

BOARD OF HEALTH
BOROUGH OF MOONACHIE
BERGEN COUNTY, NEW JERSEY

Zoom Video Link: <https://zoom.us/j/95930024424> Passcode: 847819

By Phone: 1 929 205 6099

Meeting ID 959 3002 4424 Passcode: 847819

The Regular Meeting of the Board of Health of the Borough of Moonachie is called to order by President M. Cinque via Zoom on April 12, 2021 at 7:31pm.

M. Cinque called for the Pledge of Allegiance to the Flag.

ROLL CALL: M. Cinque, M. Mezzina, L. Martinez-present, R. Wende-excused,
Attorney Juan Moran-present, Maria Schmitt, Health Inspector-present,
Councilwoman Karen Surak, Liaison to Mayor and Council -present

Secretary stated that notice of the meeting was published in The Record on January 21, 2021, posted in the Municipal Building, and on the Borough website that the meeting would be held over Zoom in accordance with the Open Public Meetings Act.

COMMUNICATIONS

Bergen County Department of Health Services	March 2021
Bergen County Animal Control	December 2020, January- February 2021
Registrar of Vital Statistics Report	March 2021
Health Consultation Report	March 2021
GEI Consultants	Remedial Action Permit 25 Knickerbocker Road B67/L2
Geosyntec Consultants	Public Notification 100 Carol Place B38/L5.02

Motion by M. Mezzina, second by L. Martinez to file communications.

ROLL CALL: Cinque, Mezzina, Martinez.

All ayes. So ordered.

MINUTES

Motion by M. Mezzina, second by L. Martinez to adopt the minutes of March 8, 2021.

ROLL CALL: Cinque, Mezzina, Martinez.

All ayes. So ordered.

Report from Health Inspector Maria Schmitt:

Maria mentioned that the all the mobile vendors are finished and licensed. Some trucks were lost, one company went from 5 trucks to 3 this year.

Dog Bite

The dog that had previous bites on 57 Edstan Drive is likely to have bit someone last week. The dog was supposed to be kept in Bergenfield as part of a court order. Mentioned speaking to Animal Control and that they will follow up to open the case back up before the Municipal Court.

M. Cinque asked if whoever was bitten is alright.

Maria mentioned that the young man is doing okay, she has been speaking to his mother. He had to be taken to the hospital. There were no eyewitnesses, and the dog must have run out into the street where he was.

M. Cinque asked if the dog had its vaccinations.

Maria mentioned that the dog was okay with rabies vaccinations.

C/Surak asked what the address was.

Maria mentioned it was near 57 Edstan Drive, and Animal Control will write another summons.

C/Surak asked where the victim was bitten.

Maria was not sure, but it was a few areas, but not the face. He dropped his phone in front of the house and was able to run back home. The Moonachie Police Department called Animal Control to let them know what happened. The dog was found in Bergenfield the next day.

OLD BUSINESS

Feral Cat Ordinance Draft

Attorney Moran spoke about being on the call for the last Council Meeting and the Animal Control Officer was also on the call to speak about the TNR Ordinance. C/Surak was also at the meeting. Explained the ordinance, and that it essentially defines who a caretaker is for the cats, and mentioned that in the TNR program the cats would be returned to the area after being neutered and treated medically. The ordinance draft was sent to the Borough Attorney Migliorino so that the Mayor and Council can discuss.

C/Surak mentioned that at the Council meeting last Thursday the Mayor wanted the Board of Health to review and make comments on the Ordinance.

Attorney Moran mentioned that he is waiting to hear any comments or changes from the Animal Control Officer Mark Byrnes.

M. Cinque mentioned that she liked having the definitions made clear in the Ordinance, since it makes someone responsible for taking care of the cats, and gets the community involved. She likes the ordinance and that fines are also included for any violations.

Attorney Moran mentioned that he has reviewed about seven other town's ordinances, and focused on what the Mayor and Council made clear what they wanted included in the ordinance.

