

# **REGULAR MEETING OF THE OAKLAND BOARD OF HEALTH**

**March 15, 2016 - 7:30 p.m.**

**Conference Room - Municipal Building, Municipal Plaza, Oakland, NJ**

## **REGULAR BUSINESS**

### **CALL TO ORDER**

Mr. Tiffinger called the meeting to order at 7:33 PM.

### **ROLL CALL**

All Yeas - Ms. Ashkenazi, Mr. Ashkenazi, Mr. Pignatelli, Mr. Talucci, Mr. Tiffinger, Ms. West

### **ABSENT MEMBERS**

Mr. Ostapczuk was absent due to a work commitment.

On motion of Mr. Pignatelli, seconded by Mr. Talucci, Mr. Ostapczuk's absence was excused.

Roll Call: All Yeas - Ms. Ashkenazi, Mr. Ashkenazi, Mr. Pignatelli, Mr. Talucci, Mr. Tiffinger, Ms. West

### **OTHERS PRESENT**

Thomas J. Romans, Esq. and REHS Kristin Caperino

### **MEETING ANNOUNCEMENT**

Mr. Tiffinger announced 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 February minutes.

On motion of Ms. West, seconded by Mr. Mr. Pignatelli, the minutes were approved.

Roll Call: All Yeas – Ms. Ashkenazi, Mr. Ashkenazi, Mr. Pignatelli, Mr. Talucci, Mr. Tiffinger, Ms. West

### **REVIEW REPORTS**

The Board reviewed the following reports:

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

On motion of Ms. West, seconded by Ms. Ashkenazi, the reports were accepted.

Roll Call: All Yeas – Ms. Ashkenazi, Mr. Ashkenazi, Mr. Pignatelli, Mr. Talucci, Mr. Tiffinger, Ms. West

### **PAYMENT OF BILLS**

The Board reviewed the following bills:

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On motion of Mr. Pignatelli, seconded Mrs. West, the Board approved the following bills for payment:

<b>1/13/2016 – Borough of Waldwick</b> (Annual Administrative Service Fee for CHC Services)	<b>\$ 600.00</b>
<b>2/31/2016 – TYCO Animal Control</b> (Monthly Animal Control Services for February, per 2016 Contract)	<b>\$1,250.00</b>
<b>2/31/2016 – TYCO Animal Control</b> (Emergency Calls – two - for February, per 2016 Contract)	<b>\$ 120.00</b>
<b>3/1/2016 – North Jersey Media Group</b> (Publish Ordinance #16-Code-92 in The Record)	<b>\$ 161.08</b>
<b>3/15/2016 – Thomas J. Romans, Esq.</b> (For professional services rendered during March, per 2016 Contract)	<b>\$ 221.92</b>

Roll Call: All Yeas – Ms. Ashkenazi, Mr. Ashkenazi, Mr. Pignatelli, Mr. Talucci, Mr. Tiffinger, Ms. West

### **NEW BUSINESS**

#### **YUKI JAPANESE RESTAURANT**

Prior to the owner of this establishment coming before the Board, Inspector Caperino was asked to provide a summary of what had transpired. Inspector Caperino said she went to the establishment in February. They had just opened for the day, but one of the kitchen prep workers was already cutting up tomatoes and wasn't wearing gloves. When asked what she was going to do with the tomatoes, the worker refused to give a straight answer. She finally admitted she was making a salad. Inspector Caperino informed her that when handling ready-to-eat food, gloves must be worn. Also, raw meats and chicken were stored all over the refrigerator. When the worker was asked about the out-of-temperature sauce that was in hot holding, Inspector Caperino received the same kind of response. There were open bags of flour sitting out with nothing protecting them from bugs that could enter through the back door that was left open. In checking the sushi station, Inspector Caperino opened the rice cooker and found it contained rice left over from the night before. The owner was informed the rice must be discarded each night before closing. A bowl of frozen fish was sitting out at room temperature. When Inspector Caperino asked if it was being defrosted, the worker replied that it. Inspector Caperino replied it was being defrosted improperly. The worker then changed her mind and said it was not being defrosted.

Inspector Caperino returned to the establishment for a reinspection on Monday, March 14<sup>th</sup>. The hand washing sink was blocked and there was no soap. There were neither log sheets nor a bound book for logging temperatures of the sushi rice during this inspection. They only had log sheets at the February inspection and Inspector Caperino had advised the owner that he must have a bound log book to record sushi temperature. She said the books are available at Staples. At the March inspection, the owner advised he could not find the books. There was no spot sanitizer set up. When it was set up, there were no wiping cloths. When asked to demonstrate how they clean surfaces, he used a dry paper towel. The owner was advised the procedure was incorrect and he must use spot sanitizer. Inspector Caperino said the owner then gave him a hard time. Once again, the flour was improperly stored and items were being stored on the floor of the walk-in box. Raw chicken was still improperly stored all throughout the refrigerator. There was a sponge in the sushi station hand-washing sink and the fish was once again being improperly defrosted.

