

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

**September 17, 2018 - 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 7:35 PM.

Roll Call: Mr. Provenzale, Mr. Talucci, Mr. Tiffinger, Ms. West

Ms. Dubowick noted that Mr. LaForgia would be a little late to the meeting.

### **Absent Members**

Ms. Ashkenazi and Mr. Ashkenazi were absent due to a vacation.

On motion of Mr. Talucci, seconded by Mr. Provenzale, Ms. & Mr. Ashkenazi's absences were excused.

Roll Call: Mr. Provenzale, Mr. Talucci, Mr. Tiffinger, Ms. West

### **Others Present**

Council Liaison Pignatelli, Board of Health Attorney Thomas J. Romans, Senior REHS Kristin Caperino,

### **MEETING ANNOUNCEMENT**

Mr. Tiffinger read the meeting announcement: This meeting is 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 June Regular Meeting minutes.

On motion of Ms. West, seconded by Mr. Provenzale, the June Regular Meeting minutes were adopted.

Roll Call: All Yeas –Mr. Provenzale, Mr. Talucci, Mr. Tiffinger, Ms. West

The Board reviewed the June Special Meeting minutes.

On motion of Mr. Provenzale, seconded by Mr. Talucci, the June Special Meeting minutes were adopted.

Roll Call: All Yeas –Mr. Provenzale, Mr. Talucci, Mr. Tiffinger, Ms. West

### **REVIEW REPORTS**

The Board reviewed the following reports:

- BCDHS Public Health Nursing Activity Report & CDRSS Report – June, July, August
- REHS' Monthly Report & Summaries – June, July, August

**7:44 PM – Mr. LaForgia entered the meeting.**

- Tyco Animal Control Report – June, July, August

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- Secretary's/Registrar's Report – June, July, August

On motion of Ms. West, seconded by Mr. Provenzale, the reports were accepted.

Roll Call: All Yeas –Mr. LaForgia, Mr. Provenzale, Mr. Talucci, Mr. Tiffinger, Ms. West

### **PAYMENT OF BILLS**

The Board reviewed the following bills paid during the period of summer adjournment:

<b>06/08/2018 – Bergen County Dept. of Health Services</b> (REHS Septic Services 1/1/18 – 5/31/18)	<b>\$36,886.77</b>
<b>06/15/2018 – Bergen County Dept. of Health Services</b> (2018 Blood-borne Pathogens – January 1st to May 31 <sup>st</sup> - On-line Training for 32 First Responders)	<b>\$ 576.00</b>
<b>07/01/2018 – Thomas J. Romans, Esq.</b> (July Retainer, per 2018 Professional Services Agreement)	<b>\$ 243.75</b>
<b>07/02/2018 – Northwest Bergen Regional Health Commission</b> (Registrar vacation coverage – May 10 & May 24, 2018)	<b>\$ 105.00</b>
<b>07/02/2018 – Tyco Animal Control</b> (Monthly Animal Control Services – June)	<b>\$ 1,275.00</b>
<b>07/16/2018 – Lenape Valley Diner</b> (Refund June Temporary Health License)	<b>\$ 250.00</b>
<b>07/23/2018 – Tyco Animal Control</b> (June Animal Control Emergency Responses)	<b>\$ 60.00</b>
<b>08/01/2018 – Tyco Animal Control</b> (Monthly Animal Control Services – July)	<b>\$ 1,275.00</b>
<b>08/01/2018 – Thomas J. Romans, Esq.</b> (August retainer, per 2018 Professional Services Agreement)	<b>\$ 243.75</b>
<b>08/03/2018 – Tyco Animal Control</b> (July 2018 Emergency Responses)	<b>\$ 60.00</b>

On motion of Mr. Provenzale, seconded Mr. LaForgia, the Board ratified the bills approved for payment during the period of summer adjournment.

