell the Bloomfield Bukowski Animal Shelter property to Glendale Cemetery. The Board directed the Director to request of the Mayor and Town Council that the property not be sold without providing a new facility first.

The Director informed the Board that Vincent Nicosia, Chief Sanitary Inspector re-inspected the animal shelter and that a conditional rating was issued. The Director informed the Board upon inspection the air filters were heavily soiled and replaced. The Director will contact the DPW Director to request that air filters be replaced every month and checked every two (2) weeks.

The following resolution to move to closed session at 9:06 p.m. was passed on a motion by P. Barker and second by M. Stark. 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.
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.
X	(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.

A motion to end the closed portion of the meeting was made at 9:30 p.m. by J. Elkins and second by P. Barker. The public portion of the meeting reconvened.

The closed session minutes of the August 9, 2007 meeting were passed on a motion by P. Barker and second by M. Stark. All present voted in affirmation.

The August 9, 2007 regular meeting of the Board of Health of the Township of Bloomfield was adjourned at 9:36 p.m. on a motion by M. Stark and second by P. Barker. All present voted in the affirmative.

Respectfully Submitted,

Trevor J. Weigle, Director
Secretary to the Board