

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

**May 17, 2022
Oakland Public Library, Oakland, NJ**

REGULAR BUSINESS

CALL TO ORDER

Mr. Tiffinger called the meeting to order at 6:34 PM.

ROLL CALL

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

ABSENT MEMBERS

Mr. Ashkenazi and Mr. Provenziale were absent due to illness.

MOTION TO EXCUSE

On motion of Mr. Talucci, seconded by Mr. Laterra, Mr. Ashkenazi and Mr. Provenziale's absences were excused.

All Yeas - Ms. Ashkenazi, Mr. LaForgia, Mr. Laterra, Mr. Talucci, Mr. Tiffinger

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

No members of the public were present for comment.

ADOPTION OF MINUTES

The Board reviewed the April 2022 meeting minutes.

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

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

REVIEW REPORTS

The Board reviewed the following reports:

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

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

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

PAYMENT OF BILLS

The Board reviewed the following bills:

Services Charged to 2022 Budget:

5/1/2022 – Tyco Animal Control (Animal Control Services for April, per 2022 contract)	\$ 1,325.00
5/1/2022 – Tyco Animal Control (Animal Control Emergency Services for April, per 2022 contract)	\$ 60.00
5/1/2022 – Borough of Waldwick (January – March Services for Well Baby Clinic: 1 immunization per Interlocal Agreement 2022)	\$ 20.00
5/1/2022 – Bergen County Department of Health Services (1/1/22 – 6/30/22 Health Officer and REHS Services, per Shared Services Contract 2022)	\$ 23,549.99

On motion of Ms. Ashkenazi, seconded by Mr. Talucci, the Board approved the bills for payment.

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

UNFINISHED BUSINESS

None.

NEW BUSINESS

None.

OTHER BUSINESS

Mr. Laterra, who is also a member of the Shade Tree Commission, requested that when septic systems are being replaced, for people to be reminded that they must contact the Shade Tree Commission. Ms. Steele indicated that every septic permit indicates that if trees need to be removed the Shade Tree Commission must be contacted.

Mr. Tiffinger asked if the Health Department receives many calls regarding the PFOA levels in the water. Ms. Steele responded that occasionally a resident will call regarding the water and they are referred to Kevin Tirsirio at the DPW, who handles that issue.

Mr. Talucci questioned who polices the plastic bag ban at the stores. Ms. Folco responded that they do education first. She mentioned Oakland's Green Team being very active and a division of the county that does spot checks and deals with that. She stated that any complaints that are received regarding the bags can be sent to the county.

A discussion ensued regarding potential issuance of TCOs prior to closing of real estate property when there are septic issues. Ms. Folco advised of the potential problematic repercussions of issuing such TCOs. Ms. Folco advised that currently, the Building Department and the Health Inspectors have been able to control septic code compliance by requiring the seller to make the septic compliant before the realty transfer. Council Liaison Pignatelli mentioned that if the

proposed type of TCO were to be allowed and codified, that a bond would have to be posted-in lieu of the CO in order for a TCO to be issued to ensure compliance.

There was a discussion regarding requiring compliance within a proscribed time period after closing, possibly 90 days. Ms. Falco noted that a time frame for compliance ("immediate"), exists under State Law. Ms. Folco advised regarding policies under the DEP abd under the Water Pollution Control Act.

Council Liaison Pignatelli said that a TCO could permit buyers to close on the home, but not to live in the house until the septic was verified as being compliant. Ms. Sedarat questioned that, if a TCO were to be issued even with a bond posted, how a violation would be enforced if they reside in the home in that 90 days, and how escrow would be tracked. She said that Ms. Folco had mentioned to her, from experience with towns that have done it both ways, that it becomes cumbersome for the town to attempt to regulate compliance after realty transfer. She noted that in the adjacent town Franklin Lakes, where lots are generally larger than Oakland lots, sellers are not permitted to have closings without a conforming septic. She added that it is within the best interests of the Borough to ensure that the septsics are made compliant when there is incentive to do that before the closing.

Ms. Sedarat added that TCOs may benefit real estate agents and attorneys, but it may not do so as to the residents or Borough. The buyer would have the burden on them to get the septic compliant in a specified time frame, which should be defined keeping in mind that the state laws use "immediate" compliance.

Mr. LaForgia added that he has environmental concerns, regarding public health and safety from the viewpoint of being a Board of Health member. He felt that the control currently in place should be maintained from a public health standpoint to protect residents' health. Ms. Ashkenazi agreed.

Mr. Tiffinger inquired how this TCO issue resurfaced, and Council Liaison Pignatelli stated that a TCO was needed in a certain instance, and this led to a discussion between the Construction Official and the Mayor and Council about that and the TCO policy. Ms. Steele mentioned that as she understood it, if the TCOs were to be issued, it would be on a very limited basis, for exceptional cases.

Mr. Tiffinger and the other members agreed that it is the opinion of the Board of Health that the policy to not issue TCOs for non-compliant septsics should be kept in place, and the septic should be compliant before realty transfer. Council Liaison Pignatelli stated that he would relay that information to the Mayor and Council.

Mr. Tiffinger informed everyone that the FDA has proposed a ban on distributing menthol cigarettes. Council Liaison Pignatelli added that it would likely be effective in a year.

ADJOURNMENT

On motion of Mr. Laterra, seconded by Mr. LaForgia, the meeting was adjourned at 7:20 PM

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

APPROVED:



Stephen C. Tiffinger, President

ATTEST: 

Sandra Steele, Secretary

DATE: 8/11/2022