

MINUTES OF A REGULAR MEETING OF THE BOROUGH OF MADISON BOARD OF HEALTH

March 19, 2019

CALL TO ORDER

The Regular Meeting of the Board of Health of the Borough of Madison was held on the 19th day of March 2019. Board of Health President, Eric Range, called the meeting to order at 7:31 p.m. in the main room of the Madison Health Department, 28 Walnut Street, Madison, New Jersey.

PLEDGE OF ALLEGIANCE

STATEMENT IN COMPLIANCE WITH THE OPEN PUBLIC MEETINGS ACT

The Secretary read the statement pursuant to the Open Public Meetings Act: "In compliance with the Open Meetings Act of the State of New Jersey, adequate notice of this meeting of the Board was provided in the following manner: On January 16, 2019 notice of this meeting was emailed January 16, 2019 on the bulletin board at the Borough Hall and filed with the Municipal Clerk."

ROLL CALL

The Board Secretary called the roll and the following acknowledged their presence:

Board Members:

Eric Range
Debra Coen, Council Liaison
Joann Burke
Vivian Gil-Botero
Sharon Harris
Constance Stober
Sandra Lascari Alt #1
Dana Bogojevic Alt #2

Absent

Marianne McConnell

Also Present:

Joanne Grillo, Board Secretary
F. Michael Fitzpatrick, Health Officer
Peter J. King, Board Attorney
Marlene Dolan, Public Health Nursing Supervisor

AGENDA REVIEW:

Mr. Range gave an overview of the agenda. In addition there were some communications regarding the puppy mill ordinance. There is follow up information about smoking and the current ordinance that has spread over multiple groups of responsibility. The employee handbook will be discussed as well.

APPROVAL OF MINUTES

Ms. Coen made a motion to accept Ms. Burke seconded: The recorded vote was as follows:

| | Ayes | Nayes | Abstain |
|-------------------|-------------|--------------|----------------|
| Mr. Range | x | | |
| Ms. McConnell | absent | | |
| Ms. Gil-Botero | | | x |
| Ms. Burke | x | | |
| Mrs. Harris | x | | |
| Ms. Lascari Alt#1 | x | | |
| Dr. Bogojevic | x | | |
| Ms. Coen | x | | |
| Mrs. Stober | x | | |

COMMUNICATIONS: Mr. Range spoke of the e mail communication sent from the Mayor to the Board of Health which he had received from a member of the Humane Society encouraging the borough to look at a puppy mill ordinance.

PUBLIC HEALTH NURSING SUPERVISOR

Mrs. Dolan summarized the month’s activities. Immunization audits are winding down. She advised that Chatham had several Pertussis cases. Not an atypical occurrence. Mrs. Dolan and the school nurses as well as Westfield nurses met to discuss notification protocol for the future. Follow up to the meningitis case from last month showed that another case reported which is now considered an outbreak. Mrs. Dolan has vaccines for those who qualify. Mrs. Stober asked if those who got the pertussis had been vaccinated and Mrs. Dolan advised they had. Mrs. Dolan passed a graphic of a map of compliance and exemptions from vaccines broken down into counties in New Jersey which illustrated rates of coverage and rates of exemptions.

HEALTH OFFICER:

Mr. Fitzpatrick advised that the state auditor was back today and went over the corrective action items that he had requested. The auditor spoke of a report as more of a narrative along with the statistics. Mr. Fitzpatrick spoke of his meeting with Springfield administrator and others regarding the health service contract for 2019. He is of the belief that they will approve the contract at a Township Committee meeting in the near future.

ORDINANCES FOR HEARING: NONE

INVITATION FOR PUBLIC COMMENT: Mr. Range opened floor for public. Mr. Larry Cohen, Fanwood, NJ stated he was the author of the e mail correspondence regarding puppy mills sent to the Mayor encouraging an ordinance. He is a volunteer member of the Humane Society of the United States. He referenced a 2016 Borough of Madison resolution regarding this matter. He pointed out the fact that the Mayor and Council requested that all other municipalities in Morris County adopt the same regarding the banning of all sales of dogs and cats that come from large scale commercial breeding facilities. “puppy mills” This is what an ordinance would do, while

welcoming pet stores, but not allowing sale of dogs/cats. The effort is to decrease the demand for this type of sourcing so the supply which is mostly Midwestern farming states. The only change since 2016 is that the federal government wiped out the database that the state of NJ used to check the kind of breeders NJ pet stores were using. Before eliminating the database, the society found countless violations of the animal welfare act. Stores are now operating in secrecy. Now these stores can operate without fear of being caught. The Society is now going around the state requesting support for the ordinance. The record due to health code violations is 8 stores closed. Mr. Cohen spoke of an outbreak of illness from a result of people coming into contact with these puppies from puppy mills. There are 2 USDA licensed breeders in NJ. By law, NJ pet stores must buy from USDA licensed breeders. The aim is to stop these Midwestern breeders.

