

April 10, 2017

**BOROUGH OF ELMWOOD PARK
REGULAR MEETING
BOARD OF HEALTH MEETING**

April 10, 2017

7:00 p.m.

The Regular Meeting of the Elmwood Park Board of Health for April 10, 2017 was called to order by Board Secretary Barbara Dispoto at 7:00 p.m.

Board of Health Members Levine, Marsella, Morello, Proctor, Spinelli and Wareka were present. Board President McCauley and Councilman Golabek were absent due to other commitments. Also present Health Inspector Margaret Dunne and Board Secretary Barbara Dispoto.

Whereas, Chapter 231 of the Public Laws of the State of New Jersey requires at the commencement of every meeting a Statement of Compliance be read by the presiding officer.

Now, Therefore Be Advised, that the meeting requirements for this meeting have been met by publishing an annual meeting notice in The Record and Herald News of Woodland Park and by posting such notice in the office of the Health Department and the Borough Clerk as well as in a public place within the Municipal Building, and by notifying interested citizens. Said notice was posted on December 18, 2016.

Regular Meeting Agenda Items:

1 – HEALTH INSPECTION REPORT:

- a. **Monthly Inspection Report** – Inspector Dunne discussed inspections that were conditional for the month of March. Discussion then ensued to a complaint made of a resident having roosters on the premises. The resident was given two weeks to remove the roosters and the chickens. After further review of the monthly report there were no further questions.

2 – Lead Remediation brochures from Greater Bergen Community Action – The Board was presented with brochures that were sent to the office. After some discussion the Board decided not to offer the brochures to the public.

3 – Discussion regarding Bergen County Department of Health Services Reception – Mrs. Dispoto discussed the reception and all the information that was available. She discussed a Bergen County Nursing Home that is located in Rockleigh, drug and alcohol dependency programs, women's halfway house and HIV Testing and Counseling. She further discussed Shelter Director Deborah Yankow was there discussing the TNR program. The Board reviewed the County Health Department newsletter which will now be issued monthly. Mrs. Dispoto then discussed a Mental Health First Aid training that is offered by the County Health Department. She stated that herself and Captain Thorpe has scheduled two training courses that will take place in the all purpose room. Between the two classes the entire police force will participate in the training.

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4 – ORDINANCES:

a. Trap – Neuter – Return

A motion was made by Board Member Wareka and seconded by Board Member Spinelli to open the floor for public comment. Motion carried by the members present.

Lisa Fiori, Washington Avenue, inquired if the ordinance addressing cat colonies are meant for colonies located on public or private property and as to whom the permission must be obtained from that is discussed within the ordinance. Discussion then ensued addressing Ms. Fiori's inquiries as well as the details of the program.

**BOROUGH OF ELMWOOD PARK
DEPARTMENT OF HEALTH
RESOLUTION R-03-17**

RESOLUTION BY: MORRELLO

SECONDED BY: LEVINE

**INTRODUCE ORDINANCE #2017-01
SECOND READING**

WHEREAS, public notice has been given by the Board Secretary that an ordinance entitled:

AN ORDINANCE CREATING A FERAL CAT PROGRAM WITHIN THE BOROUGH OF ELMWOOD PARK

and;

WHEREAS, said ordinance was introduced and passed at a meeting held on Thursday, March 23, 2017, and that further consideration of this ordinance would be taken up at this meeting; and

WHEREAS, all persons interested in said ordinance were given an opportunity to be heard concerning same;

NOW THEREFORE BE IT RESOLVED, by the Board of Health of the Borough of Elmwood Park, that an ordinance entitled:

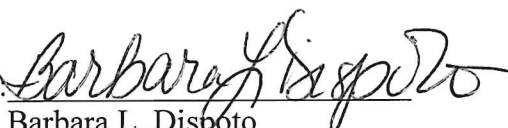
AN ORDINANCE CREATING A FERAL CAT PROGRAM WITHIN THE BOROUGH OF ELMWOOD PARK

pass on final reading.

