

**REGULAR MEETING  
of the  
OAKLAND BOARD OF HEALTH**

**February 16, 2021 - 7:30 p.m.**

**Zoom Meeting**

**REGULAR BUSINESS**

**CALL TO ORDER**

Mr. Tiffinger called the meeting to order at 7:32 PM.

**ROLL CALL**

All Yeas – Ms. Ashkenazi, Mr. Ashkenazi, Mr. LaForgia, Mr. Laterra, Mr. Provenziale, Mr. Talucci, Mr. Tiffinger

**OTHERS PRESENT**

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

**MEETING ANNOUNCEMENT**

Mr. Tiffinger announced that the meeting was being held in accordance with the open public meetings law, duly announced, submitted to the newspaper and advertised more than 48 hours in advance of the meeting and notice posted in the municipal building and on the borough website.

**PUBLIC COMMENT**

No members of the public attended the meeting.

**ADOPTION OF MINUTES**

The Board reviewed the January meeting minutes.

On motion of Mr. LaForgia, seconded by Mr. Provenziale, the January minutes were approved.

Roll Call: All Yeas – Ms. Ashkenazi, Mr. Ashkenazi, Mr. LaForgia, Mr. Laterra, Mr. Provenziale, Mr. Talucci, Mr. Tiffinger

**REVIEW REPORTS**

The Board reviewed the following reports:

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

On motion of Mr. Provenziale, seconded by Mr. LaForgia, the reports were accepted.

Roll Call: All Yeas – Ms. Ashkenazi, Mr. Ashkenazi, Mr. LaForgia, Mr. Laterra, Mr. Provenziale, Mr. Talucci, Mr. Tiffinger

**PAYMENT OF BILLS**

The Board reviewed the following bills:

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**Services Charged to 2020 Budget:**

<b>1/26/2021 - Bergen County Department of Health</b> (Bloodborne pathogen training 11/1/2020-12/31/2020)	<b>\$ 40.00</b>
<b>1/26/2021 – Bergen County Department of Health</b> (Bloodborne pathogen training 6/1/2020 – 10/31/2020)	<b>\$ 420.00</b>
<b>2/7/2021 – Bergen County Department of Health</b> (Septic and well services 11/1/2020 – 12/31/2020)	<b>\$16,239.21</b>

**Services Charged to 2021 Budget:**

<b>2/1/2021 – Tyco Animal Control</b> (Animal Control Services for February, per contract)	<b>\$ 1,325.00</b>
<b>2/16/2021 – Thomas J. Romans, Esq.</b> (Retainer due for attending 2/16/2021 BOH Meeting, per 2021 Professional Services Contract)	<b>\$ 243.75</b>

On motion of Mr. LaForgia, seconded by Mr. Provenzale, the Board approved the bills for payment.

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

**UNFINISHED BUSINESS**

None.

**NEW BUSINESS**

**DISCUSSION ABOUT SEPTIC INSTALLATION/INSPECTION/LICENSURE REQUIREMENTS**

Bill Smith Jr. (of Bill Smith Jr. Inc, PO Box 373 Oakland, NJ 07436) and Len Scully (of Affordable Septics, 17 Wenonah Ave., Oakland, NJ 07436) stated their names and addresses. They are both licensed septic installation and repair contractors in Oakland.

Mr. Scully stated that their concern is that there are licensed contractors in Oakland that are sub-contracting jobs out to various non-licensed contractors. He stated that in the other towns in which he has done work, the licensed contractor must be the company doing the work, not a sub-contractor. He added that some of the sub-contractors are even sub-contracting other companies to do the work.

Mr. Smith stated that the licensed installer is supposed to be on the job at all times installing the job and that is not what is happening in this case.

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Ms. Caperino stated different towns have different licensure requirements on their licensure applications, and that some towns state on the application that the person who applies for the license (the one who prints and signs the application) must be the same person on site as the installation or repair is completed. She added that if a permit has been issued, that's when she goes out to inspect the work being done. She stated that Oakland has a list of licensed contractors; however, there are now unlicensed contractors taking out permits in licensed contractors's company names. She stated that Franklin Lakes issues the permit to the name of the person who owns the company; however, Oakland issues the permit to the company name of the licensed person.

