

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

**March 15, 2022**  
**Oakland Public Library, Oakland, NJ**

**REGULAR BUSINESS**

**CALL TO ORDER**

Mr. Tiffinger called the meeting to order at 6:31 PM.

**ROLL CALL**

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

**ABSENT MEMBERS**

None.

**MOTION TO EXCUSE**

Not applicable.

**OTHERS PRESENT**

Council Liaison Pasquale Pignatelli, BOH Attorney Sophy Sedarat, and Chief REHS Laura Folco

**MEETING ANNOUNCEMENT**

Mr. Tiffinger announced that the meeting was being held in accordance with the Open Public Meetings Law, duly announced, advertised and posted in the municipal building.

**PUBLIC COMMENT**

On motion of Mr. Provenziale, seconded by Mr. Laterra, the meeting was opened for public comment.

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

Mr. Tiffinger announced to the public to please limit comments to 3 minutes per person with the open session not to exceed 30 minutes, and to state their name and address before their comment.

George Clark, who resides at 43 Manito Avenue in Oakland, NJ, stated that he is a septic installer in Oakland. His concern was that the owner of the septic installation company must be on site during inspections. He runs several crews, so it is not possible for him to be driving a truck, running a machine and being at one or more inspections simultaneously. He stated that septic installations need various amounts of inspections, usually 3 to 6 depending on how the job is going.

He requested that the requirement for the owner to be at every inspection be removed from the requirements listed on the Septic Permit Application and Septic Permit. He added that the requirement was instated during which time the State of NJ required NEHA certification for septic installations with ATUs, and now the State is no longer requiring, nor offering, that certification. He said that his company has obtained letters, now required by the State, from each of the alternate treatment units' manufacturers that his company installs, certifying that the employees of his company are sufficiently knowledgeable to install the units. He stated that on each job there is a foreman, and he also has a manager. He added that other businesses do not have to have the

owner present for inspections, so he does not understand why septic installation business-owners must be present. He stated that when he cannot be at an inspection, such as if he is away or in the hospital, he loses business.

Ms. Ashkenazi asked how many crews Mr. Clark has. He stated that he has five crews. She asked if he was subcontracting. He said no, they are his crews. He added that he is the only person who can operate certain machines to do house demos and other things, so there is no one who can do that if he is at an inspection.

She asked how many towns he services. He said 8-10. She asked if the other towns require him to be on site. He said no.

Ms. Folco stated that at the time the requirement was made, certain contractors came to the Board of Health stating that jobs were not being done to code or were being subcontracted out to unlicensed crews and then a decision was made to require the owner to be on site. She stated that she instructs her inspectors to fall back on State Code. So, if a job is being done according to state code, that's what she wants them to rely on. So, then the Board went a step farther requiring the owner of the septic installation company to be there, at which point the inspectors started to leave the inspection if the owner was not there, without inspecting. Ms. Folco believes that this can hold up inspections, jobs, closings, and slow progress of getting work done. She feels that if everything that the foreman is doing is according to code, the inspector should be able to sign off on the inspection regardless of whether the owner is there or not. However, if State Code is not being met, then the inspector cannot sign off. The inspectors' purview is to make sure the job is being done according to State Code.

Ms. Ashkenazi asked if Oakland is the only town that requires the owner to be on every job. Mr. Clark responded, "yes". She asked how many jobs he could be running in Oakland at once. He said at least three, and he has them in other towns, too.

Mr. Tiffinger interjected that NEHA was the reason this was done in Oakland because the State required a NEHA-licensed installer to be present at installations with alternate treatment units.

Ms. Folco added that the state does require installers to take a test, to understand how to install a system properly, and that the installer be licensed in the town. Mr. Clark added that Oakland has now added that there must be a certified letter stating that the installer is certified by the manufacturer to install the atu.

Mr. Tiffinger asked if Oakland required the installers to send the letter. Ms. Steele responded, "Yes, and Perfection Excavating has provided those letters from the manufacturers of the alternate treatment units that they install."

Ms. Folco added that of the 35 towns that the Bergen County Health Inspectors inspect, only 5, including Oakland, have several jobs going on at once. She said that often the jobs are simultaneously going on in different towns.

Council Liaison Pignatelli asked if NEHA was a certification for infiltrators. Mr. Clark said yes, different types. Ms. Folco added that now the atu manufacturer itself certifies that the installers are knowledgeable to install the unit. Mr. Tiffinger added that we have the letters on file.