Approved: April 10, 2017


Susan Marsella, Vice President

ATTEST:


Barbara L. Dispoto
Board Secretary

April 10, 2017

Record of Board of Health Vote on Passage

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
Levine	X				Spinelli	X			
Marsella	X				Wareka	X			
Morello	X				McCauley				X
Proctor	X								

This resolution was approved by the Board of Health of the Borough of Elmwood Park at a Regular scheduled meeting held on the 10th day of April 2017. Signed and sealed before me.

Barbara L. Dispoto
Board of Health Secretary

Dated

**ELMWOOD PARK
BOARD OF HEALTH
ORDINANCE #2017-01**

AN ORDINANCE CREATING A FERAL CAT PROGRAM WITHIN THE BOROUGH OF ELMWOOD PARK

WHEREAS, feral cats are cats that are significantly or completely unsocialized and not adoptable as companion animals; and WHEREAS, there are no facilities in the Borough of Elmwood Park (“Borough”)
WHEREAS, the population of feral cats has been increasing in the Borough; and
WHEREAS, communities throughout the United States have determined that the practice of trapping and euthanizing feral cats is not effective in reducing their numbers; and
WHEREAS, a present goal of Trap-Neuter-Return (TNR) is to decrease the number of cats in the environment and thereby reduce feral cat predation on wildlife; and
WHEREAS, programs for the managed care of feral cat colonies that include trapping, neutering and returning such cats to their habitats have proven to be effective in reducing the number of feral cats and is more humane than trapping and euthanizing; and
WHEREAS, TNR programs are beneficial to communities and the public health because cats in managed colonies are vaccinated against rabies, which has positive public consequences, and are spayed or neutered, thereby controlling the population.

Definitions.

As used in this subsection:

Abandoned means that an owner or caregiver has forsaken a domesticated cat entirely, or has neglected or refused to provide care and support to the cat.

Animal Control Provider shall mean any agency contracted or hired by the Town to coordinate and monitor the TNR program.

Caregiver shall mean any person who provides food, water or shelter to or otherwise cares for a cat.

Code Official shall mean any person or agency employed by the Board of Health or appointed by the Town who is authorized to investigate violations of laws and regulations concerning cats, and to issue citations in accordance with New Jersey law and this Code.

Domesticated cat shall mean a cat that is socialized to humans and is appropriate as a companion for humans.

Ear Tipping shall mean a straight-line cutting of the tip of the left ear of a cat by a licensed veterinarian while the cat is anesthetized.

Feeding shall mean to give, place, expose, deposit, distribute or scatter any edible material.

Feral cat shall mean a cat which is completely or substantially unsocialized to humans. The usual and consistent temperament of a feral cat is extreme fear and resistance to contact with humans. Feral cats are either born in the wild, the offspring of tame or feral cats and not socialized; or formerly tame cats who have been abandoned and have reverted to an untamed state within a colony.

Feral cat colony shall mean an individual feral cat or a group of cats which congregate together outside as a unit. Any non-feral cats who congregate with a multiple-cat colony shall be deemed part of it.

Nuisance shall mean disturbing the peace by habitually or continually howling, crying or screaming, or the unreasonable destruction, desecration or soiling of property against the wishes of the owner of the property.

Owner shall mean any person, firm, corporation, partnership, association, trust, estate, or any other legal entity.

Stray cat shall mean a cat which is regularly off the property of the owner, is not under the physical control and restraint of the owner and is not regularly provided with food by the owner.

Suitable shelter shall mean a shelter that provides protection from rain, sun, and other elements that is adequate to protect the health of the cat.

Tame cat shall mean a cat which is socialized to humans and is appropriate as a companion for humans.

Trap, neuter and return (TNR) is the non-lethal population control technique utilized in managed cat colonies to humanely capture, vaccinate, identify, and spay or neuter (sterilize) cats. Kittens and cats that are tame enough to be adopted should be sterilized and placed into homes. Adult cats are returned to the colony where they live out their lives under the supervision of the colony caretakers and other community volunteers. Cats will need to be re-trapped periodically to update their vaccinations and receive medical care.