Mr. LaForgia inferred that this enables anyone who works for the company or a sub-contractor to do work under the license.

Ms. Caperino added that in Alpine, the licensed contractor has to sign every permit, which states that he/she will be on site doing the work, whereas in Oakland the only time they sign is when they apply for their septic installation and repair license for the year. She said that she feels it is helpful to have the licensed person sign for every permit, and to have the permit state that they will be on site for the work.

Mr. Scully said that the person can be bonded and not the business.

Mr. Provenzale asked if the consumer is more at risk with sub-contractors than with licensed septic installers. Mr. Scully responded in the affirmative, and he stated that he knows contractors in town who are not registered with the state of New Jersey.

Mr. Smith stated that someone used his license in Franklin Lakes and two years later the septic failed and the other contractor had gone out of business so they came after Mr. Smith to fix the system, but if he had gone out of business, then he didn't know who would fix it.

Ms. Ashkenazi asked if the credentials are verified by anyone, to which Ms. Steele replied that the contractors submit their contractor's license, liability insurance policy, proof of bond, and sometimes NEHA certification when they renew their license. Then, a spreadsheet is created and checked for dates when they come to request a permit. They cannot get a permit without everything being up to date.

Mr. Scully said that the problem is the subcontracting, though, because no one checks the credentials. If a permit is issued to a company, there is no way to know who is actually doing the work unless you are at the job.

Mr. Scully and Mr. Smith do their work with their company because they want it done correctly.

Council Liaison Pignatelli recommended putting some language on the license indicating that it cannot be transferred.

Ms. Caperino said that it should be on every permit also, and she added that you could include a statement that whoever takes out the permit (the licensee) must be the same person at the inspection. She feels that it is important to have someone sign the permit and then that person must be there when she goes out to inspect.

Ms. Ashkenazi suggested also putting language on the permit that the work must be done by the person who signs the permit and it may not be subcontracted out.

Ms. Steele asked if a manager worked for a company and passed the test but did not want their own company, could they then oversee a project under another company or would they need their own liability, their own bond, their own contractor's insurance and their own NEHA to do so.

Mr. Smith felt that they should have their own credentials to oversee a project.

Ms. Caperino stated that if they are an owner (a partner), then it would be okay as long as they passed the test. Otherwise, they would need their own credentials.

She added that another contractor could oversee the NEHA part of the project as long as they submit a letter verifying the address and that they will be overseeing the work. In that case, both the NEHA-licensed person and the original licensee of the company should be present for the work; however, they do not always do that because there is nothing to hold them to it.

Mr. Tiffinger asked if the board members would like to change the language on the permit, requiring the licensee to be on site and to perform all the work.

Mr. Talucci wished to add verbiage from the Alpine permit form, as follows: "All work shall be performed by the original septic installer licensee named herein and whose signature appears below. No work is to be delegated to a sub-contractor or other entity". Ms. Caperino added that they should then sign & date the form.

Mr. Tiffinger and Mr. LaForgia agreed.

Ms. Steele asked if the board would like her to add that language to the permit with a space for signature and then email the document out to the board for approval to use it. They said yes and Mr. Tiffinger said that he would like the Board Attorney to also comment on it.

Mr. Romans, the Board Attorney, asked Mr. Scully if his concern was mainly about the advanced treatment systems or across the board. He said across the board. He said that the advanced treatment systems may have a requirement that a certified NEHA installer be present. Mr. Smith stated that they have that. Mr. Scully said that the state code says that the licensed NEHA installer must be present to oversee that phase of the work. Mr. Romans said it might go further than that and actually state that the licensed NEHA installer must actually perform the work, and if that turns out to be the case, the board could include special language with a separate clause with special language for the systems with pre-treatment systems.

Mr. Romans suggested that the licensee could also be required to certify who would be doing the work.

