

Town of Dover
Special Meeting of the Board of Health
April 30, 2018
6:30 pm

A special meeting of the Dover Board of Health was held at Water Works Park, 100 Princeton Avenue, Dover.

Board Secretary Sandra Scarneo called the meeting to order at 6:30 pm and announced that the meeting complies with the requirements of the Open Public Meetings Act and has been duly publicized and posted.

Secretary Sandra Scarneo called roll.

ROLL CALL

PRESENT: Darlene Kasko, Sandra Scarneo,
Christopher Chapman, Judith Rugg

ABSENT: Irene Hansen

ALSO PRESENT: Trevor Weigle, Health Officer
Carolyn Blackman, Alderman/Liaison
William Reyes, Jr., Director of Economic Affairs
Susan Downer, Registered Environmental Health Specialist.
Aracelis Vanderstarre-Orama, Deputy Registrar
Donald Costanzo, Aide

Secretary Sandra Scarneo entertained a motion to accept the minutes from the April 9, 2018 regular meeting of the Board of Health.

A motion to accept the minutes from the April 9, 2018, “regular meeting” of the Board of Health was made by Darlene Kasko and duly seconded by Christopher Chapman.

ALL YEAS; NO NAYS.

Secretary Sandra Scarneo asked Trevor Weigle, Health Officer, to provide an overview of the evening's agenda.

Trevor Weigle, HO stated that the purpose of this evening's special meeting was to discuss and deliberate over two (2) specific matters of business:

1. **amending fees charged for retail food establishment licenses; and,**
2. **regulating Tattoo & Body Piercing Establishments.**

1st Order of Business: Retail Food License Annual Fees.

The HO explained that following an examination and review of the annual food license fees charged by the Dover Health Department, the town administrator, Health Officer and REHS, a recommended that fees be adjusted.

The suggested fee change was an increase of \$50 for annual licenses for restaurants, taverns, luncheonettes, etc. and mobile vendors. The suggested fees for a “Seasonal Farmers’ Market” and “Ancillary Food Vendors for Seasonal Events” was \$150.

Also, the fee for a “Temporary License” was a suggested \$50; up from \$25.

It was recommended that the Flea Market category be eliminated, since there no longer is a flea market and the category is encompassed in the Ancillary Food Vendors for Seasonal Events.

DISCUSSION:

William Reyes, Director of Economic Affairs and the coordinator of the upcoming Farmers’ Market, introduced himself to the board and provided a thorough overview of the event.

Most comments and questions posed to Mr. Reyes concerned the types of food vendors. Sandra Scarneo was concerned that vendors of items unrelated to farming would be permitted creating an event that resembled a flea market more than a farmers’ market.

However, Mr. Reyes assured the board that strict control over the types of vendors at the market would be exercised; and, there will be great care taken to make sure the event is reputable and centered around farmers, artisans and crafters of related specialty goods.

The board thanked Mr. Reyes for his attendance and proceeded with business.

Following the conclusion of discussion, a **motion to introduce the following ordinance amending Chapter 407, Article I, “Food-Handling Establishments, Retail,” Section 407-4, Subsections B, C, & D of the Revised General Code of the Town of Dover** was made by Darlene Kasko and duly seconded by Sandra Scarneo.

An ordinance of the Board of Health of the Town of Dover, County of Morris and State of New Jersey, amending Chapter 407, Article I, “Food-Handling Establishments, Retail,” Section 407-4, Subsections B,C, & D of the Revised General Code of the Town of Dover

WHEREAS, the Board of Health has recommended a change to Chapter 407, Article I, entitled “Food-Handling Establishments, Retail”; and

WHEREAS, the Board of Health has requested that said Ordinance be prepared to reflect an amended fee schedule.

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

Article I. Food-Handling Establishments, Retail

§ 407-4 License required; display; fees; term; renewal; suspension or revocation of license; transferability.

Subsection 407-4(B) entitled “Fees” shall be amended as follows:

<u>Type of Establishment</u>	<u>Annual Fee</u>
Restaurant, hotel, café, tavern, luncheonette, diner, soda fountain, food market, delicatessen, bakery, or similar establishment:	
1. Total floor area less than 5,000 square feet	\$250.00
2. Total floor area between 5,000 and 10,000 square feet	\$300.00
3. Total floor area greater than 10,000 square feet	\$350.00
Food Vending Vehicle, Caterers	\$250.00
Seasonal Farmers’ Market	\$150.00
Ancillary Food Vendors for Seasonal Events	\$150.00
Temporary License	\$ 50.00

Subsection 407-4(C) entitled “Temporary License...” shall be replaced as follows:

Temporary license. Upon application the Board may issue a temporary license which shall be valid for a period of 14 consecutive calendar days.

