

# **REGULAR MEETING OF THE OAKLAND BOARD OF HEALTH**

**February 16, 2016 - 7:30 p.m.**

**Conference Room - Municipal Building, Municipal Plaza, Oakland, NJ**

## **REGULAR BUSINESS**

### **CALL TO ORDER**

Mr. Tiffinger called the meeting to order at 7:36 PM.

### **ROLL CALL**

All Yeas - Ms. Ashkenazi, Mr. Ashkenazi, Mr. Ostapczuk, Mr. Pignatelli, Mr. Talucci, Mr. Tiffinger, Ms. West

### **ABSENT MEMBERS**

All members present.

### **OTHERS PRESENT**

Thomas J. Romans, Esq., Health Officer Dr. Nancy Mangieri and REHS Kristin Caperino

### **MEETING ANNOUNCEMENT**

Mr. Tiffinger announced the meeting was being held in accordance with the regulations of the Public Meetings Law, notices of which were sent to The Record, Suburban Trends and any other persons requesting same

### **ADOPTION OF MINUTES**

The Board reviewed the January minutes.

On motion of Mr. Pignatelli, seconded by Mr. Ostapczuk, the minutes were approved.

Roll Call: All Yeas – Ms. Ashkenazi, Mr. Ashkenazi, Mr. Ostapczuk, Mr. Pignatelli, Mr. Talucci, Mr. Tiffinger, Ms. West.

### **REVIEW REPORTS**

The Board reviewed the following reports:

- BCDHS Public Health Nursing Activity Report – January
- CDRSS Report – January
- REHS' Monthly Report – January
- Secretary's/Registrar's Report – January
- Tyco Animal Control Report – December & January

On motion of Mr. Ostapczuk, seconded by Mr. Pignatelli, the reports were accepted.

Roll Call: All Yeas – Ms. Ashkenazi, Mr. Ashkenazi, Mr. Ostapczuk, Mr. Pignatelli, Mr. Talucci, Mr. Tiffinger, Ms. West

### **PAYMENT OF BILLS**

The Board reviewed the following bills:

On motion of Mr. Pignatelli, seconded Mrs. West, the Board approved the following bills for payment:

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<b>02/01/2016 – North Jersey Media Group</b> (Publish 2016 Professional Services Resolution #1-16 in The Record)	<b>\$ 92.10</b>
<b>02/01/2016 – Tyco Animal Control</b> (Monthly Animal Control Services, per contract - January)	<b>\$1,250.00</b>
<b>02/01/2016 – Tyco Animal Control</b> (Emergency Calls, per contract – January – one call)	<b>\$ 60.00</b>
<b>02/16/2016 – Thomas J. Romans Esq.</b> (For professional services rendered, per contract – January)	<b>\$ 441.92</b>

Roll Call: All Yeas – Ms. Ashkenazi, Mr. Ashkenazi, Mr. Ostapczuk, Mr. Pignatelli, Mr. Talucci, Mr. Tiffinger, Ms. West

### **UNFINISHED BUSINESS**

#### **ORDINANCE PROHIBITING THE SALE OF TOBACCO PRODUCTS AND NICOTINE DELIVERY SYSTEMS TO MINORS**

After a thorough review of both the Wyckoff and Teaneck Ordinances, the Board decided which ordinance to recommend to the Mayor and Council for adoption in Oakland.

On motion of Mr. Pignatelli, seconded by Mr. Ostapczuk the Board recommended the Mayor and Council adopt the Wyckoff ordinance prohibiting the sale of tobacco products and nicotine delivery systems and supplies to anyone under the age of 21.

Roll Call: All Yeas - Ms. Ashkenazi, Mr. Ashkenazi, Mr. Ostapczuk, Mr. Pignatelli, Mr. Talucci, Mr. Tiffinger, Ms. West.

### **NEW BUSINESS**

#### **LENAPE VALLEY DINER**

Mr. Tiffinger recognized the owner of this establishment and asked him to state his name and address for the record. The owner identified himself as Mr. John Nissirios, from 285 West Grove Street, Paramus, NJ. Mr. Tiffinger stated Mr. Nissirios had been summoned to appear before the Board for having two Conditionally Satisfactory ratings in a 12-month period.

