

BLOOMFIELD, NJ

March 8, 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 6:31 pm in the Mayor's Conference Room in the Law Enforcement Building.

Roll call by Vice-President Gloria Shorter showed the following members to be present:

Gloria Shorter, Vice-President
Patricia Barker, Member
Joel Elkins, Member
Mary Stark, Member

Absent was James McLaughlin, President and Councilman Bernard Hamilton, Council Liaison.

Also present: Ellen Powley, FoBAS, President; Terrence McDonald, Bloomfield Life, Trevor J. Weigle, Director and Michele Nemeth, Sr. Clerk Typist.

The February 8, 2007 minutes were discussed and were approved on the condition that two spelling errors would be corrected on a motion by M. Stark and second by P. Barker.

Vice-President, Gloria Shorter asked if any member of the public wished to be heard on a matter of public health. No one came forward.

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

February communications were discussed/reviewed by the Board. The Director clarified animal control reports are provided to Nutley Township monthly. The Board requested the Director to include Nutley animal control reports in the next Board packet for review.

Patricia Barker stated she suggests nominating Mary Stark for Outstanding Senior Citizen recognized by the Essex County Division on Aging. The Director will request an extension, as the deadline was Thursday, March 8, 2007.

The Board inquired about gang violence prevention training attended by Human Services. The Director informed the Board the training was for prevention of child involvement with gangs. The Board requested the Director to inquire if Human Services would collaborate with the Youth Aide Bureau to hold parent classes educating them on how to recognize signs of gang involvement and usage of drugs in their children.

The Board asked the Director what services are offered to the homeless during the inclement weather. The Director informed the Board the homeless are provided with outreach and shelter contacts and assistance.

The Board inquired about Watsessing School and the recent sprinkler system pipe leaks. The Director reported he has (no results) and has not received any other complaints. The Director will send a letter to the Superintendent requesting all testing results performed by their contractor's industrial hygienist and update the Board on the status of the work.

The Director was asked for an update on Memorial Park. He stated there is no work being done at the property but will review the reports again.

The Board inquired about the causes of death that are illegible on the vital statistics report. The Director will ask the Registrar to make inquiries into the illegibility.

The Board asked the Director about the power outage at Job Haines. The Director informed the Board that Job Haines had three (3) generators with the help from the Fire Department. The Board asked the Director if nursing homes in Bloomfield have emergency generators. The Director will inquire with OEM and the State.

The Director presented his monthly report for March:

- The Director reported he received a letter from the Mayor's office regarding Mr. Softy Ice Cream. The Director reported he and Mr. Nicosia have concerns regarding the cleaning and sanitizing of equipment, litter, traffic problems, requirement of additional enforcement and inspections. A discussion ensued and the Board will consider an ordinance with limitations.
- The Director provided the Board with the Board's Attorney's findings regarding Board of Health autonomy. The Director will provide a copy to the Town Administrator and Councilman Bernard Hamilton, Council Liaison.

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

The Board inquired about Nutley's 2006 4th Qtr. payment. The Director reported Nutley is being invoiced at 2006's rates, which had not changed from 2005.

The February Financial Report was accepted on a motion by P. Barker and second by M. Stark.

Council Liaison, Councilman Hamilton was absent and therefore provided no report.

The following resolution was read and signed by the Vice-President on a motion by J. Elkins and second by M. Stark:

RESOLUTION

WHEREAS, the Board of Health of the Township of Bloomfield recognizes the importance of being governed by a set of By-Laws, and

WHEREAS, the Board of Health has amended and wishes to re-adopt By-Laws for the year 2007.

NOW, THEREFORE, BE IT RESOLVED by the Board of Health of the Township of Bloomfield, New Jersey, that the By-Laws attached hereto, amended and re-adopted this 8th day of March, 2007 serve as the officially recognized By-Laws of this Board.

The Director informed the Board he presented the 2007 Department Budget to the Township Council. He reported a discussion ensued regarding hiring a Full-Time Nurse. The Director reported that no decisions; additional presentation dates and no cuts have been decided.

The Board discussed the amendments to the pet licensing ordinance. The Board decided to change the pet-licensing fee to \$15 for spayed/neutered and \$18 for non-spayed/non-neutered animals. A discussion ensued about a possible multi-year license. The Director will ask the Acting Finance Director about the feasibility for a multi-year license with the Animal Trust Account. The Board discussed an ordinance amendment for adding a provision to re-coop costs for veterinarian animal services included for a reclaimed pet. The Director will change the Ordinance so that neither dogs nor cats can run-at-large. The Court fine for cats running-at-large will also be up to \$1,000.

A request was made for Inspectors to obtain Certification in Food Handling. The Board discussed the cost for a Food Handler refresher course. The Board discussed implementing a general food handler fee of fifty dollars (\$50) and a manager's food handler's fee of one hundred dollars (\$100).

The following Ordinance amendment was read (NOTE: not moved or seconded according to tape and/or notes – must be introduced on first reading properly).

Chapter 133, Food Establishments AN ORDINANCE TO AMEND "CHAPTER 133, FOOD 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 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: \$75.

- (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.

Second reading and public comment will be held in the Mayor's Conference Room of the Law Enforcement Building at the next regularly scheduled Board of Health meeting as published in the Bloomfield Life. This Ordinance will become effective thirty (30) days from publication of this first reading and upon second and final reading.

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

AN ORDINANCE TO AMEND "CHAPTER 303, FOOD 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 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 Board discussed Chapter 279, Administration. The Director informed the Board that Civil Union Licenses and Domestic Partnerships need to be added to the ordinance. The Director proposed changing separate certificate fees to include all certificates cost \$10.

A motion was made by P. Barker and second by J. Elkins to adjourn to closed session at 8:06 pm.

A motion was made by J. Elkins and second by M. Stark to re-open to open session.

On a motion by P. Barker and second by J. Elkins the Board voted 3-1 to exercise its right to cancel the BOH/FoBAS Management Agreement effective June 1, 2007. The Board voted as follows:

ROLL CALL VOTE

BOARD MEMBERS	YES	NO	ABSTAIN	ABSENT
JAMES MCLAUGHLIN, PRESIDENT				X
GLORIA SHORTER, VICE PRESIDENT		X		
PATRICIA BARKER, MEMBER	X			
MARY STARK, MEMBER	X			
JOEL ELKINS, MEMBER	X			

A motion was made by J. Elkins and second by P. Barker to adjourn the meeting at 9:33 p.m.

Respectfully Submitted,

Trevor J. Weigle, Director
Secretary to the Board