TNVR means Trap, Neuter, Vaccinate and Return

TNVR Program means a program pursuant to which feral and stray cats are trapped, neutered or spayed, vaccinated against rabies and returned to the location where they congregate.

TNR Committee shall mean any person or entity appointed by the Town Council who will perform the duties and responsibilities as established in this Article.

TNR Program shall mean a program pursuant to which feral and stray cats are trapped, neutered or spayed, vaccinated against rabies, ear tipped and returned to the location where they congregate.

Feral Cat Colonies.

Feral cat colonies shall be permitted and caregivers shall be entitled to maintain them in accordance with the terms and conditions of this section.

Animal Control Provider Responsibilities.

It shall be the duty of the Animal Control Provider to:

- a. Provide training for the cat colony caregivers;
- b. Help to resolve any complaints over the conduct of a cat colony caregiver or of cats
- c. Trap and Remove cats deemed as nuisance cats.
- d. Provide monthly reports detailing the cats spayed and neutered under the program sponsored by the Animal Control provider and the location of the colony each cat has been returned to.

TNR Committee Responsibilities.

It shall be the duty of the TNR Committee to:

- a. Help resolve any complaints over the conduct of a colony caregiver or of cats within a colony;
- b. Maintain records provided by colony caregivers on the registration, size and location of the colonies, as well as the vaccination and spay/neuter records of cats in the caregiver's colonies;
- c. Report semiannually in writing to the Town Code Official on the status of the colony, including data on the number and gender of all cats in the colony, the number of cats who died or otherwise ceased being a part of the colony during the prior six-month period, the number of kittens born to colony cats and their disposition, the number of cats and kittens spayed and neutered and the number of cats and kittens placed in permanent homes as companion cats.
- d. Provide the semi-annual report forms to caregivers and provide assistance on request upon request by the caregiver in the preparation of the forms.

Feral Cat Caregiver Responsibilities.

It shall be the duty of feral cat caregivers to:

- a. Register the feral cat colony with the TNR Committee;
- b. Take steps to vaccinate the colony population for rabies and update the required vaccination protocols whenever possible; take steps to get all cats in the colony population spayed/neutered by a licensed veterinarian;
- c. Maintain digital photos of each cat in the colony and copies of documents evidencing that the cats have been vaccinated, spayed/neutered and ear tipped; providing food, water and, if feasible, suitable shelter for colony cats;
- d. Observe the colony cats and keep a record of any illnesses or unusual behavior noticed in any colony cats;

e. Obtaining the written approval of the owner of any property on which the feral cat colony is located or the written approval of the owner of any property over which the caregiver requires access so as to provide colony care. The written approval shall be filed with the Code Official by the caregiver. If the caregiver is unable to obtain the written approval because either the access property or the property on which the colony is located is abandoned, unused or unoccupied, the caregiver shall send a request for approval to the owner of the property as listed on the current tax rolls by certified mail, return receipt requested. If no response is forthcoming for 10 days, the caregiver shall send a second request by certified mail, return receipt requested. If no response is forthcoming after a second 10-day period, the caregiver may file a certification with the Code Official setting forth the two failed attempts and attaching the two certified mail receipts after which approval shall be presumed until the property owner's written response is obtained.

f. Take steps, in the event that kittens are born to a colony cat, to remove the kittens from the colony, and place the kittens with animal shelters, for the purpose of subsequent permanent placement;

g. Report semiannually in writing to the TNR Committee on the status of the colony the total number of cats in the colony, including data on the number and gender of all cats in the colony, the number of cats who died or otherwise ceased being a part of the colony during the prior six-month period, the number of kittens born to colony cats and their disposition, the number of cats and kittens spayed and neutered and the number of cats and kittens placed in permanent homes as companion cats;

h. Obtaining proper medical attention for any colony cat who appears to require it.

i. Undergoing training for themselves and their responsible substitutes in the proper management of a colony as developed and verified by the Animal Control;

j. Setting up consistent and monitored feeding schedules. Feeding shall be limited to daylight hours. All remaining food must be removed daily;

k. "Ear tip" all cats with a single cut preferably on the left ear.