Ms. West asked Inspector Caperino how many times the establishment has been conditional. Inspector Caperino said this was the third Conditional, but one of the Conditional's was a reinspection. Inspector Caperino continued with her

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summary. She said knives that were being stored had food debris on them. Mr. Talucci asked about the proper procedure for thawing fish which was explained. Proper sauce cooling was also discussed. Mr. Pignatelli spoke about an incident that had occurred at a business where a 50-gallon pot of sauce that had been cooking on the stove was placed in the walk-in refrigerator to cool. While the top of the sauce was cool, the internal temperature was between 70 and 90 degrees which caused bacteria to grow. The sauce ended up getting over 120 people sick.

Mr. Ashkenazi asked what the Board's options are at this point and Mr. Pignatelli explained the procedure for a hearing to close the establishment. Inspector Caperino said all of the same violations found at the establishment in February were found again, and then some. Inspector Caperino said she has consulted with her supervisor about issuing summonses. Mr. Tiffinger and Mr. Romans said the hearing should not take place until after the court appearance for the summonses.

Mr. Talucci asked if the Health Department should be notified when the business is turned over from one person to another. Inspector Caperino said yes, but the owner of this establishment failed to do so. The owner just changed the sign on the front of the establishment one night which is how the change in ownership was discovered. They were also operating without a license. Mr. Pignatelli said he believed a Certificate of Occupancy must be obtained from the Building Department. Ms. Dubowick said anytime an establishment changes ownership, a Continuing Certificate of Occupancy must be obtained. Mr. Pignatelli said the Building Department should be notified. Inspector Caperino said no construction was done inside, but there was change in name and ownership. The establishment is currently licensed.

The owner of the establishment entered the meeting. Mr. Tiffinger asked him to state his name and home address for the record. Mr. Kwok Tun Cheng said he resides at 210 Fondiller Street, Rivervale, New Jersey.

Mr. Tiffinger stated Mr. Cheng was summoned to appear before the Board due to receiving two Conditionally Satisfactory ratings within a 12-month period, on September 11, 2015 and again on February 29, 2016 which is unacceptable. Mr. Pignatelli explained to Mr. Cheng that he must follow the state sanitary laws. Two inspections were done, one in February and again in March, when it was worse, nothing was corrected. Mr. Pignatelli said the Board is going to listen to Mr. Cheng tonight and find out why the violations occurred, make sure he corrects them and then decide whether to let Mr. Cheng stay in Oakland because the Board of Health issues the license and can take it back. Mr. Pignatelli said the Board only takes it back when a restaurant has two Conditionally Satisfactory Ratings within six months and the Board feels the owner is not cooperating to make sure everything is good. Furthermore, he said, the inspector explained to the Board what was wrong when she did her inspection. She found improper defrosting, improper hand washing, sauce out of temperature, no soap for hand washing, there was no log for the sushi rice and there was no spot sanitizer, either chemical or bleach and water. Mr. Pignatelli asked Mr. Cheng if he had a Food Manager's Certificate to which Mr. Cheng replied, "Yes". Additionally, flour bags were improperly stored and raw chicken was improperly stored throughout the walk-in box, fish was being improperly defrosted and knives were improperly sanitized. There were other things, said Mr. Pignatelli, but these were the major things.

Mr. Pignatelli asked why these things had not been corrected by the time the Inspector returned for her reinspection. Mr. Cheng said his restaurant is new and different people come to inspect and employees people quit. He said he went to the class two times and he knows what to do. He said he would listen and writes in the log all the time. Mr. Tiffinger said he is responsible for what happens in his establishment and Mr. Pignatelli said he must be sure everything is done the right way because his employees are not certified, only he is. Mr. Cheng has to look at what they do and teach them. Mr. Cheng said the first time the inspector came to his restaurant he had just opened. Mr. Pignatelli said Mr. Cheng opened the business without a license. Mr. Cheng said he opened the business and was not ready yet for Inspector Caperino and when it is busy it's hard. Ms. Ashkenazi asked if he expected customers to come in when he opened the business and Mr. Cheng said he did. Ms. Ashkenazi said if he was open for business he should have been ready from the minute the door was open, not because Inspector Caperino walked in. Mr. Talucci asked Mr. Cheng to explain the right way to defrost fish and Mr. Cheng correctly described the procedure. Mr. Cheng said someone took the fish out of the walk-in box and left it out.

