

REGULAR MEETING
of the
OAKLAND BOARD OF HEALTH

June 16, 2020 - 7:30 p.m.

Zoom Meeting

REGULAR BUSINESS

CALL TO ORDER

Mr. Tiffinger called the meeting to order at 7:30 PM.

ROLL CALL

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

ABSENT MEMBERS

All members present.

OTHERS PRESENT

Board of Health Council Liaison Pasquale Pignatelli, Board of Health Attorney Thomas J. Romans, Senior REHS Kristin Caperino, TYCO Animal Control Officer Carol Tyler, Resident and chicken owner Dana Andro

MEETING ANNOUNCEMENT

Mr. Tiffinger announced that 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 May minutes.

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

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

REVIEW REPORTS

The Board reviewed the following reports:

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

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

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

PAYMENT OF BILLS

The Board reviewed the following bills:

06/01/2020 – Tyco Animal Control (Animal Control Services for May, per contract)	\$1,300.00
06/01/2020 – Tyco Animal Control (Animal Control Emergency Responses, per contract)	\$ 180.00
06/16/2020 – Thomas J. Romans, Esq. (For professional services rendered on 06/18/2019, per contract)	\$ 243.75

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

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

UNFINISHED BUSINESS

DISCUSSION OF CHICKEN ORDINANCE

During the discussion of a Chicken Ordinance, Ms. Tyler, Animal Control Officer of Tyco, addressed multiple aspects that are important to consider in a chicken ordinance, and responses to her comments were made, as follow:

CHICKENS AND THEIR BY-PRODUCTS SHOULD BE LIMITED TO CONSUMPTION BY THE OWNERS.

Ms. Tyler stated that Sustainable New Jersey prompted people to want to have chickens on their property. It should be restricted to the property owner's own use and consumption because if they give any part of the chickens or by-products to anyone, or go beyond using the chickens for personal use, or if the owner is making any money at all on the chickens or by-products, then they need New Jersey Agricultural approval. Flocks then must be swabbed for bird viruses 3-4 times per year; however, they will not test a flock with less than 15-20 or so chickens. A consequence of selling and/or sharing chickens and their by-products is that in NJ health departments a rise has been seen in salmonella linked to backyard chickens, so residents should not be permitted to share chickens or by-products.

THE ORDINANCE SHOULD BE LIMITED TO 5 CHICKENS FOR PERSONAL USE ONLY.

Any animal could be included in the ordinance; however, a chicken ordinance should be limited to egg laying hens only. No roosters. A small group of chickens are part of Sustainable New Jersey for the purpose of getting eggs and possibly consuming the chicken later on. Other types of fowl such as geese, turkeys, peacocks, and guinea fowl are not providing eggs for consumption and they are very noisy and loud. For Oakland, Ms. Tyler suggests a limit of 5 or under chickens, which would comply with Sustainable New Jersey. It should specify that once a chicken stops laying eggs, the owner cannot add another egg laying chicken until that chicken is no longer alive or owned by the owner.

Ms. Andro added that it is important to have a flock because chickens are flock animals, so it is good to have a number of them, such as 5 or 6 but not too few. There has been no complaints about Ms. Andro's flock, as she keeps it very clean.

ENFORCEMENT & INSPECTION

If there is a complaint about a non-compliant owner, the permit could be withdrawn, and they would no longer be permitted to have chickens. The permit is not a right, and it can be withdrawn. The rules and regulations must be followed to keep the permit.

Mr. LaForgia asked if 5 or 6 are in Sustainable New Jersey, but if more would call for more regulations. Ms. Tyler said that it's up to the town, but the law must be enforceable and the place must be able to be kept clean or the permit would be withdrawn.

Ms. Ashkenazi asked who would inspect the chickens. Ms. Tyler responded that it must be someone with animal husbandry knowledge. She said that she can do it. She does it in Mahwah. She said in Mahwah, they send in paperwork that everything has been complied with, then she goes and inspects that everything is as it should be, then she calls the Health Department who then gives them the permit.

Ms. Tyler stated that, although it is a Zoning ordinance, it needs to be followed through by the Board of Health, however, to make sure that it is inspected and enforced. So, the Health Department should be named in the ordinance as enforcement or oversight because then the enforcer can investigate complaints, check if they have a permit and have them apply for a permit. If they are denied they must get rid of the chickens, and if they are not denied they must be up to code. She said in Mahwah they have to go through Zoning and get a permit and then go through the Health Department and get permission to own. She said it is also important to educate the owners also.

Councilman Pignatelli said that the enforcing agency can be stipulated in the ordinance. He asked if it would be covered under Tyco's existing contract or if that would be additional cost. She said that she did not believe the amount of chickens in Oakland would take up a great deal of her time. They either comply or do not. She would look at general conditions, make sure there were no rodents and that the property was being maintained. Also, of great importance would be that the waste materials be removed professionally and regularly. They should not be in compost. If it is bagged and held for a period of time it will burn a hole through the bag.

SUGGESTION FROM A CHICKEN-OWNING RESIDENT

Ms. Andro suggested that they consider having regulations such as having the chickens a certain number of feet from any dwelling where people reside, rather than 1 acre. She also suggested keeping it quiet & clean.

Councilman Pignatelli said one of the ordinances prohibited chickens to free-range.

SUGGESTIONS TO PREVENT PREDATORS

Councilman Pignatelli asked Ms. Tyler which predators would go after chickens. Ms. Tyler responded foxes, bears, mink, hawks, coyotes and others. Wildlife kills for food if they can. She mentioned ways to discourage predators from getting the chickens, such as keeping smells down, keeping their weight down, building the proper structures, put electric wire around the structure, motion detecting lighting, netting and other ways.

