

**REGULAR MEETING OF THE MONTVALE BOARD OF HEALTH
CONFERENCE ROOM #1, 2nd FLOOR
12 MERCEDES DRIVE, MONTVALE, NEW JERSEY 07645
November 3, 2014 at 7:45pm**

President Cohen called the meeting of the Board of Health to order at 7:45pm. Adequate notice of the meeting was provided to The Record and the Ridgewood News, informing the public of the time and place, according to the Provisions of the Open Public Meeting Law (Chapter 231, P.L. 1975).

Roll Call

Members: J. Cohen, President (P), M. Danna (P), C. Flagg (P), L. Hopper (A), J. Jacobson (A), J. Landzberg (P), & P. Lennon (A).

Non- Members: Council Liaison R. Curry (P) & Secretary J. Russo (P)

Professional: A. Musella, Northwest Bergen Regional Health Commission Health Officer.

Guest: Jane Woodward

Approval of September 8, 2014 Minutes

A motion to approve the minutes, with a revision was made by J. Cohen & seconded by M. Danna. C. Flagg and J. Landzberg abstained. The amended minutes were approved & will be posted on the borough website.

Meeting Opened/Closed to the Public

A motion was made by C. Flagg & seconded by M. Danna to open the meeting to the public. No one from the public was present; motion to close was made by M. Danna & seconded by J.Landzberg.

New Business

President Cohen welcomed Mrs. Woodward to the meeting. President Cohen spoke about Ray Woodward being an important part of the Board of Health who will be missed. President Cohen and the Board Members presented a privately funded gift. Mrs. Woodward thanked the Board and stated that Ray loved being a member for many years.

J. Cohen stated that the position of Vice-President is currently vacant and the new appointment will be made in January during the reorganization meeting. The status of the members will be updated and posted on the borough website. Cathy Flagg is now a member.

President Cohen announced the meeting dates for 2015. In September due to the holidays, the meeting will be held on Tuesday, September 8, 2015. All will be advertised in the local newspaper in order to meet all requirements of the Open Public Meeting Law. President Cohen asked for a motion to approve the following meeting dates; **January 5, March 2, May 4, June 1, September 8, November 2 & December 7.** C. Flagg made a motion and M. Danna seconded it. The secretary took a roll call vote, all ayes. The dates will be emailed to the members with a copy of the minutes.

President Cohen asked for a motion to have the first public reading of **Ordinance Number 2014-002.** C. Flagg made the motion and J. Landzberg seconded it. President Cohen read the ordinance. The ordinance will be advertised in *The Record*. The second reading of the ordinance by title only, will be read at the December meeting.

ORDINANCE NO. 2014-02

**AN ORDINANCE OF THE BOARD OF HEALTH OF THE BOROUGH
OF MONTVALE AMENDING AND SUPPLEMENTING CHAPTER 94 OF
THE BOROUGH CODE TO PROHIBIT THE USE OF TOBACCO
PRODUCTS AND TOBACCO ALTERNATIVES IN PUBLIC PARKS.**

WHEREAS, the New Jersey Supreme Court has recognized that “Local boards of health possess broad general powers to enact ordinances and to make rules and regulations in the interest of protecting and improving public health, and additionally are authorized by various statutes to enact ordinances and adopt rules and regulations to address certain particular areas of concern in this field”; and

WHEREAS, local boards of health further are empowered to define and prohibit nuisances in all public places; and

WHEREAS, the Board of Health of the Borough of Montvale, in the interest of protecting the public health, safety and welfare, is desirous of prohibiting smoking and the use of tobacco products at all public parks in the Borough of Montvale.

NOW, THEREFORE, BE IT ORDAINED by the Board of Health of the Borough of Montvale as follows:

Section 1. Chapter 94, Article II, of the Code of the Borough of Montvale is hereby amended and supplemented by adding the underlined text and deleting the [bracketed] text, as follows:

§ 94-10 Definitions.

TOBACCO – Any product made from the tobacco plant for the purpose of smoking, chewing, inhaling, or other personal use, including, but not limited to, cigars, chewing tobacco, snuff and cigarettes in any form. For purposes of this Article, the term shall also be deemed to include electronic cigarettes, personal vaporizers, electronic nicotine delivery systems and other similar products.

PUBLIC PLACE – Any building or enclosed structure open to the public, and any street, road, sidewalk, walkway, park, school property or open space located within the Borough of Montvale and which is open to the public, which term shall include school property.

PUBLIC PARK – Any public park, sports field, or similar areas, including adjacent parking lots and other facilities, owned or controlled by the Borough of Montvale.

§ 94-11 Violations.

- A. It shall be unlawful for any person under the age of eighteen (18) years to smoke or use a tobacco product in or on any public place, or to possess in open or unopened view, an opened pack, open carton, or other open container holding a tobacco product in any public place. In all offenses the tobacco product will be confiscated. This ordinance shall not apply to a person under the age of eighteen (18) smoking or using tobacco products in a non-public place which constitutes the residence of the minor and his/her parent(s) or guardian(s).