Exemptions from Restrictive Ordinances.

The following sections of the Town Code shall not apply to feral cat colonies managed by the TNR Program or to any person or organization that is providing care for a feral cat colony and is taking steps to trap and sterilize the animals:

Licensing

Cat Colony Caregivers Registration-Ownership Exemption.

Any person undertaking the duties and responsibilities of a cat colony caregiver shall first be registered with the Committee at no cost. A registered caregiver shall not be considered an owner in or be subject to regulations governing ownership or control of an animal, except as specified in this subsection

Town's Right to Seize.

The Town shall retain the following rights:

a. The right to seize or remove from a colony cats which have not been vaccinated against rabies and who are demonstrating signs of the disease.

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b. The right to seize or remove from a colony a cat which is creating a nuisance after the caregiver and sponsor have been given sixty (60) days to resolve the complaint or remove and relocate the cat and have failed to do so.

c. The right to seize or remove a colony of cats when the caregiver regularly fails to comply with the requirements of this section and the TNR Committee has not been able to obtain a replacement or substitute caregiver within sixty (60) days of the Town's notice to the Committee of the caregiver's failure to comply with this subsection.

d. The right to replace or remove a caregiver who fails to comply with the responsibilities and requirements of this section after reasonable notice is provided to the caregiver of noncompliance.

Nuisance Complaints.

The requirements of this section notwithstanding, Code Officials and Police Officers may investigate any nuisance complaint. If a Code Official or Police Officer determines that an ear-tipped feral colony cat is causing a nuisance as defined by this section, the Code Official or Police Officer shall contact the TNR Committee and allow the TNR Committee sixty (60) days to resolve the complaint or have animal control remove the cat before the officer takes further action. The caregiver or TNR Committee must begin nuisance abatement procedures within forty-eight (48) hours after being notified of a nuisance and must take all reasonable steps to resolve the nuisance in as short a time period as possible, not to exceed sixty (60) days. If the TNR Committee fails to resolve the nuisance or remove the cat within the sixty (60) days, the Code Official will have animal control remove the cat. If a Code Official or Police Officer reasonably determines that a cat is injured or poses a significant threat to public health, the Code Official or Police Officer may reduce the time that the TNR Committee has to resolve the complaint, as necessary to protect the cat and public health, before taking further action. In the case of an emergency, the Code Official or Police Officer will have animal control remove the cat, but within twenty-four (24) hours the Town must provide the TNR Committee with notice of the cat's whereabouts and allow the TNR Committee an opportunity to retrieve the cat for treatment, return, or relocation.


Enforcement.

This section shall be enforced by the Animal Control Provider as designated by Elmwood Park Board of Health

Effective Date.

This section shall take effect upon final passage according to law.

ATTEST:


Barbara L. DiSpoto, RMC/CMR
Board Secretary

APPROVED:


Susan Marsella
Vice President

Introduced: March 23, 2017

Adopted: April 10, 2017

April 10, 2017

b. 2017 Salary Ordinance

A motion was made by Board Member Morrello and seconded by Vice President Marsella to open the floor for public comment. No one wished to be heard. Vice President Marsella closed the public portion.

**BOROUGH OF ELMWOOD PARK
DEPARTMENT OF HEALTH
RESOLUTION R-02-17**

**RESOLUTION BY: MORRELLO
SECONDED BY: PROCTOR**

**INTRODUCE ORDINANCE #2017-02
FIRST READING**

BE IT RESOLVED, that an ordinance entitled:


AN ORDINANCE ENTITLED "AN ORDINANCE TO FIX THE SALARY, WAGE AND COMPENSATION OF THE EMPLOYEES OF THE BOARD OF HEALTH OF THE BOROUGH OF ELMWOOD PARK, COUNTY OF BERGEN, STATE OF NEW JERSEY".

be passed and adopted on first reading; and


BE IT RESOLVED, that a final hearing on said ordinance will be heard in the Municipal Building on Monday, April 10, 2017 at 7:00p.m. or as soon thereafter as same can be heard, at which time any persons interested in said ordinance can be heard;

BE IT FURTHER RESOLVED, that the Board Secretary be, and is hereby authorized to advertise in the legal newspaper a notice of introduction and final hearing as required by law.