At this point, Mr. King advised the members of the board and the public that the Board of Health has no authority to do an ordinance of this nature.

Leslie Moran, Randolph NJ spoke of her experience with a 2013 store regarding breeders (claiming reputable) and their advertising practice. She encourages educating the public with this ordinance.

UNFINISHED BUSINESS:

Employee Handbook

Mr. Range spoke of the changes in the handbook. The major goal is to keep the handbook in line with the borough. He went over the significant title changes as needed, and the changes since the borough made their changes last fall.

Mr. King outlined a resolution. The board gave it consideration and agreed to the resolution.

BH 2019-10: A Resolution that the Madison Board of Health adopts by reference the Madison Borough handbook Employee subject to the notice which will be attached to the resolution and will allow the board to amend.

Mrs. Stober made a motion to approve and Ms. Lascari seconded. The recorded vote was as follows:

| | Ayes | Nayes | Abstain |
|-------------------|-------------|--------------|----------------|
| Mr. Range | x | | |
| Ms. McConnell | absent | | |
| Mrs. Gil-Botero | x | | |
| Ms. Burke | x | | |
| Mrs. Harris | X | | |
| Ms. Lascari Alt#1 | x | | |
| Dr. Bogojevic | x | | |
| Ms. Coen | X | | |
| Mrs. Stober | x | | |

Smoking:

Mr. Range then began discussion of the material prepared by Mr. King regarding smoking and vaping issues and concerns for enforcing infractions and offenders. Mr. King advised that the borough has 3 ordinances regarding smoking. One is smoking in borough owned property. This is controlled by the Borough. Electronic cigarettes not mentioned. The board of health has one for vending machines. The other is the schools. Health Officer reaching out to the schools. Current policy in our ordinance does not incorporate changes in NJ smoking laws. Ms. Coen spoke of borough code 163 does state that the vaping is covered in the borough code. 2013 ordinance mentioned. Mr. Range stated that 163 seems to cover everything it needs to cover as it relates to public parks and borough owned property both for e cigarettes and cigars and cigarettes. Mr. Fitzpatrick queried is schools considered borough property.

Chapter 204 adopted by board of health prohibiting pupils on school premises. Mr. King said there are some things that can be updated. Mr. Range feels as it reads it is limited to only students. School board may have a more updated policy expanding on this. Mr. Range asked Mike Fitzpatrick for clarification from Board of Education and see what we can do in conjunction and support.

Ms. Coen says school policy is from 2016, state mandated. It does include electronic smoking devices. There was mention of marijuana and language for including that in the new ordinances. After more discussion concerning enforcement and oversight, Mr. King was tasked with getting changes prepared for ordinance introduction.

BILLS PAYABLE:

Mrs. Stober made a motion and Ms.Lascari seconded, the recorded vote was as follows:

| | Ayes | Nayes | Abstain |
|-------------------|-------------|--------------|----------------|
| Mr. Range | x | | |
| Ms. McConnell | absent | | |
| Mrs. Gil-Botero | x | | |
| Ms. Burke | x | | |
| Mrs. Harris | X | | |
| Ms. Lascari Alt#1 | x | | |
| Dr. Bogojevic | x | | |
| Ms. Coen | X | | |
| Mrs. Stober | x | | |

NEW BUSINESS:

Topic: **Puppy Mills**

Mr. Range advised that the Mayor asked the board of health how to move ahead with this issue. Mr. King put together some information, and despite the board of health overseeing animal control, it turns out that Chapter 59 of the borough code oversees the operation of kennels, pet shops, etc...

Mr. Range posed the question to the board members as to whether or not they are in agreement with the proposal of this ordinance, and all are in favor. Ms. Coen will inform the Mayor and Council of the Board of Health’s support for this measure.

ADJOURNMENT: 8:37 p.m.

Motion was made to adjourn by Ms. Burke and seconded by Mrs. Stober.

All present voted in favor.

Respectfully submitted,

Joanne Grillo, Secretary