

**REGULAR MEETING OF THE MONTVALE BOARD OF HEALTH
CONFERENCE ROOM #1, 2nd FLOOR
12 MERCEDES DRIVE, MONTVALE, NEW JERSEY 07645
December 1, 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 (P), J. Landzberg (P), & P. Lennon (P).

Non- Members: Council Liaison R. Curry (P), Secretary J. Russo (A), Acting Secretary D. Rowland (P)

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

Approval of November 3, 2014 Minutes

A motion to approve was made by M. Danna & seconded by C. Flagg. The minutes will be posted on the Borough website.

Meeting Opened/Closed to the Public

A motion was made by M. Danna & seconded by C. Flagg 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

J. Cohen stated that C. Flagg has officially been reinstated from an alternate to a member, effective November 10, 2014. The status of the members will be updated and posted on the Borough website.

Contracts

President Cohen received the contract from NWBRHC and the amount was at the 2% cap. Fairgame Geese contract is non-expiring and the fee remains the same. The contract for HARP was in the 2% cap. Contracts will be signed and forwarded. The treasurer will be provided with a copy prior to full execution. The 2015 budget has been submitted to Mayor & Council for approval.

The date for the dogs/cats anti-rabies animal clinic will be January 3, 2015 (pending weather conditions) at the DPW Garage on Memorial Drive. Animal licensing is available at the clinic and all residents are encouraged to license their pets. A veterinarian from Oradell Animal Hospital will administer the vaccine. All information will be posted on the Borough website, in the newsletter and the community board. Residents that currently own a pet will receive their license renewal notices in the mail.

The Deputy Registrar position continues to remain vacant.

HARP provided a seminar to Borough Employees titled Understanding Stress and Stress Relief Techniques. The program was well done and most appreciated.

J. Cohen distributed and discussed literature received from NYSDOH and Health Bureau of Immunization regarding new recommendations for pneumococcal vaccination of adults.

President Cohen asked for a motion to have the final public reading of **Ordinance Number 2014-002.** P. Lennon made the motion and J. Landzberg seconded it. President Cohen read the ordinance by title only. The ordinance will be advertised in *The Record* and after publication will be adopted. President Cohen wrote a short article for the December's newsletter informing residents of the new ordinance.

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.

Old Business

A. Musella provided President Cohen and the Board with recommended changes to the ordinance regarding current food handlers license requirements. A motion to have said ordinance forwarded to the Borough Attorney for review was made by C. Flagg and seconded by P. Lennon.

President Cohen requests a discussion at the January 5, 2014 meeting regarding increasing the retail establishment fees . President Cohen requested Board's Secretary, J. Russo place this item on the agenda.

Committee Reports

NWBRHC Activity Report:

A. Musella distributed and read the activity report for November 2014. A webinar was attended by A. Musella on conducting Ebola disease investigations on the Communicable Disease Reporting and Surveillance System, CDRSS.

A meeting was held with Joanne Wendolowski, HARP, PHN regarding the Borough applying in conjunction with NWBRHC to obtain the Shaping NJ Grant to reduce obesity and chronic disease. J. Wendolowski will attend a Montvale BOH meeting in the new year to further discuss.

Registrar of Vital Statistics & Health Revenue Reports: Not available.

Tyco Animal Control Report: Not available.

Liaison Report: Councilwoman Curry provided a report regarding the plans for the renovation of the existing Montvale Firehouse.

Adjournment

President Cohen requested a motion to adjourn. A motion was made by J. Landzberg , seconded by M. Danna. The meeting was adjourned at 8:35pm.

The next meeting will be held Monday, January 5, 2015