Approved: April 10, 2017


Susan Marsella, Vice President

ATTEST:


Barbara L. DiSpoto
Board Secretary

April 10, 2017

Record of Board of Health Vote on Passage

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
Levine	X				Spinelli			X	
Marsella	X				Wareka	X			
Morello	X				McCauley				X
Proctor	X								

This resolution was approved by the Board of Health of the Borough of Elmwood Park at a Regular scheduled meeting held on the 23rd day of March 2017. Signed and sealed before me.

Barbara L. Dispoto
Board of Health Secretary

Dated

**BOROUGH OF ELMWOOD PARK
BOARD OF HEALTH
ORDINANCE #2017-02**

AN ORDINANCE ENTITLED “AN ORDINANCE TO FIX THE SALARY, WAGE AND COMPENSATION OF THE EMPLOYEES OF THE BOARD OF HEALTH OF THE BOROUGH OF ELMWOOD PARK, COUNTY OF BERGEN, STATE OF NEW JERSEY”.

BE IT ORDAINED, by the Board of Health of the Borough of Elmwood Park as follows:

BOARD OF HEALTH SECRETARY	\$7,282.80
REGISTRAR	2,164.87
DEPUTY REGISTRAR	1,380.38

Effective Date: March 1, 2017

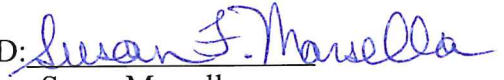
SECTION X: REPEAL OF PRIOR ORDINANCES

1. All prior Salary Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

SECTION XI: EFFECTIVE DATE

1. This ordinance shall take effect immediately after publication.

ATTEST: 
Barbara L. Dispoto
Board Secretary

APPROVED: 
Susan Marsella
Vice President

Introduced:
Adopted:

5 – DEPARTMENTAL REPORTS:

- a. **Bills** – A motion was made by Marsella and seconded by Proctor to approve the bills for payment. Motion carried by the members present.
- b. **Office Department Report – March 2017**
- c. **Vital Statistics Report – March 2017**
- d. **Office Revenue Report – March 2017**
- e. **Meeting Minutes:**
 - a. **March 13, 2017 Regular Meeting minutes**
 - b. **March 13, 2017 Executive Session minutes**
 - c. **March 23, 2017 Special Meeting minutes**

A motion was made by Board Member Wareka and seconded by Board Member Levine to accept and file the Office Department Report, Vital Statistics Report, Office Revenue Report for March 2017 and the minutes for March 13, 2017 Regular and Executive minutes and the March 23, 2017 Special Meeting Minutes. There were no objections and the motion carried by the members present.

6 – COMMITTEE REPORTS:

By Law Committee had no report.

Finance Committee had no report.

Ordinance Committee had no report.

Personnel Committee had no report.

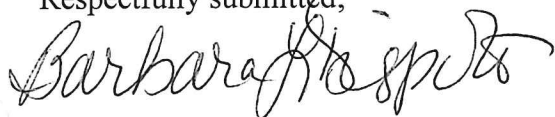
Public Relations Committee had no report.

Board Member Wareka thanked everyone for coming together and getting the TNR ordinance adopted. She also wanted to thank Board Member Morrello for all the work she did in researching and putting together the ordinance. Board Member Wareka discussed the feeling she felt by the presence of a resident who came to tonight's meeting regarding the TNR program. The Board thanked Board Member Wareka for bringing the suggestion to the table.

Board Member Levine inquired as to confirmation to a statement she heard regarding the Walgreens located on Broadway having a prescription drop off box. Mrs. Dispoto confirmed that she did see the drop off box located across from the pharmacy counter.

A motion was made by Vice President Marsella and seconded by Board Member Proctor to adjourn. Motion carried by the members present.

Respectfully submitted;



Barbara L. Dispoto, RMC/CMR
Board Secretary