

**Town of Dover  
Board of Health, April 10, 2006**

The regular monthly meeting of the Dover Board of Health was held in Town Hall, 37 N. Sussex Street, Dover.

Board President Marie Hoffman called the meeting to order at 7:30 pm and announced that the meeting complies with the requirements of the Open Public Meetings Act and has been duly advertised and posted.

Donna Cook, Secretary, called the roll.

**ROLL CALL**

**PRESENT:** Marie Hoffman, Jean Cater, Constance Sibona-Foster,  
Carolyn Blackman, Donna Cook, Sandra Scarneo,  
Christopher Chapman

**ABSENT:**

**ALSO PRESENT:** Donald Costanzo, Health Officer  
Frank Poolas, Alderman  
Jack Delaney, Alderman

President Hoffman called for a motion to accept the minutes from the March 2006, Regular Meeting of the Board of Health.

**A motion to accept the minutes from the March 2006 Regular Meeting of the Board of Health** was made by Donna Cook and duly seconded by Carolyn Blackman.

**ALL AYES; NO NAYS**

**CORRESPONDENCE:**

1. Letter from the Nor Porch Women & Infants' Center to the HO dated 3/27/06; re: agreement letter.
2. Letter from the NJDHSS to the HO dated 3/28/06; re: PHPF grant approval.

President Hoffman asked if there was any correspondence to discuss. The HO briefly mentioned the letter from the NJDHSS regarding the approval of the department's grant application for CY2006.

### **OLD BUSINESS:**

The HO also distributed the summary of Health Department activities for the previous month and discussed with the Board various parts of the report.

Garbage tonnage for March 2006 was 458.18 tons; down from the same month one-year ago by 11.33 tons or 2.4%.

Garbage sticker receipts for March 2006 were \$3,375.00; up from the same month one-year ago by \$132.50 or 4.0%.

The HO commented that we are continually seeing lower tonnage and higher sticker receipts which is a positive trend for the town.

The HO report also included an animal control monthly report for March, as requested by the Board at last month's meeting.

Connie Foster related a recent incident involving a sick skunk on Penn Avenue and the subsequent problem of getting a prompt response from the Animal Control Officer (ACO). After 2 hours and 3 phone calls to the police department the ACO showed up. Alderman Poolas responded to the complaint as well.

Alderman Jack Delaney stated that he had recently heard a resident in Town Hall complaining about animal control and the slow response time. The HO could not explain the response time issue but would speak to the ACO to find out.

Carolyn Blackman commented that her experiences with animal control were positive and that they had been very effective in responding to problems in Salem Village. The Board continued to have a general discussion of animal control.

At last month's meeting the Board requested the HO to pursue the "File of Life" and/or "Vial of Life" programs. The HO met with Cynthia Lyons, Community Outreach, Saint Clare's Hospital, on April 5<sup>th</sup>. It was decided that the File of Life program was better than the Vial of Life because the packet is affixed to the outside of the refrigerator door.

The HO drafted a grant request letter to Wal-Mart but is awaiting word from Saint Clare's as to whether it should come from them or the Dover Health Department. The HO also contacted File of Life and requested a sample packet be sent. The Board will be kept abreast of any developments regarding the program.

At the request of the Board at last month's meeting, the HO drafted a proposed food handlers' ordinance amending Chapter 407 of Dover's general code. A copy of the existing Chapter 407 "Food-Handling Establishments, Retail" and a copy of the proposed draft amendment were distributed to the membership for discussion.

**A motion to introduce and pass on first reading an ordinance of the Board of Health of the Town of Dover, County of Morris and the State of New Jersey amending and supplementing Chapter 407, FOOD-HANDLING ESTABLISHMENTS, RETAIL, of the Code of the Town of Dover which reads as follows was made by Sandra Scarneo and duly seconded by Connie Foster:**

**WHEREAS**, the Board of Health has recommended several changes to Chapter 407 entitled "Food-Handling Establishments, Retail", said Ordinance which regulates retail food-handling establishments within the Town of Dover; and

**WHEREAS**, the Board of Health recognizes the importance of food safety knowledge and education in the prevention of food-borne illnesses; and

**WHEREAS**, the Board of Health has recommended changes to Chapter 407, Food-Handling Establishments, Retail", more specifically to add Article I, "Food-Handling Establishments, Retail"; Article II, "Food Handlers Training"; and Article III "Violations and penalties" to achieve these goals and provide consistency.

**NOW, THEREFORE, BE IT ORDAINED**, by the Board of Health of the Town of Dover, County of Morris and State of New Jersey that:

### **Section 1**

**Chapter 407, FOOD-HANDLING ESTABLISHMENTS, RETAIL, is hereby amended as follows:**

Existing Sections 407-1 through 407-4 are hereby encompassed under a new Article as follows:

#### **ARTICLE I Food-Handling Establishments, Retail**

### **Section 2**

**Section 407-5, VIOLATIONS AND PENALTIES is hereby deleted.**

### **Section 3**

**Chapter 407, FOOD-HANDLING ESTABLISHMENTS, RETAIL, is hereby supplemented as follows:**

ARTICLE II  
**Food Handlers' Training**

**§ 407-5. Mandatory training.**

- A. The owner, operator or other responsible individual of any retail food establishment engaged in the delivery, storage, preparation, processing and service of food products must annually attend a food handlers' training course offered by the Dover Health Department. The Health Officer shall also grant reciprocity to other training courses determined to be equivalent to the course given by the Dover Health Department.
- B. The Dover Health Department shall conduct an annual food handlers' course training program. Additional courses to address specific needs, complaints or continued violations of a sanitary nature may be ordered by the Health Officer. All courses shall conform to the provisions of chapter XII of the State Sanitary Code for the proper sanitary practices against nuisances hazardous to health.
- C. Non-English speaking employees attending a food handlers' course as required, must be accompanied by a person competent in the interpretation of the language to the food handler. The examination may be provided or altered at the discretion of the Health Officer.
- D. No new retail food establishment or existing retail food establishment which has changed ownership shall operate for more than six months without having the owner, operator or other responsible individual employed in that establishment attend a food handlers' training course.