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Mr. Pignatelli asked Mr. Cheng if he knew how serious this is and said the Board could take his license away. Mr. Cheng said he would be careful. Mr. Pignatelli said the Board doesn't want people to get sick or to sue Mr. Cheng. Mr. Cheng said he understands. Mr. Tiffinger reiterated that Mr. Cheng is the responsible party and must make sure the workers are doing everything the right way. Mr. Cheng said his wife has the Food Handler's Certificate. Mr. Cheng laughed and said he doesn't want to lose business or money. Mr. Pignatelli said this is not funny and when Mr. Cheng gives the inspector a hard time, he is also giving the Board of Health a hard time. Ms. Ashkenazi said Mr. Cheng must listen to Inspector Caperino, that if he has any questions she is there to teach him, so he must do as she says. Mr. Pignatelli told Mr. Cheng the Board would give him a break until his reinspection in two weeks. However, if there are violations at his next inspection he would receive summonses and have to go to court. After he goes to court, there will be a hearing to take his license away.

Mr. Talucci asked Mr. Cheng what kind of sanitizer he uses, bleach and water or chemicals. He spoke about how bleach concentrations have changed and they are much stronger now. Mr. Cheng said he has test strips to test the bleach and water and he understands now.

Mr. Pignatelli told Mr. Cheng the inspector will be there in two weeks and he'd better be ready. The Board thanked Mr. Cheng for coming to the meeting.

### **UNFINISHED BUSINESS**

#### **ADOPT AMENDMENT TO SEPTIC AND SPECIAL FEES ORDINANCE, #16-CODE-92**

Mr. Tiffinger directed Ms. Dubowick to take Ordinance #16-CODE-92 from the table and read same for final reading:

**“AN ORDINANCE OF THE BOARD OF HEALTH, BOROUGH OF OAKLAND, NEW JERSEY FOR AN INCREASE IN FEES UNDER SECTION BH:6-11 (FEES RELATING TO INDIVIDUAL SEWAGE DISPOSAL SYSTEMS) AND SECTION BH:15-2 (SPECIAL REVIEW FEES), AND TO PROVIDE FOR ADDITIONAL FEES RELATING TO ALTERNATIVE TREATMENT UNITS**

BE IT RESOLVED THAT AN ORDINANCE ENTITLED “AN ORDINANCE OF THE BOARD OF HEALTH, BOROUGH OF OAKLAND, NEW JERSEY FOR AN INCREASE IN FEES UNDER SECTION:6-11 (FEES RELATING TO INDIVIDUAL SEWAGE DISPOSAL SYSTEMS) AND SECTION BH:15-2 (SPECIAL REVIEW FEES), AND TO PROVIDE FOR ADDITIONAL FEES RELATING TO ALTERNATIVE TREATMENT UNITS” introduced February 16, 2016, pass final reading, and that said Ordinance be adopted as an Ordinance of the Board of Health of the Borough of Oakland.

BE IT FURTHER RESOLVED that the Secretary of the Board of Health is hereby directed to cause said Ordinance to be published in The Record in the manner provided by Law.

On motion of Mr. Pignatelli, seconded by Ms. Ashkenazi, Ordinance #16-CODE-92 passed final reading and was adopted by the Board.

Roll Call: Ms. Ashkenazi, Mr. Ashkenazi, Mr. Pignatelli, Mr. Talucci, Mr. Tiffinger, Ms. West

### **ANY OTHER BUSINESS**

Mr. Tiffinger stated he had received copies of West Bergen Mental Health's Annual Report and offered them to the other Board members to review. An application to join the National Association of Local Boards of Health had also been received and it was agreed there was no benefit in joining.

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**UPDATE ON THE WELLNESS CAMPAIGN**

It was reported that plans for the Wellness Challenge are proceeding. Qigong and Meditation/Focusing have been added in order to include activities that support the mental health aspect of healthy living.

The program is scheduled for April 11<sup>th</sup> through June 17<sup>th</sup>, and the kick-off is tentatively scheduled for Monday, April 18<sup>th</sup> at the Senior Center.

**ADJOURNMENT**

On motion of, Mr. Pignatelli, seconded by Mr. Talucci, the meeting was adjourned at 8:42 PM.

Roll Call: All Yeas – Ms. Ashkenazi, Mr. Ashkenazi, Mr. Pignatelli, Mr. Talucci, Mr. Tiffinger, Ms. West.

APPROVED:

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Stephen C. Tiffinger, President

ATTEST: \_\_\_\_\_  
Karin Kennedy Dubowick, Secretary

DATE: \_\_\_\_\_