Mr. Scully said the permit could only be taken out by the licensed septic contractor and that's who has to do the work.

Mr. Romans asked Mr. Scully and Mr. Smith if their employees have their own licenses or should have their own licensed. They said no, their employees are family members.

Mr. Scully said that the point of having the licensee take out the permit is to have them sign that they will oversee the work. Their workers can do the work, but they will oversee it.

Mr. Romans said that they recommend that the licensee must take out the permit and they must oversee the project. Mr. Scully and Mr. Smith agreed. Mr. Scully said that all the work, including NEHA, should have to be overseen by the licensee. He said it must be installed by a NEHA installer, not overseen, installed. And that is in the state code. Mr. Romans also suggested putting wording on the permit stating that the licensee must be present when she makes her inspection on the system. She responded that if the board puts language on the permit that the licensee must be there, then she will not inspect unless they show up. Mr. Talucci asked what if the licensee is not normally there, but they just show up because they know she is not coming. Mr. Smith responded that if the employees of the licensee are doing the work that should be fine, but the licensee should be present at the inspection; however, there should not be sub-contractors at all.

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Ms. Caperino stated that the state is not allowing people to get NEHA certifications right now, so she has been allowing a NEHA certified licensee to oversee with a letter. Mr. Scully said there was more than adequate time to get certified in NEHA and that the people who have it have to do continuing education to maintain their credential, and according to state code, they have to be the ones to install the system. He does not agree that other contractors should have permission to use another NEHA certified licensee to oversee a project rather than to have a NEHA certified licensee do the entire installation.

Mr. Talucci asked Mr. Scully if he hires a subcontractor and the subcontractor does damage, are they covered under Mr. Scully's insurance and policy. Mr. Smith said only if they are actual employees.

It was decided that the language should be added to the permits to require the licensee to be present at inspections and no sub-contractors should be used.

Mr. Romans said that he and Ms. Steele would write up a permit to discuss at the next meeting, and perhaps speak about how permits with the pre-treatment systems should be treated going forward.

Mr. Tiffinger agreed that would be appropriate.

### **OTHER BUSINESS**

#### **CHICKEN ORDINANCE DISCUSSION UPDATE FROM BOH COUNCIL LIAISON PIGNATELLI**

Council Liaison Pignatelli gave an update to what is occurring with the Chicken Ordinance. He stated that he will be presenting his suggestions to the Mayor and Council. He stated that he wanted to update the Board of Health first based on the previous work that the Board has done on the ordinance. He presented that he has broken the ordinance down into categories of sanitation, humane treatment for animals, and inclusion in the ordinance of rules for setback rules for accessory buildings per the Zoning department's ordinance for such.

He stated that there had been objection to the right of the inspector to inspect at any time, however, this did not need to be included in the ordinance because in the State law under Title 40 if the animal control officer has reason to believe that animals are being treated inhumanely they can enter property.

Number of chickens does not need to be specified, as the requirements for 5 square feet per adult bird only permits a certain number of chickens. Also, roosters should not be permitted, renters must have permission from property owner, no by-products should be sold commercially, chickens cannot run freely unless in a fenced-in area, run should be well-drained, electrical wiring must have a permit and be underground, and if anyone no longer keeps chickens they have to abandon what is there, setbacks must be followed and chickens must be treated humanely at all times.

### **ADJOURNMENT**

On motion of Mr. Provenzale seconded by Mr. Talucci, the meeting was adjourned at 8:33 PM.

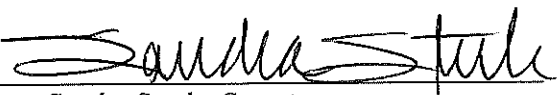
Roll Call: All Yeas – Ms. Ashkenazi, Mr. Ashkenazi, Mr. LaForgia, Mr. Laterra, Mr. Provenzale, Mr. Talucci, Mr. Tiffinger

APPROVED:

  
Stephen C. Tiffinger, President

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ATTEST:



Sandra Steele, Secretary

DATE:

3/22/21