Roll Call: All Yeas –Mr. LaForgia, Mr. Provenzale, Mr. Talucci, Mr. Tiffinger, Ms. West

The Board reviewed the bills received in September:

<b>09/01/2018 – Tyco Animal Control</b> (Monthly Animal Control Services – August)	<b>\$ 1,275.00</b>
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**09/17/2018 – Thomas J. Romans, Esq.**

**\$ 243.75**

(Attend 9/17/18 Board of Health Meeting, per 2018 Contract)

On motion of Mr. LaForgia, seconded by Mr. Talucci, the bills received in September were approved for payment.

Roll Call: All Yeas –Mr. LaForgia, Mr. Provenzale, Mr. Talucci, Mr. Tiffinger, Ms. West

**RATIFICATION OF DECISIONS MADE DURING PERIOD OF SUMMER ADJOURNMENT**

Mr. Tiffinger finalized the Agreement between Café L’Amore and the Board of Health required as a result of the Café L’Amore Hearing held immediately after the June Regular Board of Health meeting.

On motion of Mr. LaForgia, seconded by Mr. Provenzale, the Board ratified the decision Mr. Tiffinger made to finalize the Agreement made between Café L’Amore and the Board of Health.

Roll Call: All Yeas –Mr. LaForgia, Mr. Provenzale, Mr. Talucci, Mr. Tiffinger, Ms. West

**UNFINISHED BUSINESS**

**CAFÉ L’AMORE UPDATE**

It was reported that after some back and forth with Café L’Amore’s attorney, the Agreement between Café L’Amore and the Board of Health based on the June 19<sup>th</sup> hearing had been finalized. Café L’Amore submitted the required progress report in August but not in July or September. Inspector Caperino said she reviewed the report and found it was more of an action plan than a progress report as it describes what will be done instead of what had been done. Two bi-lingual employees are registered for Food Handler’s Courses and the two owners are registered for Food Manager’s courses.

Inspector Caperino said she inspected the establishment last week and found it Satisfactory. Inspector Caperino found problems with the manner in which shellfish tags were kept - thrown into a plastic bag. The restaurant previously had been cited for this violation and subsequently corrected it by keeping the tags on a hanger and did not know why they had reverted back to keeping them in a bag. They must keep 90-days’ worth of shellfish tags in an orderly manner so compliance can easily be determined. Ms. West asked how many tags they accumulate during a 90-day period. Inspector Caperino said they use a lot of shellfish, so they accumulate about five tags a week. They had and were using a functioning thin-probe thermometer and employees were all properly washing their hands.

The Board acknowledged the progress made at the establishment and agreed the monthly progress reports should continue until the restaurant’s compliance is determined at the next Chapter 24 inspection, sometime in the first half of next year.

**NEW BUSINESS**

**MEETING OPENED TO THE PUBLIC**

On motion of Ms. West, seconded by Mr. Talucci, the meeting was opened to the public.

Roll Call: All Yeas - Mr. LaForgia, Mr. Provenzale, Mr. Talucci, Mr. Tiffinger, Ms. West

**PORTOBELLO FEASTS**

Mr. Vincent Amen, Portobello Feasts, 175 Ramapo Valley Road, Oakland, introduced himself to the Board. Mr. Amen was summoned to appear before the Board for having received two Conditional ratings in a 12-month period.

Inspector Caperino reported the establishment was Conditional in June of 2017 and in May of 2018. At the May inspection, the restaurant was found in violation of 15 out of a possible 24 critical violations. The hand washing sink was blocked, employees were not properly washing their hands, soap was missing at two hand washing sinks, paper towels were missing at two hand washing sinks, bare hand contact was made with bread, fish records for sushi were missing, shellfish tag records were improperly kept, raw chicken was stored with sliced ham and voluntarily discarded, raw chicken was stored above raw meat in the refrigerator, raw chicken was actively dripping onto a box of meat, spot sanitizers were too weak, internal temperature of grilled chicken was measured at 144° and corrected on site, internal temperature of the garlic and oil mixture was 56° and voluntarily discarded, gravy was being improperly reheated in the hot-holding cook line and corrected on site, the internal temperature of brown gravy was 110°, there was no HACCP Plan for the sushi rice, no pH solution to calibrate the pH meter and they were missing the distilled water to make the slur for the sushi rice. Inspector Caperino said when she returned two weeks later for the re-inspection, all of the violations had been corrected.

