

REGULAR MEETING OF THE OAKLAND BOARD OF HEALTH

October 21, 2008 - 7:30 p.m.

Conference Room - Municipal Building

CALL TO ORDER Meeting called to order at 7:30 PM by Mr. Beattie.

ROLL CALL Mr. Beattie, Dr. Davis, Mr. Ostapczuk, Mr. Tiffinger, Ms. West, Ms. Wilgus – All Yes

OTHERS PRESENT Thomas J. Romans, Esq. and Senior Sanitary Inspector Deborah A. McGrath

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.**

REGULAR BUSINESS

MINUTES The Board reviewed the September 2008 meeting minutes.

Mr. Ostapczuk noted his name was preceded by the word “Ms.” in two places and requested that corrections be made.

Motion of Ms. West, seconded by Dr. Davis, the minutes were approved.

Roll Call: Mr. Beattie, Dr. Davis, Mr. Ostapczuk, Ms. West, Ms. Wilgus – All Yes. Mr. Tiffinger abstained.

REPORTS The Board reviewed the September 2008 Sanitarian’s Monthly Report.

Mr. Beattie asked about the status of the restaurants that needed Temporary Health Licenses and instructed Inspector McGrath to issue summons to any establishment in need of a Temporary License that fails to license by the end of the week.

Motion of Mr. Tiffinger, seconded by Ms. Wilgus, report accepted.

Roll Call: Mr. Beattie, Dr. Davis, Mr. Ostapczuk, Mr. Tiffinger, Ms. West, Ms. Wilgus – All Yes

The Board reviewed the September 2008 Secretary’s/Registrar’s Monthly Report.

Motion of Ms. West, seconded by Mr. Ostapczuk, report accepted.

Roll Call: Mr. Beattie, Dr. Davis, Mr. Ostapczuk, Mr. Tiffinger, Ms. West, Ms. Wilgus – All Yes

PAYMENT OF BILLS Motion of Ms. West, seconded by Dr. Davis, the following bills were approved:

09/16/2008 – Bergen County Dept. of Health Services \$4,581.00
(3rd Qtr. ’08 Animal Control Services, per contract)

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09/11/2008 – Thomas J. Romans, Esq. (Research and preparation of report concerning local BOH ordinances governing nail salons)	\$ 187.50
10/8/2008 – Ramapo Valley Animal Hospital (Administer 18 rabies vaccinations)	\$ 90.00
10/3/2008 – Oakland Animal Hospital (Administer 15 rabies vaccinations)	\$ 75.00

Roll Call: Mr. Beattie, Dr. Davis, Mr. Ostapczuk, Mr. Tiffinger, Ms. West, Ms. Wilgus - All Yes

**MEETING OPENED TO
THE PUBLIC**

Motion of Ms. Wilgus, seconded by Ms. West, the meeting was opened to the public.

Roll Call: Mr. Beattie, Dr. Davis, Mr. Ostapczuk, Mr. Tiffinger, Ms. West, Ms. Wilgus – All Yes

Mr. Paul Beshlian, owner of Valley Pub located at 588 Ramapo Valley Road, introduced himself. Mr. Beattie stated for the record that there has been discussion back and forth with the owners of Valley Pub with regard to obtaining a Health License. After much discussion, the Board decided that Mr. Beshlian will need to obtain a license.

Mr. Beshlian appeared to appeal the Board’s decision to not recognize the 6-Hour ServSafe Food Manager’s Course that he had taken and require him to take the Bergen County 18-Hour Food Manager’s Course. Mr. Beshlian stated his case, i.e., that the same text is used and the same certificate is issued for both courses. The members of the Board upheld their decision due to the fact that 1) the 18-hour course goes into greater depth than the ServSafe course, and 2) Oakland Board of Health ordinance requires the 18-hour Food Manager’s Course.