Inspector Kristin Caperino stated the reasons for the Conditionally Satisfactory rating were improper hand washing, the water in the dishwasher was not reaching the required temperature, the temperature in the upstairs refrigerator was high and out of temperature and food storage bins were not properly labeled, a repeat violation. Inspector Caperino noted one employee was following all proper hand washing procedures and the other was touching many different surfaces, including the garbage can, without washing his hands. Inspector Caperino explained that a high turnover of kitchen help coupled with so many people having food allergies makes it even more important to ensure food storage bins are properly labeled. The most critical violation was improper hand washing because it can make people sick. Upon reinspection, the establishment was found Satisfactory and the employee cited for using improper hand washing procedures was in compliance.

Mr. Nissirios was not happy that Inspector Caperino conducted her inspection at lunchtime, when it was very busy in his establishment. Mr. Pignatelli said that is the best time to conduct an inspection because the inspector can see how

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the staff operates. Mr. Nissirios said all of the bins had been labeled. Mr. Nissirios produced documents showing the dishwasher had been fixed and Freon had been added to the refrigerator. Mr. Pignatelli noted that, to his knowledge, the only reason Freon would be added is if there is a leak.

Mr. Ashkenazi asked if Mr. Nissirios feels the inspector is fair with and helpful to him and Mr. Nissirios did not respond.

Also discussed was Mr. Nissirios' failure to renew his health license which requires annual renewal. He said he waited and waited for the papers to come in the mail but they never arrived. He felt the paperwork should have been hand delivered to him. Inspector Caperino said the license expires each year on December 31<sup>st</sup>. Mr. Nissirios said he knows that. Inspector Caperino said he should have come in to obtain the paperwork if he didn't receive it.

It was believed the establishment was short the required number of certified food handlers and, as a result, Mr. Nissirios was informed he would have to pay for a Temporary Health License until he had the required staff certified. Mr. Nissirios had more than the required number of certified food handlers. However, since they were trained in Bloomfield no record of the certifications were on file in Oakland. Mr. Nissirios was informed he must send copies of the certificates to the Oakland Health Department when staff is trained anywhere but at Bergen County. Upon presenting the certificates, the establishment was deemed to be in compliance and Mr. Nissirios was advised he would not have to pay for the Temporary Health License.

Mr. Nissirios said his establishment is clean. He said he knows what to do but it is hard to get good help and people don't care like they used to. He said he has other establishments, so he is not always in Oakland and the reason why problems occur. Mr. Tiffinger told Mr. Nissirios, as the owner, he is responsible for the place and will be issued summonses if his staff is not complying with proper procedures. Mr. Nissirios said he would do the best he can. Mr. Tiffinger said he must do better than that. Mr. Pignatelli asked who is in the establishment when Mr. Nissirios is not there. Mr. Nissirios said his daughter-in-law manages the restaurant when he is not there but she doesn't like to tell people what to do. Mr. Tiffinger said that is the job of a manager and she must do her job.

Ms. Ashkenazi said in the time she's been on the Board (two months), Mr. Nissirios has been before the Board more than any other restaurant owner in town. Furthermore, all restaurant owners face the same problems that Mr. Nissirios does. Mr. Nissirios said the next time Ms. Ashkenazi is in his restaurant he will inspect it with her. Ms. Ashkenazi said she would not inspect because she is not an inspector. Mr. Ashkenazi said what he was hearing is that Mr. Nissirios knows what needs to be done but because he is not there all of the time he cannot control the business properly. Mr. Nissirios said he has been in the business for 35 years and has never had problems like he has here in Oakland. He was informed that Oakland's has good inspectors that don't look the other way. Mr. Pignatelli informed Mr. Nissirios he should tell his daughter-in-law that the Board means business.

With no further questions or comments for Mr. Nissirios, the hearing was concluded and Mr. Nissirios left the meeting.

It was noted the last time Lenape Valley Diner received a Conditionally Satisfactory rating Mr. Nissirios was present at the establishment.

