

**MINUTES
BOARD OF HEALTH
TOWNSHIP OF CHATHAM
MARCH 9, 2010**

Mr. Jim Brown called the regular meeting of the Board of Health to order at 7:33 P.M.

Answering present to the roll call were Dr. Marano, Mr. Newby, Mr. Tubbs, Mr. Nachtigal, and Mr. Brown. Mr. Samara and Ms. Taormina were also present.

Adequate notice of this meeting of the Board of Health was given as required by the Open Public Meetings Act as follows: Notice was given to both the Chatham Courier and the Morris County Daily Record on February 11, 2010; notice was posted on the bulletin board in the main hallway of the Municipal Building on February 11, 2010; and notice was filed with the Township Clerk on February 11, 2010.

Approval of Minutes

Mr. Brown noted a spelling error in the minutes from the February 9, 2010 meeting.

Mr. Brown moved to approve the minutes as amended. Mr. Newby seconded the motion, and it carried unanimously.

Introduction of Ordinances

**ORDINANCE BH-1-10
AN ORDINANCE FURTHER AMENDING THE REGULATIONS OF THE BOARD OF
HEALTH OF THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, NEW
JERSEY, RESPECTING RETAIL FOOD ESTABLISHMENTS WITHIN THE TOWNSHIP AND
THE FEES PERTAINING THERETO**

BE IT ORDAINED by the Board of Health of the Township of Chatham, in the County of Morris, State of New Jersey, as follows:

1. Section 4, Fees for Licenses, of Ordinance BH-1-97 adopted May 13, 1997 by the Board of Health of the Township of Chatham, in the County of Morris, State of New Jersey for the purpose of establishing certain regulations with respects to retail food establishments within the Township, as amended by Ordinance BH-5-01 adopted on November 13, 2001, Ordinance BH-1-02 adopted on October 8, 2002, as amended by Ordinance BH-1-04 adopted on June 8, 2004 is hereby further amended so that said section shall read in its entirety, as follows:

Section 4. FEES FOR LICENSES.

The fees for regular retail food establishment licenses shall be as follows:

Store/Food Establishment

Up to and including 10,000 square feet	\$ 100.00 per annum
More than 10,000 square feet	\$ 200.00 per annum

Deli/Restaurant

1 to 25 seats	\$ 50.00 per annum
26 to 50 seats	\$ 100.00 per annum
More than 50 seats	\$ 150.00 per annum

Long Term or Assisted Care Facility having a maximum available capacity of

1 to 25 residents	\$ 75.00 per annum
26 to 50 residents	\$ 150.00 per annum
51 to 100 residents	\$ 225.00 per annum
More that 100 residents	\$ 300.00 per annum

Vendors purveying individual servings of ice cream or other frozen confections, hot or cold drinks, candies, popcorn, fruit or other edible products	\$ 50.00 per annum
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Vendors delivering dairy products to dwellings or dwelling Units	\$ 10.00 per annum per vehicle
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Farm Stands	\$ 25.00 per annum
Swim Club Snack Bars	\$ 50.00 per annum
Packaged Goods only	\$ 50.00 per annum
A temporary license for up to 3 days for a special event or celebration at which food will be served to the public by other than a school, church or non-profit organization	\$ 25.00 per event

There shall be no fee for a school, church or non-profit organization having permanent or temporary kitchen facilities, provided that a license shall be obtained for any permanent kitchen facilities and further provided that the Township Board of Health may at any time inspect the operation of any temporary kitchen facilities.

The annual fee for a regular license shall not be prorated by reason of the date upon which the license may be issued.

All required license fees shall be due and payable on the first business day of January of each year. Effective May 1, 2010 and February 1 every year thereafter, an additional late fee of \$50.00 will be charged to those retail food establishments who have not obtained a license.

The fee for a retail food establishment license shall cover an initial inspection and one reinspection if the establishment is not given a "satisfactory" rating on the basis of the initial inspection. There shall be a charge of \$ 50.00 each for a third and any further inspections required prior to the issuance of a license.

No license issued pursuant to this ordinance shall be transferable in any manner.

2. This Ordinance shall take effect thirty (30) days after the publication of notice of final adoption as provided by law.

Mr. Brown said that the only change that this ordinance makes is that late fees would be assessed on those licensees who do not renew by February 1st. Mr. LaConte asked if late fees would be assessed on the non-profit licensees, and the Board agreed that late fees would only be applicable if an initial fee is required.

Mr. Brown moved to introduce Ordinance BH-1-10. Mr. Tubbs seconded the motion.

Roll call: Dr. Marano, Aye; Mr. Tubbs, Aye; Mr. Newby, Aye; Mr. Nachtigal, Aye; Mr. Brown, Aye.

Public Hearing for Ordinance BH-1-10 will be scheduled for April 13, 2010.

Reports

Registered Environmental Health Specialist

Mr. Samara reported that inspections of retail food establishments have continued, and they have been satisfactory. A dog was quarantined after biting a person, and was later released. Mr. Samara is also continuing to monitor the Hickory Square Mall for litter, rodents and dumpster maintenance. Regarding a court appearance by Patricia Morley, Mr. Samara said that things are improving. Mr. Samara also updated the Board on the project at St. Hubert's, and as there was a question about perc rates, the bed was enlarged by 1/3. Mr. Samara also said that he performed the piezometer inspection at 150 Spring Valley Road, and the test was satisfactory. Mr. Tubbs asked about H1N1 issues. Mr. Samara said that shots are still available. Chatham Township was not badly hit by the flu, and the clinics ran smoothly.

Registrar of Vital Statistics

Mr. LaConte reported that fees were collected for the following items in February 2010:

5 Certified Marriage Certificates	\$190
35 Certified Death Certificates	<u>\$40</u>
Total	\$230

Mr. Brown moved to approve the reports. Mr. Nachtigal seconded the motion, and it carried unanimously.

Discussion

Noise Ordinance

Mr. Brown discussed the State's model noise ordinance. He drew the Board's attention to the fact that the model allows a choice of limiting decibel levels of impulsive sound either at all times or only during certain time frames. The Board questioned whether or not impulsive sound is an issue within the Township, and they also discussed how such regulations would allow for fireworks displays to be conducted. Mr. Brown reviewed with the Board the list of restricted activities. Mr. Nachtigal pointed out that police officers could be certified to use the equipment for checking sound levels. Mr. Tubbs said that the Board would need to determine what substantive changes they want to make in the noise ordinance. Mr. Nachtigal added that they would need to designate who would enforce the ordinance. Mr. Brown said that the current noise ordinance would not hold up in court. Mrs. Taormina added that the State's model ordinance is more lenient than the Township's ordinance in some areas, and more restrictive in others. Mr. Brown also brought to the Board's attention that regulations could be introduced for snow removal equipment. Burglar alarm noise regulations were also discussed. Mr. Newby suggested that a side-by-side comparison be made between the model noise ordinance and the current ordinance.

Report to Township Committee

Mr. Brown asked the Board for commentary on the draft of the Annual Report which would be presented to the Township Committee. He pointed out that he included in the report a section on the contract with the Madison Health Department.

Meeting Open to Public

Mr. Brown opened the meeting to the public.
Seeing none, the public hearing was closed.

Mr. Brown moved to adjourn at 8:30 PM. Mr. Nachtigal seconded the motion, and it carried unanimously.

Gregory J. LaConte
Board of Health Secretary