Mr. Beshlian felt that the ordinance is prejudicial because it is more stringent than what the state requires and cited many towns throughout Bergen County that recognize the ServSafe Food Manager’s Course. Mr. Tiffinger stated that the Board of Health is within its rights to adopt an ordinance more stringent than state code. Mr. Beattie asked if Mr. Beshlian had any case law to support his position to which Mr. Beshlian replied, “No.” Mr. Beattie suggested that Mr. Beshlian have his attorney check for existing case law and to submit it to the Board for review. Mr. Beattie also stated that the Board treats all food establishments equally and noted that the owners of Portobello will be issued a summons on Friday if they fail to obtain a Temporary Health License because they, too, have not met the Food Course requirements.

Mr. Beattie said a reliable source told him Inspector Jernick had informed Mr. Beshlian prior to his taking the ServSafe course that it would not meet the requirements of the Board of Health Food Code. Mr. Beshlian said Inspector Jernick told him the ServSafe course was acceptable. Mr. Jernick was not present at the meeting to defend his position. Mr. Beattie informed Mr. Beshlian that a copy of the ordinance will be available to him for pick up the following morning at the Board of Health office.

Further discussion ensued about the possibility of changing the ordinance which, Mr. Beattie added, would not help Mr. Beshlian this year. Mr. Beshlian stated that the National and State Restaurant Associations recognize the 6-Hour ServSafe Course, and, by December 31, 2009, the state will require all restaurants to be certified through ServSafe which, he claimed was his reason for taking the course. Mr. Beshlian said that it's difficult for him to be away from his business for a half a day each week for six weeks. Mr. Beattie said he understands Mr. Beshlian's position.

Mr. Beshlian said the prior owners had taken the ServSafe Food Manger's Course and their certificates were accepted. Inspector McGrath noted that at the time the the previous owners of the Valley Pub, took the ServSafe Food Manager's Course, it was unknown that ServSafe was teaching an abbreviated version of the course which is why the certificate was accepted.

Mr. Beshlian claimed the final exams are the same for both courses and spoke of the intent of the courses to which he was told that the 18-Hour Course is required by ordinance. Mr. Beattie stated that even if the Board decided to change the ordinance, it would be of no help to Mr. Beshlian right now. Mr. Beshlian thanked the Board and left the meeting.

Mr. Tiffinger noted that on recommendation of the Bergen County Department of Health Services, 38 towns in Bergen County, including Oakland, adopted the same food ordinance requiring the 18-Hour Food Manager's Course. Inspector McGrath added that the State code says in 2009 any category three restaurant has to have a certified food manager take a course such as ServSafe.

Inspector McGrath noted that certificates submitted in the future will have to be inspected to determine if the course was taken through the New Jersey Restaurant Association, as these certificates will not meet code.

The Board also discussed the need to limit the number of months a restaurant can remain operating under a temporary health license. One option discussed is to substantially increase the cost of a temporary health license to provide establishments with incentive to meet the food code course requirements as quickly as possible. The Board agreed it is too late this year to adopt such an ordinance, however it will be considered in 2009.

MEETING CLOSED TO THE PUBLIC

Motion of Mr. Ostapczuk, seconded by Ms. Wilgus, the meeting was closed to the the public.

Roll Call: Mr. Beattie, Dr. Davis, Mr. Ostapczuk, Mr. Tiffinger, Ms. West, Ms. Wilgus – All Yes

UNFINISHED BUSINESS

MOD POD

Mr. Beattie reported that he sat in on a meeting with the Council Liaison Pat Pignatelli, Roy Bauberger from OEM, Bob DeBoer from the Fire Dept., Administrator Rich Kunz and Ms. Dubowick to discuss the feasibility of conducting a MOD POD drill in Oakland. The consensus was that hosting the POD was a good idea. Though Council Liaison Pignatelli prefers the Morris County model, the

Bergen County model would have to be used since Oakland is in Bergen County. This subject remains under discussion.

JUNIOR'S PIZZA

Inspector McGrath reported that she had stopped to see the owner of this establishment. According to the owner's attorney, the change in ownership should occur on November 1st.