PERMITS

Mr. Provenza asked how the permits would be issued. He suggested this was a variance and what if the neighbors objected – what would their rights be?

Ms. Tyler responded that anyone within 200 ft. should have the right to object to the chickens. She said that they do need to go before the Zoning Board of Adjustment in Mahwah.

Ms. Andro suggested that it would discourage residents if a variance were required because neighbors would immediately think of a farm, and the residents would not get a chance to get it, and she feels the variance process is very expensive.

Mr. Provenzale responded that the neighbors have a right to have notice that is totally transparent, as when they bought their home it was not there and now they are going to be introduced to a farm atmosphere.

Ms. Tyler agreed that you have to allow them to have a say in it, but sometimes the Zoning Board will allow things in spite of the neighbors' disagreement.

Councilman Pignatelli agreed that objection is not the sole reason why an applicant is approved or disapproved by the Zoning Board. But if they do not comply the permit gets pulled.

Ms. Tyler stated that Ms. Andro would be grandfathered with her chickens but she would still have to comply with inspections as anyone else who has chickens.

Mr. Talucci said that he agreed with Dana that as soon as the neighbors hear "chickens" they will not listen to the details.

Ms. Tyler responded that when neighbors complain at a Zoning meeting, many concerns are addressed and can be resolved by applicants agreeing to certain measures to alleviate the neighbors' objections.

Mr. LaForgia stated that he believes transparency is exactly what should occur. Everyone should be able to know what their neighbors are going to do and be able to present their arguments, which may be mitigated in the meeting or not, and then a decision will be made.

Mr. Provenzale asked what the situation is with Ms. Andro and her chickens. Ms. Tyler said there has been no problem with them thus far. He asked if space-wise, this has not been a problem. Ms. Tyler said no, and unless there is a problem she is not going to make it an issue.

PERMITTING AND COST

Mr. Romans suggested that in reviewing it to keep in mind that it is a Zoning ordinance and not a Board of Health ordinance, to which Ms. Tyler replied that it is a Zoning ordinance that should have a Health Department component specified in the ordinance so as to allow the Health Department to inspect, enforce, and permit. Councilman Pignatelli added that the enforcing official is added at the end of the ordinance. Mr. Romans asked if the permit comes from the Board of Health. Ms. Tyler said if Zoning approves the property and building of the structure, it should be forwarded to the Health Department to make sure they are building the structure correctly, to address lighting and water, and rodents and then the permit should be issued through the Board of Health. Ms. Steele asked if the cost of the permit could also be included in the ordinance. Councilman Pignatelli said yes and mentioned that one of the ordinances suggested \$25.00 per year, and that the ordinance was renewable yearly, and this could be included in the ordinance.

BOARD OF HEALTH RECOMMENDATIONS

Councilman Pignatelli said that the Mayor and Council would like a list of recommendations from the Board of Health forwarded to them to incorporate to the Zoning Board ordinance. He said that it will not be a Board of Health ordinance. He suggested that the Board of Health either pick one of the ordinances that they think is best; ask Ms. Tyler to draft something and send it to the Board of Health, who will forward it to the Mayor and Council; or, the Board of Health could create its own list. It needs to be a sample ordinance or your own ordinance in written form.

Ms. Tyler said that she could pull from several that she has been looking at and address Oakland's needs, and create something from that.

Councilman Pignatelli suggested that since the Board of Health will adjourn for July and August, perhaps Ms. Tyler could submit that the Board of Health via email and then, if acceptable, forward it to the Mayor and Council rather than waiting until September.

Mr. Tiffinger said that was acceptable to the Board and that Ms. Tyler could forward it to Ms. Steele who would then forward it to the members of the Board of Health.

Ms. Tyler said that she would speak to Ms. Caperino, and address health, animal safety and animal welfare. She would like Ms. Caperino's input because she is the Health Officer that would accompany her if she has a problem. Ms. Tyler would then send it to Ms. Steele who would then check it and send it to the

Board members, who could make changes if needed. Ms. Steele would also send it to Mr. Romans for his review. Ms. Steele said she would send it to everyone at the meeting. Ms. Tyler said she would send it by July 15th. The Board agreed that was fine.

NEW BUSINESS

No new business reported.

OTHER BUSINESS

No other business reported.

ADJOURNMENT

SUMMER ADJOURNMENT

On motion of Mr. Provenzale, seconded by Mr. LaForgia, the Board adjourned the meetings for July and August or by call of the Chair with sufficient advance notice to publicize the meeting, as required by the Public Meetings Law.

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

HANDLING OF CERTAIN MATTERS

On motion of Mr. Talucci, seconded by Mr. Provenzale, the Board authorized the President or the Vice-President to handle any problems arising during the period of summer adjournment. Problems shall be submitted to the President or Vice-President for review and suggested action, with all such matters reported for ratification at the next Regular Meeting of the Board of Health.

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

PAYMENT OF BILLS

On motion of Ms. Ashkenazi, seconded by Mr. Provenzale, the Board authorized the President or Vice-President to approve for payment any vouchers requiring payment during the period of summer adjournment; same to be ratified at the next Regular Meeting of the Oakland Board of Health.

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

ADJOURNMENT

On motion of Ms. Ashkenazi, seconded by Mr. Talucci, the meeting was adjourned at 8:28 PM.

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

APPROVED:


Stephen C. Tiffinger, President

ATTEST: Sandra Steele
Sandra Steele, Secretary

DATE: 9/16/2020