Mr. Tiffinger asked Mr. Amen how the restaurant had gotten to the point it was at in May. Mr. Amen said he seemed to think the requirements had changed between the inspection in May and the one the previous June. He said the inspector at the May inspection told him he couldn't keep the shellfish tags the way the inspector who conducted the previous June's inspection. Mr. Amen said he didn't know he needed to submit a HACCP Plan and have it on site. As soon as he found out he needed it, he submitted it to the town. He said there were some things he didn't know and immediately corrected everything. The inspector who conducted the re-inspection spoke very highly of how quickly they corrected all the violations. He said he now knows what they need to do to maintain health standards.

Mr. Talucci asked how Mr. Amen if he reinforces proper hand washing techniques. Mr. Amen said he may not have felt there was an issue with hand washing. When he was told there was an issue, as the Food Manager, he discussed and reinforced proper hand washing with all employees. Mr. Pignatelli said the more serious violations in his opinion are the gravies being out of temperature. He said that when he conducted inspections 80 people got sick as a result of gravy being out of temperature. It's dangerous and something Mr. Amen really needs to pay attention to. Mr. Tiffinger said as the Food Manager, Mr. Amen should be checking on the employees and if he was totally unaware of the laws he needs to get a copy. Mr. Amen said it was just HACCP he was unaware of. Mr. Amen said when the inspector returned he checked the temperatures of all of the food on the line and it was in temperature.

Mr. Tiffinger said it is obvious Mr. Amen knows what needs to be done because he was able to correct the violations so quickly and he hopes he will not see Mr. Amen coming before the Board again, to which Mr. Amen agreed. With no further questions, Mr. Tiffinger thanked Mr. Amen for coming in.

**OAKLAND CHINESE CUISINE**

Ms. Amy Pan, 400 Ramapo Valley Road, Oakland, introduced herself to the Board due to receiving three Conditional ratings within a 12-month period and a fourth Conditional on re-inspection.

Inspector Caperino reported that at the first inspection in August, the restaurant was cited for failure to wash hands prior to putting on gloves and no hand washing observed, employee prepared spot sanitizer in the hand wash sink which blocked the sink, raw chicken was stored above fully cooked dumplings in the walk-in refrigerator which was corrected on site. The spot sanitizer was too strong, fully cooked chicken on the

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counter had an internal temperature of 47° and 52° and the internal temperature of the raw beef in the Baine Marie was 47°, improper heating of the hot and sour soup on the steam table with an internal temperature of 48° which meant they were heating up the soup on the steam table. The Baine Marie cannot be used to reheat food as bacterial growth occurs; it must be reheated in a pot and then be put on the Baine Marie. The two Managers were Certified Food Managers.

At the re-inspection, the establishment was again cited for improper storage of raw chicken, improper reheating and the spot sanitizer was too weak. Mr. Pignatelli said people can get sick if the sanitizer is too strong and Ms. West said if it's too weak, as well. Inspector Caperino said all of these issues have been reviewed and re-reviewed with the two managers since the establishment opened and they just have to keep following proper procedures daily. They do not have figure out how to make the spot sanitizer each day, because the proper mixture can be determined by putting a capful of bleach in the sink at a predetermined line. Ms. West asked how long the mixture is good for and Ms. Caperino said it depends on a lot of things. Mr. Pignatelli said food debris that is put in the solution brings it down. Inspector Caperino said temperature affects it, too. You need to test it throughout the day with the test strips. Lukewarm water, not hot, should be used.

Mr. Pignatelli asked Ms. Pan if she understood what Inspector Caperino was saying because if she didn't, it would be explained better to her. Ms. Pan said she almost understood. She said when her husband makes the bleach. The first time she measured it and it was correct, but after an hour it goes down which is what was discussed earlier. It was recommended that Ms. Pan get a copy of the Food Manager's Book in Chinese to better understand the process. It was agreed that education is the issue. Inspector Caperino recommended putting signs written in Chinese in the refrigerator to tell employees where to put different food items.