ZEYTNIA

Mr. Beattie reported that the owners of Zeytinia claimed they never received the letter summoning them to last month's Board meeting which is the reason they didn't show up. Ms. Dubowick stated the letter was sent via certified mail and showed the Board the return receipt card that had been signed and returned. Mr. Beattie directed Inspector McGrath to have Inspector Jernick stay on top of this establishment. Inspector McGrath noted that Zeytinia's Temporary Health License is now current, their Sushi Chef is at the Food Handler's Course and another food handler is signed up for the course. If these two people pass the course, this establishment will be in compliance with code.

2009 BUDGET

Ms. Dubowick presented the 2009 Budget to the Board, noting that Mr. Beattie had been consulted throughout the process. Ms. Dubowick also both Mr. Beattie and Mr. Tiffinger for the help they provided.

The Department Summary provides a description of the functions of the Board of Health which includes assessment, assurance and policy development.

Board of Health Goals and Priorities for 2009 include continuing to serve the public, discussing feasibility of hosting a MOD POD, sending available Board members to recommended emergency preparedness classes, development of a list of medical professionals with offices in Oakland, conducting a community special needs assessment, and preparing a media blitz requesting the cooperation of special needs residents and medical professionals with emergency preparation, and reassuring residents that there is no known impending emergency. Ms. Dubowick suggested that the publicity campaign be conducted in a round-table discussion format, hosted by representatives from the County Health Department, Board of Health local emergency personnel and government officials.

Ms. Dubowick reported that calls to the county and state revealed a special needs assessment tool already exists, developed by the State OEM and Office of Homeland Security. The tool has yet to be launched in the northern part of the state, so Oakland's residents do not have access to it. Until the assessment tool is available in Bergen County, it was suggested that the information be gathered via a survey providing a jump start on the process. The survey could be distributed in Crossroads and placed on the website. Since Microsoft Excel is compatible with the state OEM's assessment tool, the data would be stored in the Excel program, stored in a secure place, and later transferred into the state's database once the state's assessment tool is launched in Bergen County. The information in the database would only be accessed in the event of an emergency and only by state, county local emergency personnel. For confidentially purposes, the State OEM tool requires individuals to set up a passcode. It also provides the option of entering information for multiple family members or other unrelated individuals.

Recognizing that the information must be kept up to date, it was suggested that the survey remain on the Borough's website for easy access.

Ms. West commented that residents might believe participating in the survey would ensure an immediate response in the event of an emergency. It was agreed that the publicity campaign would have to include a clear message that the information gathering phase is the first of several phases required in getting the system up and running. Also discussed was the importance of security.

Anticipated increases in the Operating Expenses Budget include increases discussed at the September Board meetings, i.e. to Advertising and Professional Services.

Recommendation was made to increase funding to the Child Health Conference and West Bergen Mental Health in order to address the potential for an increase in demand for services due to the economic downturn. The percentage increases in the 2008 Bergen County Contracts for Public Health and Animal Control were doubled for 2009 budgeting purposes anticipating the impact rising fuel costs will have on both contracts. The Valley Hospital Visiting Nurses Contract increased 4%.

The Salaries and Wages budget includes funding for the Board Secretary's overtime and requests funding to compensate for overtime worked at previous years' meetings, a matter pending review by the Mayor and Council.

It is anticipated that revenues in 2009 will be impacted by the downturn in the housing market, therefore, a 20% reduction in septic permit revenues is forecast.

Ms. Dubowick noted the 2009 Budget, as submitted, is a preliminary version and is subject to further change.

NEW BUSINESS

TROVATO'S DUE

Inspector McGrath reported that this new establishment opened in the former Ruga site. The establishment is purportedly owned by Ruga. The Health Department was contacted for neither a pre-opening inspection nor a new Health License and learned of the new establishment from an advertisement that appeared in the local paper. The inspection was conducted and a Health License was obtained 20 minutes prior to opening. Mr. Beattie directed Inspector McGrath to have Inspector Jernick to stay on top of this restaurant.