B. It shall be unlawful for any person to smoke or use a tobacco product in or on any public park in the Borough of Montvale.

§ 94-12 Penalties applicable to minors.

A. ...

§ 94-12A Penalties applicable to persons not minors.

Any person who is using a tobacco product in violation of this Chapter shall be ordered to comply with the provisions of this Chapter. After being so ordered, a person found to be in violation of this Chapter shall be subject to penalties as follows:

A. First offense: \$250 fine

B. Second offense: \$500 fine

C. Third and subsequent offense: \$1000 fine

Section 3. Repeal of Inconsistent Ordinances.

All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 4. Savings Clause.

Nothing in this Ordinance shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed pursuant to this Ordinance, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

Section 5. Severability.

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

Section 6. Effective Date.

This ordinance shall become effective upon adoption and publication as required by law.

J. Landzberg suggested that a short article be written in *My Montvale Newsletter*, informing the residents of the new ordinance. President Cohen will write the article and will have it published in either the November or December newsletter.

A. Musella prepared an updated ordinance regarding the current food handler license requirements. Currently, the ordinance grants a food establishment six (6) months to obtain a food license certificate. A. Musella would recommend owners to have the certificate(s) for their staff prior to opening. A proposed ordinance provided by A. Musella was reviewed. J. Landzberg questioned Section 4: "Enforcement" in the pending ordinance. Upon further review, the Board agreed that it needed further amending. The ordinance was tabled until next month.

Borough Administrator spoke to President Cohen regarding increasing the retail establishment fees. Since the bills are mailed to the establishments during the month of December, there is not sufficient time to adopt the ordinance for 2015. The board will review the fees in January. Also, President Cohen announced that the Chicken Coop ordinance will be tabled because the Board did not receive input from the borough attorney.

President Cohen announced that there was grease trap blockage on Chestnut Ridge Road and a potential blockage on Kinderkamack Road. President Cohen, Angela Musella, Gail Brunner, DPW Superintendent, Rich Campanelli and the Borough Administrator attended a meeting in October to discuss the concerns of restaurants adequately cleaning and maintaining their grease traps. The Borough incurred thousands of dollars of cost due to the blockages. The Board needs to adopt a Grease Trap ordinance that better regulates the cleaning and maintenance of traps. In addition, the new ordinance should require additional inspections by the sanitarians of NWBRHC. The Board reviewed the Borough of Edgewater's ordinance. This ordinance is currently being reviewed by the Borough attorney and the board is waiting for his comments.

Borough Administrator has advised that the Board review Chapter 95-67 Food Peddler's license ordinance. The Board secretary has received inquiries regarding food trucks. Currently food trucks are temporarily allowed with a permit only. The revised ordinance would allow a food truck to park on private property for one day, pay the required fee and be inspected. Non-allowable use is parking the food truck on municipal streets. The municipality wants to retain the right to have food trucks at the annual Montvale Street Fair and possibly at Montvale Day in the Park. This ordinance needs further discussion and the attorney's input. Therefore, further discussion will be postponed.

President Cohen stated she is awaiting 2015 contracts. There is 2% allowable cap increase. President Cohen spoke with K. McDougal of HARP regarding tardiness of public health nurses, the lack of consistency in nursing coverage, the need to have consultation done in a private area such as the nurse's office, the Board of Health Conference office key being lost, and that the 2014 contract was not received fully signed in the Borough until May 2014.

President Cohen announced that there recently was an incident regarding a dog leaving a resident's home and attacking a small dog that was being walked. The same dog also attacked another dog a few months ago. Kim Nangle from Tyco Animal Control went to the home and provided the pet owner with restrictions regarding the dog. A letter, signed by President Cohen, explaining the new restrictions was sent by certified mail to the dog owner. It stated that, if the problem continues, legal action will be taken.

There will be an article in December's edition of *MyMontvale* about the increased number of dog bites and incidents that occurred in the Borough this year.

Old Business

President Cohen thanked J. Landzberg for writing a thorough and well researched letter of support for anti-fracking within the Borough. The letter was written to Mayor Fyfe. She was informed that the agenda for future meetings is too full to fully discuss this issue. Currently, the Mayor & Council has not adopted a resolution banning fracking or fracking waste from being transported through the Borough.

Committee Reports

NWBRHC Activity Report: A. Musella distributed & read activity reports.

Registrar of Vital Statistics & Health Revenue Reports: C. Flagg read the reports.

Tyco Animal Control Report: C. Flagg read report.

Liaison Report: Councilwoman Curry provided a report regarding the pending tree removal ordinance and the bow and arrow ordinance that was adopted and then needed to be amended.

Adjournment

President Cohen requested a motion to adjourn. M. Danna made a motion, seconded by J. Landzberg. The meeting was adjourned at 9:15pm.

The next meeting will be Monday, December .