### **MAYOR'S WELLNESS CAMPAIGN**

Bergen County Health Educator Eric Ciavaglia introduced himself to the Board and stated he and Health Educator Marla Klein and an individual by the name Dina Robinson are organizing a 10-week wellness challenge for towns in Bergen County, including Oakland. This is the third wellness challenge for Oakland, and this year Oakland will join Flow District towns, Franklin Lakes and Wyckoff, to combine efforts and resources.

Resources include fitness classes, nutrition classes and lectures. Dina Robinson ran a very successful challenge in Franklin Lakes last year and volunteered to coordinate the challenge in all three towns this year. She has contacted all

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of last year's participating fitness partners she will put together a "passport" like the one used last year that was quite successful. The passport gives participants entry to free fitness classes at participating gyms, including Lakeside Fitness, here in Oakland. Weekly programs such as wellness lectures will be open to participants in all three towns. Ideas for where the lectures will be held include using a location central to all three towns and rotating the location from one town to the next.

Stop & Shop is interested in becoming a partner by offering food tours, cooking classes and paying for prizes.

The Franklin Lakes Challenge was quite successful last year, with a 60% completion rate. The success was attributed to the wide variety of free classes and lectures that were offered. It is hoped this year's challenge will be an even greater success. Promoting the event, or getting people to sign up and stay with it, will be critical to meeting that goal. Promotion is where each town's help is needed, especially through social media.

A \$10 entrance fee is being considered to cover the cost of some expenses, including the journal participants will receive to track their progress. It is felt the fee holds participants accountable to show up. Anyone who works or lives in the three towns may sign up.

Mr. Talucci asked if martial arts gyms will participated and mentioned there is one here in Oakland. Mr. Ciavaglia said they had not, liked the idea and would check into it.

Ms. Dubowick mentioned to Mr. Pignatelli that during a meeting she recently attended with Marla Klein and Dina Robinson, Marla Klein said there is talk about combining mental health and the Stigma Free Program with the wellness campaign. Mr. Pignatelli said he would reach out to Ms. Klein.

Mr. Ciavaglia asked if the Board would support the event by promoting it on social media. Mr. Tiffinger said the Board of Health would endorse the event. In addition to promoting through social media, Mr. Ciavaglia said they are also discussing with Stop & Shop the possibility of sending out postcards to addresses in all three towns.

Lastly, Mr. Ciavaglia said the program will run from sometime in April through June and d Bergen County would supplement the programs being offered to adults and children.

The Board thanked Mr. Ciavaglia for coming to the meeting and commended him on his presentation. Mr. Ciavaglia thanked the Board and provided his phone number in case anyone has a question.

### **INTRODUCE ORDINANCE #16-CODE-92 – AN ORDINANCE AMENDING SEPTIC FEES AND SPECIAL FEES**

Mr. Tiffinger directed Ms. Dubowick to take Ordinance #16-CODE-92 from the table and read same for first reading.

### **AN ORDINANCE OF THE BOARD OF HEALTH OF THE BOROUGH OF OAKLAND, NEW JERSEY FOR AN INCREASE IN FEES UNDER SECTION BH:6-11 (FEES RELATING TO INDIVIDUAL SEWAGE DISPOSAL SYSTEMS) AND SECTION BH:15-2 (SPECIAL REVIEW FEES), AND TO PROVIDE FOR ADDITIONAL FEES RELATING TO ALTERNATIVE TREATMENT UNITS**

BE IT RESOLVED THAT AN ORDINANCE ENTITLED "AN ORDINANCE OF THE BOARD OF HEALTH, BOROUGH OF OAKLAND, NEW JERSEY FOR AN INCREASE IN FEES UNDER SECTION BH:6-11 (FEES RELATING TO INDIVIDUAL SEWAGE DISPOSAL SYSTEMS) AND SECTION BH:15-2 (SPECIAL REVIEW FEES), AND TO PROVIDE FOR ADDITIONAL FEES RELATING TO ALTERNATIVE TREATMENT UNITS" be introduced and pass first reading and that the Board of Health does hereby fix the date of March 15, 2016 at 8:00 PM prevailing time at the Municipal Building, Municipal Plaza, as the time and place for the hearing of all persons interested therein, and

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BE IT FURTHER RESOLVED that the Secretary of the Board of Health give notice of the time and place where said hearing will be given thereon.