With no further questions, Mr. Tiffinger said the Board hopes Ms. Pan can keep the restaurant Satisfactory. Mr. Pignatelli said the Board could take their license away. Mr. Tiffinger said a hearing would first be held. Mr. LaForgia said the Board doesn't want to do that but it has to protect people who eat there. Mr. Tiffinger said it seems they do understand what has been discussed and thanked everyone for coming.

### **DAVID ZUIDEMA, INC.**

It was reported that a septic inspection report for purposes of a home sale had been received via e-mail from David Zuidema, Inc., a licensed septic installer in Oakland. Board of Health ordinance prohibits any Oakland licensed septic installer from conducting septic inspections for purposes of a home sale due to the conflict of interest it presents. The inspector who conducted the inspection works for David Zuidema but conducts inspections under A & A Septic Service in Oakland and this was the first time one of his inspection reports was submitted by David Zuidema, Inc. Inspector Caperino reported that David Zuidema, Inc. does no septic repairs for home sales, Alex Narrea, the inspector who conducted the inspection does an excellent job reporting his findings, it was felt this was an isolated incident, so no action was taken.

The discussion raised an issue about misinformation being spread throughout town via Facebook and word of mouth that the Board of Health requires residents selling their homes to replace their septic systems. At one time a document was posted on the website to explain the process, but Principal REHS Marjorie Vanacore wanted it taken down because it contained too much information. Mr. Romans said Ms. Vanacore does not have the right to have anything taken down from the Borough's website. To rectify this problem it was decided that the document previously posted be reviewed and updated by Inspector Vanacore so it can be reposted on the website. Inspector Caperino said she would consult with Inspector Vanacore about it.

### **NALBOH/NJLBHA MEMBERSHIP**

Mr. LaForgia said he had asked to have this item placed on the agenda and wanted to know if the Board felt there was any value in membership. Mr. Tiffinger said this subject had come up in the past and the Board decided against membership because there was no value in it; therefore, no action was taken.

**OTHER BUSINESS**

**SENIOR FLU SHOT CLINIC**

It was announced that the Senior Flu Shot Clinic is scheduled for Tuesday, October 2<sup>nd</sup>, at the Oakland Senior Center. Oakland Pharmacy will, at no cost to the Borough, administer the flu shots, submit to Medicare and bill any clients whose Medicare claims are rejected.

**RABIES CLINIC**

It was announced that Oakland’s Annual Rabies Clinic is scheduled for Saturday, November 3<sup>rd</sup>, from 1 PM to 3 PM at the Oakland Rec Shed. Dr. Duhr, from Ramapo Valley Animal Hospital, will once again donate his Time and provide staff to administer the vaccines at no cost to the Borough.

**PROPERTY IMPROVEMENT/SPACE FOR SEPTIC SYSTEM**

Inspector Caperino reported that properties are being improved in town without any regard for the space available for a future septic system when the existing system fails. New systems require far more space than the old systems did years ago. Therefore, when old systems fail, an undersized system will, in some cases have to be installed which is not good for the groundwater. The Board discussed the matter and felt it could not restrict homeowners from improving their property because at some point in time their septic would need replacement. Therefore, no action was taken.

**MEETING CLOSED TO THE PUBLIC**

On motion of Mr. LaForgia, seconded by Ms. Ashkenazi, the meeting was closed to the public.

Roll Call: All Yeas – Ms. Ashkenazi, Mr. Ashkenazi, Mr. LaForgia, Mr. Provenzale, Mr. Talucci, Mr. Tiffinger, Ms. West

**ADJOURNMENT**

On motion of Mr. Provenzale, seconded by Mr. Talucci, the meeting was adjourned at 9:14 PM.

Roll Call: All Yeas –Mr. LaForgia, Mr. Provenzale, Mr. Talucci, Mr. Tiffinger, Ms. West

APPROVED:

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Stephen C. Tiffinger, President

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

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