**§ 407-6. Exemptions.**

- A. The Dover Health Department finds that certain public or semipublic food services pose a minimal risk due to the lack of attendance at the food handlers training course because of the unique or limited nature of the food handling and preparation or the infrequency of said events. Exemptions include but are not limited to agricultural markets and temporary events such as public or semipublic covered dish suppers and routine meal functions of religious, nonprofit or charitable institutions.

**Section 4**

**Chapter 407, FOOD-HANDLING ESTABLISHMENTS, RETAIL, is hereby supplemented as follows:**

ARTICLE III  
**Violations and Penalties**

**§ 407-7. Violations and penalties.**

- A. Any person found guilty of violating any of the provisions of this chapter shall, upon conviction thereof, be fined in a sum not less than \$5 nor more than \$500 pursuant to and in accordance with N.J.S.A. 26:3-70.

**Section 5**

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistencies.

**Section 6**

If any article, section, subsection, paragraph, phrase or sentence is, for any reason, held to be unconstitutional or invalid, said article, section, subsection, paragraph, phrase or sentence shall be deemed severable.

**Section 7**

This ordinance shall take effect immediately upon final publication as provided by law.

*Following a broad discussion of the many aspects of a food handling ordinance, the Board ultimately concluded that the “violations and penalties” section 407-7 of the proposed ordinance amendment be changed to state that the fines be “in a sum pursuant to and consistent with N.J.S.A. 26:3-70” without specifying a dollar amount.*

*It was the consensus of the Board that by not specifying a penalty number, any changes in the State Statute would apply to the local ordinance and, therefore, not require the local board to continually amend section 407-7.*

*Subject to the one modification of section 407-7 as mentioned above, President Hoffman took a roll call vote:*

**ROLL CALL VOTE  
ALL AYES; NO NAYS**

**NEW BUSINESS:**

The HO distributed the annual Financial Disclosure Statement to the Board. The Local Government Ethics Law requires members of the Board and the HO to file the statement every year. The HO asked the Board to complete the disclosure form and submit it to the Town Clerk's office.

The HO mentioned that the Smoke-Free Air Act goes into effect on April 15. Commencing April 15<sup>th</sup>, almost all indoor workplaces and places open to the public including places of business will be required to be smoke free environments.

A summary of the law was distributed to the Board for their information which led to a general discussion of the no smoking law with particular emphasis on enforcement. Sandra Scarneo raised the subject of no smoking on all school properties including police officers assigned to work school functions. The HO will discuss issues relating to the Smoke Free Air Act with the Chief of Police.

**THE MEETING WAS OPENED TO MEMBERS OF THE BOARD WHO  
WISHED TO DISCUSS A PARTICULAR ISSUE.**

Alderman Poolas asked the Board to look over various types of public receptacles for the downtown area. Catalogs were offered to the Board for review. Alderman Poolas felt the best designs had a top with a smaller opening to prevent persons from depositing large bags of household garbage into the container. The containers should also be fairly heavy and compliment the existing street poles and street lights.

Jean Cater suggested that Alderman Poolas narrow down the many choices to several for the Board to review. Alderman Poolas responded positively to the request and will also seek input from the garbage contractor.

Marie Hoffman commented that the street lights were entirely inadequate. The light they provide is dim and insufficient. President Hoffman stated that we needed brighter lights.

Alderman Jack Delaney remarked that it has been difficult getting JCP&L to respond to burned-out bulbs that need to be replaced and that he asked the Mayor to intercede with JCP&L to address this problem.

In another matter, Christopher Chapman raised the subject of part-time help for the health department and asked the HO if he was confident in getting part-time clerical assistance for the office. The HO responded that \$10,000 was put in the budget for help but was subject to the Town's budget being passed.

Mr. Chapman commented that it was a waste of money to pay a Health Officer to do clerical work, and that the Board should stand-up and support the need for more help for the Health Department. After discussion and with overall support, the Board asked how

this issue should proceed and concluded with the comment that Alderman Poolas would raise the subject with his board.

Also, Sandra Scarneo reminded the HO to question administration about the use of the \$3,000 that was taken from the original \$18,000 appropriation for the part-time health inspector. Ms. Scarneo felt that the \$3,000 should be added to the \$10,000 proposed for part-time clerical assistance instead of being cut from the budget.

**THE MEETING WAS OPENED TO MEMBERS OF THE GENERAL PUBLIC  
WHO WISHED TO DISCUSS A PARTICULAR ISSUE.**

No members of the general public were present.

Upon completion of the public portion of the meeting, President Marie Hoffman entertained a motion to adjourn the meeting. **A motion to adjourn the meeting was made by Marie Hoffman and seconded by Sandra Scarneo.**

**ALL AYES; NO NAYS**

**MEETING ADJOURNED**