SEPTIC PLAN REVIEW

41 Walnut Street – Block 3312, Lot 9.01

Inspector McGrath presented this plan to the Board for review.

Motion of Ms. West, seconded by Dr. Davis, 41 Walnut Street septic plan was approved.

Roll Call: Mr. Beattie, Dr. Davis, Mr. Ostapczuk, Mr. Tiffinger, Ms. West, Ms. Wilgus – All Yes

222 Ramapo Valley Road – Block 3201, Lot 1 & Block 3306, Lot 3

Inspector McGrath presented this plan to the Board for review.

Motion of Dr. Davis, seconded by Mr. Tiffinger, 222 Ramapo Valley Road septic plan was approved.

Roll Call: Mr. Beattie, Dr. Davis, Mr. Ostapczuk, Mr. Tiffinger, Ms. West, Ms. Wilgus – All Yes

**TIE A RIBBON BREAST
CANCER AWARENESS
CAMPAIGN**

Ms. Dubowick reported that the Susan B. Koman Foundation in conjunction with the Bergen County Dept. of Health Services held a breast cancer awareness campaign in which Oakland participated by allowing pink ribbons to be tied around trees in Veterans Park. The ribbons will be removed in early November.

**POOL OPERATOR
PERMIT**

Mr. Beattie reported that American Woman has recently experienced repeat problems with their pool water and questioned whether it might be prudent to adopt an ordinance requiring commercial pool managers to obtain a permit from the Board of Health. The purpose of such a permit would be to ensure that pool operators are certified. Inspector McGrath stated that the problem was not with the pool management company but with a frequent turnover of management at the establishment. Mr. Tiffinger stated that pool operators are licensed by the state and certifications are checked when yearly pool inspections are conducted. The discussion resulted in the Board deciding to not pursue the matter any further.

**CHC – Tdap & MENINGO-
COCCAL VACCINATIONS**

Ms. Dubowick read a letter from Carol Shephard, the Public Health Nurse in charge of the Waldwick Child Health Conference where Oakland's children attend. A change in the vaccination requirements for 6th grade school admission, i.e., addition of Tdap and Meningococcal vaccinations, prompted Ms. Shephard to recommend to the Board that Oakland's uninsured 6th Grade children be permitted to attend the CHC to receive these newly required vaccinations. Ms. Dubowick informed the Board that these situations are rare, so the cost to extend coverage should be minimal. The Board discussed the matter and agreed to extend coverage to this age group and directed Ms. Dubowick to notify Ms. Shephard and the school nurse at Valley Middle School.

OTHER BUSINESS

Mr. Ostapczuk reported a safety concern brought to his attention by a resident who lives near the Borough's salt shed. Mr. Ostapczuk said the resident had witnessed children walking on top of the wall that surrounds the Borough's liquid ice melt tank. The Board agreed that a child falling from the wall into the road or between the wall and tank could be seriously hurt and directed Ms. Dubowick to send a memo to the Borough Administrator advising him of the situation and recommending that a snow fence be set up around the area.

**EDUCATIONAL
MATERIAL
ON NAIL SALONS**

The Board reviewed consumer information for patrons of nail and hair salons obtained from the State Board of Cosmetology & Hairstyling website. The Board instructed Ms. Dubowick to post the information on the Board of Health's website. Inspector McGrath noted that complaints against nail salons must be submitted to the State Board of Cosmetology and recommended that a copy of the complaint form be posted as well. The Board agreed and directed Ms. Dubowick to post same on the website.

ADJOURNMENT

Motion of Dr. Davis, seconded by Ms. West, the meeting was adjourned at 9:07 PM.

Roll Call: Mr. Beattie, Dr. Davis, Mr. Ostapczuk, Mr. Tiffinger, Ms. West, Ms. Wilgus – All Yes

APPROVED:

Ronald J. Beattie, President

ATTEST: _____
Karin Kennedy Dubowick, Secretary

DATE: _____