Maria spoke about that in the TNR program people will have to agree to set traps. Cats will be brought back to the caretaker. Maria explained the differences between a nuisance cat and one in the TNR program. As of now, if someone calls for a trap for a nuisance cat, the trap will be given and the cat will be removed and taken to the Animal Shelter after being trapped. With TNR, the cat will be returned. Maria mentioned that TNR usually works, and it is better to have the cats fixed and vaccinated, and someone will be responsible for the cats.

M. Cinque asked about ear tipping on cats.

Maria mentioned that this allows Animal Control will know which cats belong to the colony.

M. Mezzina asked what would happen if a colony cat is considered a nuisance.

Maria mentioned that the cat may go back to the colony. Explained about trapping.

C/Surak asked if Attorney Moran could reach out for Animal Control Officer Byrnes about comment on the ordinance.

Dog Licenses Issued: 177 Last year: 191

M. Cinque mentioned that the numbers are good compared to last year, and asked the Secretary if there are that many people left.

Secretary mentioned that there may be a few left, and can send out late reminders again.

NEW BUSINESS

C/Surak asked about the communication about remediation at Crestfoam, what type of contamination was it.

Secretary mentioned that usually the State DEP keeps track of where remediation is being done, and the Borough is notified of any cleanups or work being done on a property. Reports may also be sent to the Borough and a file on the specific property is kept for OPRA requests. The reports may include what is being remediated.

FINAL PASSAGE OF ORDINANCE

ORDINANCE #BH-21-001

AN ORDINANCE TO REGULATE BODY ART ESTABLISHMENTS

WHEREAS, the Board of Health of the Borough of Moonachie recognize the need to adopt an Ordinance regulating and controlling the operation Body Art establishments located within the Borough of Moonachie for the health, safety and welfare of the public;

BE IT ORDAINED by the Board of Health of the Borough of Moonachie, in the County of Bergen, that the following Ordinance in the Appendix of the Code of the Borough of Moonachie be and hereby as follows:

§ E-1. Purpose.

The purpose of this section is to regulate the practices of body art, including permanent cosmetics, microblading, tattooing and body piercing, as set forth in this section, within the Borough of Moonachie so as to ensure the public safety and health against illness and injury.

§ E-2. Definitions.

All terms referenced in this article shall be defined in accordance with the definitions set forth in *N.J.A.C. 8:27-1.3*.

§ E-3. Prohibitions.

All persons who own or operate an establishment that practices or performs body art procedures, such as permanent cosmetics, microblading, tattooing and body piercing, within the Borough of Moonachie shall do so only in complete compliance with the provisions of *N.J.A.C. 8:27-1.1* through *8:27-11.5*.

§ E-4. Certificate of Inspection.

No person shall own or operate a tattoo or body art establishment within the Borough of Moonachie unless such person has registered such establishment with the Moonachie Board of Health and has received a certificate of inspection from the Board. No certificate of inspection shall be issued unless the establishment has been inspected by the Board of Health and found to be in compliance with the requirements of this article and all applicable provisions of the New Jersey Administrative Code. The Board of Health shall inspect each tattoo or body art establishment annually to ensure that said establishment complies with all applicable provisions of the New Jersey Administrative Code.

§ E-5. License to operate; fee.

- A. No person shall own or operate a tattoo or body art establishment without first obtaining a license from the Board of Health to engage in such business.
- B. An application for a license to operate a tattoo or body art establishment shall be accompanied by an annual fee in the amount of three-hundred dollars (\$300.00). Any change in ownership of a tattoo or body art establishment shall require a new application and license, requiring payment of an additional license fee.
- C. All licenses shall expire on the 31st day of December annually.
- D. Every license shall be displayed in a conspicuous place within the body art establishment so that same may be readily seen by persons entering the premises.
- E. In the event of any renovations and/or alteration to a tattoo or body art establishment, plans must be submitted to the Board of Health detailing the nature and extent of any renovations and/or alterations.
- F. All applicants shall submit construction plans and/or floor plans to the Moonachie Health Department and Moonachie Construction Department for review and approval prior to construction and operation.

§ E-6. Operating Requirements.