Mr. LaForgia said that the requirement was put in place because the other contractors were saying that unlicensed subcontractors were being used by some licensed contractors, and they wanted the owner to be accountable for the job. But, if the septic is being installed to code, whether by the licensed owner or his subcontractor then it should not matter who is doing it. In the building industry

things are subcontracted all the time. So, he feels the requirement for the owner to be present at every inspection created a negative impact unnecessarily, and it should be revised.

Mr. Clark added that, also, after the Health Inspectors inspect, the installer cannot move forward until the engineer comes out and gives the approval to continue. So, it's basically a double-inspection.

Ms. Folco stated that if the Board of Health rescinds the requirement for the owner to be present at every inspection, there is State Code for her inspectors to fall back on. So, if an inspection occurs and something is not to code, and their questions cannot be appropriately answered by the installer's employees who are present, then the inspector will leave without approving. She feels that the requirement was created in the proper spirit but has morphed into something that is not possible.

Mr. Tiffinger added that it is not much different than a restaurant inspection – the owner doesn't have to be present. Ms. Folco added that other rules apply there too. You always have to make sure it complies to State Code.

Mr. Provenzale asked where the responsibility would fall if someone was subcontracting. Ms. Folco said it would fall on whoever took out the permit. Council Liaison Pignatelli added that, ultimately, it is the engineer who is liable if the system fails.

Mr. Tiffinger requested a motion to make changes to the Septic Permit Application Form and the Septic Permit, rescinding requirement #4 (Installer Licensee must be present at all inspections) in its entirety, and to change requirement #7 (which will now become #6 because #4 was omitted) to read as follows:

**Advanced Pretreatment Devices:**

- a) Advanced Pretreatment Devices are to be installed only by an Oakland-licensed septic installer, who has submitted a letter to the Health Department from the manufacturer of the particular ATU being installed that certifies that the installer has sufficient knowledge to install that particular manufacturer's proprietary technology (the alternate treatment unit). Example: Hoot, Jet, etc.
- b) The Installation Permit must be issued to the Oakland-licensed Certified Installer.
- c) An authorized installer shall be physically present at all times during installation of an advanced pretreatment device and either install or directly oversee the installation of the advanced pretreatment device.
- d) The authorized installer must be present at the inspection of the vacuum test/water tightness of the pre-treatment device.

On motion of Ms. Ashkenazi, seconded by Mr. Ashkenazi, the changes to the Septic Permit Application Form and Septic Permit were approved.

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

Mr. Clark thanked the Board of Health for their time, and left the meeting.

Since there were no other members of the public to comment, Mr. Tiffinger requested a motion to close the meeting for public comment.

On motion of Mr. Provenzale, seconded by Mr. Talucci, the meeting was closed for public comment.

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

#### **ADOPTION OF MINUTES**

The Board reviewed the February 2022 meeting minutes.

On motion of Ms. Ashkenazi seconded by Mr. LaForgia, the 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 & Audits - February
- REHS' Monthly Report – February
- Tyco Animal Control Report - February
- Secretary's/Registrar's Report - February

On motion of Mr. Laterra 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:

##### **Services Charged to 2021 Budget:**

|                                                                                     |                    |
|-------------------------------------------------------------------------------------|--------------------|
| <b>3/01/2022 – Tyco Animal Control</b>                                              | <b>\$ 1,325.00</b> |
| (Monthly Animal Control Services – February, per 2022 Contract)                     |                    |
| <b>3/01/2022 – Tyco Animal Control</b>                                              | <b>\$ 180.00</b>   |
| (Animal Control Emergency Responses - February, per 2022 Contract)                  |                    |
| <b>3/15/2022 –Borough of Waldwick</b>                                               | <b>\$ 125.00</b>   |
| (2022 Administrative Fee. Waldwick Well-Baby Clinic, per 2022 Interlocal Agreement) |                    |

On motion of Mr. LaForgia, seconded by Mr. Talucci, 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**

None.

#### **NEW BUSINESS**

None.

#### **OTHER BUSINESS**


Council Liaison Pignatelli congratulated Ms. Steele on her promotion to Clerk 3. Ms. Steele thanked him and the Mayor and Council. She also thanked Mr. Tiffinger for the recommendation.

### ADJOURNMENT

On motion of Mr. LaForgia, seconded by Mr. Laterra, the meeting was adjourned at 7:04 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, Secretary

DATE: 4/19/2022