Motion of Ms. Ashkenazi, seconded by Mr. Talucci, Ordinance #16-CODE-92 was introduced and passed first reading.

Roll Call: All Yeas - Ms. Ashkenazi, Mr. Ashkenazi, Mr. Ostapczuk, Mr. Pignatelli, Mr. Talucci, Mr. Tiffinger, Ms. West

### **2016 WALDWICK INTER-LOCAL AGREEMENT FOR CHILD HEALTH CONFERENCE SERVICES**

It was reported there were no increases in the costs for CHC services provided by the Borough of Waldwick:

Yearly Administrative Fee -	\$125
Examination -	\$ 35
Immunizations/visit	\$ 20

On motion of Ms. West, seconded by Mr. Ostapczuk, the Board approved the 2016 Waldwick Inter-local Agreement for Child Health Conference Services and authorized Mr. Tiffinger to execute the contract which will be forwarded to Mr. Kunze for the Mayor and Council's approval and execution by the Mayor.

Roll Call: All Yeas – Ms. Ashkenazi, Mr. Ashkenazi, Mr. Ostapczuk, Mr. Pignatelli, Mr. Talucci, Mr. Tiffinger, Ms. West

### **CROSSROADS ARTICLE**

It was reported Mr. Kunze is requesting submission of articles by March 3<sup>rd</sup> for the Spring Edition of Crossroads which will be available to residents on April 7<sup>th</sup>. Articles are limited to 350 words. The Board discussed the matter and agreed that electronic cigarettes should be the topic of the article. Dr. Mangieri offered to have someone from Health Education prepare an article and submit it for approval prior to the deadline. The Board accepted Dr. Mangieri's offer.

## **ANY OTHER BUSINESS**

### **BERGEN COUNTY PUBLIC HEALTH SHARED SERVICES CONTRACT**

It was reported a meeting took place earlier in the day to discuss the Bergen County Contract. In attendance from Bergen County Department of Health Services were Dir. & H.O. Dr. Nancy Mangieri, Senior Public Health Nurse Meg Mantello, Program Manager Disease Prevention Control Karen Alelis, Program Coordinator and REHS Supervisor Thomas Longo. From the Borough were Mayor Linda Schwager, Borough Administrator Richard Kunze and Board of Health Secretary Karin Dubowick. Board of Health President Mr. Tiffinger was unable to attend the meeting. Ms. Dubowick provided the following summary of the meeting:

The purpose of the meeting was to discuss the Bergen County Public Health Shared Services Contract and the reasoning behind the County's overhaul of the model and pricing structure for providing REHS services. Mr. Longo stated the former model being used to provide REHS Services was no longer working because the County's costs for providing services were not being covered. Some towns were overpaying for services and others were underpaying and towns without septic systems were unfairly offsetting the cost of REHS services provided to towns with septic systems. Under the new model, REHS services for septic systems are being charged separately so towns requiring these services will be bearing the full cost. Furthermore, REHS services are now being provided through a team approach which will ensure all required work is done.

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Mr. Kunze expressed concern about the lack of a cap on REHS septic service costs and said a cap is required for budgeting purposes. It was decided a cap of 1,100 hours, at a cost of \$77,000, would be used. If the costs exceed that cap, the Mayor and Council will be required to do a resolution to approve payment on the excess amount.

Mr. Kunze also expressed concern about a paragraph in the Contract added to the Hold Harmless Clause that places liability on the Borough for any damage done to County equipment used by the REHS staff while working in Oakland. Dr. Mangieri said another town objected to the same clause and, upon checking with the County Legal Department, was informed the clause must remain. Dr. Mangieri said she would look into the intent of the clause and report back to the Board.

**ADJOURNMENT**

On motion of, Mr. Pignatelli, seconded by Ms. West, the meeting was adjourned at 9:06 PM.

Roll Call: All Yeas – Ms. Ashkenazi, Mr. Ashkenazi, Mr. Ostapczuk, Mr. Pignatelli, Mr. Talucci, Mr. Tiffinger, Ms. West.

APPROVED:

\_\_\_\_\_  
Stephen C. Tiffinger, President

ATTEST: \_\_\_\_\_  
Karin Kennedy Dubowick, Secretary

DATE: \_\_\_\_\_