- A. Compliance with Requirements of State Department of Health. All establishments and practitioners of body art shall comply with all requirements enacted by the State Department of Health pursuant to *N.J.S.A. 26:1A-10 et seq.*, and the regulations promulgated thereunder pursuant to *N.J.A.C. 8:27-1.1*, as they pertain to the practice of permanent cosmetics.
- B. Persons Seeking Body Art Services.
 - a. It shall be a violation of this section for any establishment or practitioner to provide body art services to an individual under 18 years of age without authorization signed by the parent or legal guardian of such individual and witnessed by the operator of the establishment. The operator shall be responsible for maintaining the original consent form and copies of all consent information, and copies of the photographic identification of both the individual receiving the body art services and the parent or legal guardian authorizing such services, for a period of three years.
 - b. Each person receiving body art services must first apply to the operator of the establishment, on a form approved by the Moonachie Health Department. Body art services may then be applied no sooner than one hour after the time of the application received by the practitioner. If the applicant is suspected of being under the influence of alcohol, drugs or any other behavioral modifying substance, the operator shall refuse to perform body art services for the applicant.
 - c. All establishments, operators of establishments, and practitioners shall be subject to a satisfactory background check as may be required by the Moonachie Police Department.
 - d. No establishment, operator of an establishment, or practitioner shall have been convicted of a criminal offense in any jurisdiction.

§ E-7. Revocation or suspension of license to operate; penalties.

- A. The Board of Health shall have the authority, as established by *N.J.A.C. 8:27-11.1* through *8:27-11.4* to suspend or revoke any license to operate issued to any owner/operator of a tattoo or body art establishment in the event of any material violation of the provisions of this article or the provisions of the New Jersey Administrative Code. In the event the Health Officer of the Borough finds that an owner/operator of an establishment has violated the provisions of this article or the Administrative Code, the Board of Health may suspend or revoke any license to operate the establishment or impose any applicable penalties as authorized by the New Jersey Administrative Code.
- B. Penalty. Any establishment, operator or practitioner who violates any subsection of this section or fails to comply with any provisions of this section, or the State Department of Health or sanitary codes, shall be subject to a fine of not less than \$250.00 nor more than \$1,000.00 for each violation, or imprisonment in the County Jail up to 90 days, or both. Each day that the violation exists shall be considered to be a separate offense.

The Secretary has presented an affidavit showing that advertisement had been made according to law.

PUBLIC HEARING ON ORDINANCE #BH-21-001 No one wished to be heard.

Motion by L. Martinez, second by M. Mezzina to close Public Hearing on #BH-21-001.

ROLL CALL: Cinque, Mezzina, Martinez.

All ayes. So ordered.

Motion by M. Mezzina, second by L. Martinez to adopt Ordinance #BH-21-001.

ROLL CALL: Cinque, Mezzina, Martinez.

All ayes. So ordered.

PUBLIC HEARING (Regular)

Ann Cervone, 215 East Park Street- spoke about her neighbor at 219 East Park Street, that they are not picking up after their dog and with the warmer weather she cannot go outside because of the smell. Maria asked if she was home during the day, she needs permission to go onto her property to observe the violation, she can stop by tomorrow.

Mrs. Cervone mentioned that she works during the day but gave permission for Maria to go onto the property.

Maria asked if the dog living there has a dog license.

Secretary mentioned that the dog may not have a license.

Maria mentioned that she will call Mrs. Cervone in the afternoon about what she found, and can include the dog not being licensed after the Secretary looks up any records. She can write them a warning and they have time to abate the problem, and then a violation can be issued. The violation would go to the owners of the property, if the home is being rented out.

M. Cinque asked if Mrs. Cervone was able to talk to the neighbors about the issue.

Mrs. Cervone mentioned she did speak to the neighbor and the dog is also digging and putting dirt into her yard.

Motion by L. Martinez, second by M. Mezzina to close Public Hearing.

ROLL CALL: Cinque, Mezzina, Martinez.

All ayes. So ordered.

Motion by M. Mezzina, second by L. Martinez to adjourn meeting at 8:22pm.

ROLL CALL: Cinque, Mezzina, Martinez.

All ayes. So ordered.

ATTEST:

Jennifer Cooney, Secretary