Subsection 407-4(D) entitled “Licenses issued or approved...” first paragraph, shall be amended as follows:

Licenses issued or approved under the provisions of this chapter shall expire annually December 31 of each year, and application for renewal thereof shall be submitted together with the required fee prior to the third Monday in December of each year.

SECTION 5. All Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

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 separable.

SECTION 7. This Ordinance shall take effect upon final publication as provided by law.

**ROLL CALL VOTE
ALL YEAS; NO NOES**

2ND Order of Business: Tattoo & Body Piercing Establishments.

The HO provided the board an overview of issues relating to tattoo and body piercing establishments. Currently, the Town of Dover does not regulate such establishments and does not, therefore, require such establishments to apply for and obtain a license to operate.

A prior review of Body Art Procedures with the town administrator, Health Officer and REHS, resulted in the expressed need of an ordinance regulating tattoo and body piercing establishments with a recommended annual license fee of \$1,250.

Some discussion was centered around Dover’s one (1) existing tattoo parlor and if it would be exempted from the fee this year or “grandfathered” in. There was no definitive answer.

Following the conclusion of discussion, **a motion to introduce the following ordinance of the Board of Health entitled “Body Art Procedures”, Chapter 397, of Revised General Code of the Town of Dover** was made by Darlene Kasko and duly seconded by Christopher Chapman.

Adoption of an ordinance of the Board of Health of the Town of Dover, County of Morris and the State of New Jersey entitled Chapter 397, Body Art Procedures, of the Code of the Town of Dover.

WHEREAS, the Board of Health has recommended the adoption of an ordinance to regulate Body Art Procedures; and

WHEREAS, the New Jersey Public Health Council has established regulations for Body Art Procedures as part of the New Jersey State Sanitary Code under authority of N.J.S.A. 26:1A-7; and

WHEREAS, local boards of health shall enforce the New Jersey State Sanitary Code within their jurisdiction as required under N.J.S.A. 26:1A-9; and

WHEREAS, the Board of Health recognizes the need to regulate and license Body Art Facilities because of the potential danger of the spreading of infectious diseases through said procedures.

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

Chapter 397 BODY ART PROCEDURES is hereby adopted as follows:

Section 1

Chapter 397. BODY ART PROCEDURES

§ 397-1. Adoption of standards; availability of copies.

A code defining and governing all businesses that offer tattooing, permanent cosmetics, and ear and body piercing to the public with the exception of a physician who is authorized by the State Board of Medical Examiners to practice medicine, pursuant to N.J.S.A. 45:9-6 et seq. The provisions of the State Sanitary Code shall have the force and effect of law. Under the authority of N.J.S.A. 26:1A-9, the provisions are enforceable by the New Jersey State Department of Health and Senior Services and local departments of health.

A copy of the Body Art Procedures code is annexed hereto and made a part hereof without the inclusion of the text herein.

§ 397-2. Title of Code

The code established and adopted by this chapter is described and commonly known as “Body Art Procedures, New Jersey State Sanitary Code, Chapter VIII, N.J.A.C. 8:27-1 et seq.”

§ 397-3. Copies to remain on file.

Three copies of said Body Art Procedures Code have been placed on file in the office of the health department of the Town of Dover Board of Health upon the introduction of this chapter and will remain on file there for the use and examination of the public.

§ 397-4. Permit required; application.

No person shall engage in the business of or practice of tattooing or body piercing of other people within the Town of Dover without first obtaining a permit from the Town of Dover Health Department. Such an application shall be made on an application form provided by the Town.

§ 397-5. Permit fee; expiration of permit.

The permit fee shall be \$1,250 for a one-year licensing period from January 1 to December 31. All permits issued during the course of a calendar year shall expire on December 31 of that year, regardless of the date issued.

§ 397-6. Violations and penalties.

Any person who violates this chapter shall, upon conviction, forfeit and pay a fine of \$250 - \$500 for the first offense; \$501 - \$1,000 for the second offense occurring within two years of the first offense; and, for third and any subsequent offenses occurring within three years of the first offense, shall be subject to one (1) or more of the following: a fine not exceeding \$2,000, a term of imprisonment not exceeding ninety (90) days or a period of community service not exceeding ninety (90) days.

Section 2

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

Section 3

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 4

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

**ROLL CALL VOTE
ALL YEAS; NO NOES**

**THE MEETING WAS OPENED TO MEMBERS OF THE GENERAL PUBLIC
WHO WISHED TO COMMENT.**

No one from the general public was present.

Upon completion of the public portion of the meeting, Secretary Sandra Scarneo entertained a motion to adjourn the meeting. **A motion to adjourn the meeting** was made by Sandra Scarneo and seconded by Christopher Chapman.

ALL AYES; NO NOES

**MEETING ADJOURNED
7:15 pm**