

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

**April 16, 2014 - 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 7:32 PM.

Roll Call: Ms. Blanco, Dr. Danko, Mr. Ostapczuk, Mr. Talucci, Mr. Tiffinger, Ms. West

### **ABSENT MEMBERS**

Ms. Wilgus called to report that she would be late to the meeting.

### **OTHERS PRESENT**

Thomas J. Romans, Esq., Sr. R.E.H.S. Deborah McGrath

### **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 March minutes. Mr. Talucci noted that he is listed as introducing the motion to approve the February's minutes but he was not at the meeting. This error will be corrected.

On motion of Mr. Ostapczuk, seconded by Ms. Blanco, the minutes were approved, as amended.

Roll Call: All Yeas – Ms. Blanco, Dr. Danko, Mr. Ostapczuk, Mr. Tiffinger, Ms. West. Mr. Talucci abstained.

### **REVIEW REPORTS**

The Board reviewed the following reports:

- Sanitarian's (REHS') Report – March
- Secretary's/Registrar's Report – March
- Tyco Animal Control Report – March
- BCDHS Public Health Nursing Activity Report – March
- Tyco 2013 Year-End Report / Kennel/Pound Report

7:44 – Ms. Wilgus entered the meeting.

7:46 – Council Liaison Pignatelli entered the meeting.

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

Roll Call: All Yeas – Ms. Blanco, Dr. Danko, Mr. Ostapczuk, Mr. Talucci, Mr. Tiffinger, Ms. West, Ms. Wilgus

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### **PAYMENT OF BILLS**

The Board reviewed the following bills:

3/12/2014 – Borough of Waldwick (Yearly Administrative Fee for CHC Services, per Inter-local Agreement)	\$ 125.00
3/31/2014 – Tyco Animal Control (March Animal Control services, per contract)	\$ 1,200.00
3/31/2014 – Tyco Animal Control (March Animal Control Emergency Calls – 4 @ \$60 ea.)	\$ 240.00
3/31/2014 – Coded Systems, LLC (Codify 2012 & 2013 Ordinances)	\$ 800.00
4/4/2014 – Bergen County Dept. of Health Services (Public Health Services provided under contract during 1 <sup>st</sup> half 2014)	\$52,644.78
4/9/2014 – Registrar’s Association of NJ (2014 Dues)	\$ 25.00
4/16/2014 – Thomas J. Romans, Esq. (For professional services rendered in April)	\$ 212.50

On motion of Mr. Ostapczuk, seconded by Ms. Blanco, the Board approved the bills for payment.

Roll Call: All Yeas –Ms. Blanco, Dr. Danko, Mr. Ostapczuk, Mr. Talucci, Mr. Tiffinger, Ms. West, Ms. Wilgus

### **UNFINISHED BUSINESS**

No unfinished business to report.

### **NEW BUSINESS**

#### **72 HIAWATHA BOULEVARD**

Inspector McGrath reported that the Mayor received a complaint this week from Mr. Reich, the former owner of 72 Hiawatha Blvd. Inspector McGrath said she has been dealing with Mr. Reich for the past six months.

When Mr. Reich was selling his home at 72 Hiawatha Boulevard in the fall, an inspection of the septic system was done which revealed there was an inactive septic tank on the property that needed to be filled in. This tank should have been filled during the 2002 septic installation that was done just prior to Mr. Reich taking ownership of the home. Mr. Reich feels it is not his responsibility to pay for this work.

When the engineer drew up the plans for the system installed in 2002, he showed the existing system, a tank and a pit, as they were drawn on the proposed plans submitted to the Health Department when the house was built. Health Department records also showed a deck that had been added after the house was built, which the design engineer included in the footprint of the house drawn on the plan. What neither the Health Department nor the design engineer was aware of at the time is that an unknown owner prior to Mr. Reich installed a new septic tank without a permit, connected it to the existing pit. The original tank was never abandoned. As a result, there was no record of the illegally installed tank in the Health Department’s records. Also not in the

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records was a drawing of the deck and spa, built without permits by the owner from which Mr. Reich purchased the house. Therefore, neither the tank nor the deck and spa, all installed without permits, appeared on the engineer's 2002 septic design plans.

Inspector McGrath said there is a note in the file, addressed to the Fire Inspector, from the homeowner prior to Mr. Reich. In the letter, the homeowner acknowledges a conversation he had with Inspector Vanacore when the test holes were dug. The conversation was about the existence of an inactive grey water tank under the deck and spa he built (without a permit). In the letter, the homeowner took responsibility for the tank "under the deck" and for filling it in when the new septic system is installed. Contrary to what he wrote in the letter, the homeowner never told the installer about the existence of this tank. He only told the contractor about the active tank that was located under the old deck that appeared on the design plan. The installer filled in this tank during the septic installation, as well as the pit. Had inspector Vanacore inspected the installation of the system, she would have known about the second tank that needed to be abandoned. Another inspector who had no knowledge of its existence inspected the system, so it was never abandoned.

Mr. Reich feels he is not responsible for paying to abandon the second tank because the tank should have been abandoned when the new septic system was installed in 2002, prior to his purchase of the house. He also feels the covering inspector did not do due diligence.

When this situation came to light last fall, Inspector McGrath attempted to help Mr. Reich by contacting Tom Buske, the contractor who installed the septic system in 2002. Mr. Buske was working on the new DPW building project in town. Since he was working close by, he agreed to fill in the tank for free as a good-will gesture. Mr. Reich had an eye infection at the time and did not want the work done while he was living in the house. Over six months have passed and Mr. Buske is no longer working in town.

When Mr. Reich sold his house last fall, he put \$1,000 in escrow to cover the cost of abandoning the second tank. To date, the work has not been done. Inspector McGrath recently sent the new homeowner a letter stating the tank must be abandoned. Mr. Reich wants his money back if the current homeowner is not going to do the work.

Councilman Pignatelli said our review is to ensure plan conformance with state law. The permit is issued predicated on our review, not on the installation. The design engineer whose seal is on the plan and the installer are responsible for the installation.

Inspector McGrath reported that she made some calls and found the cost for the work is estimated at \$800 to \$1,000. The Board agreed that the new homeowner must hire a contractor to fill in the tank. The funds in escrow will cover the cost of the work. Any balance would be returned to Mr. Reich. It was also agreed that it was not the town's responsibility to pay for the work. Mr. Romans said it is strictly a private dispute.

### **ANY OTHER BUSINESS**

It was reported that another employee from Fuji had been certified in Food Management. There are now four certified Food Managers at this establishment.

Inspector Caperino inspected the complainants' yards on River Road after the snow had melted. The dog feces had been cleaned up, but the remains of the deer carcass were still there. As a result, a summons was issued to the resident that had not disposed of the deer carcass. Court is scheduled for May 1<sup>st</sup>. A subsequent inspection made by Inspector Caperino revealed that the carcass had been removed.

### **ADJOURNMENT**

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On motion of, Mr. Ostapczuk, seconded by Ms. Blanco, the meeting was adjourned at 8:14 PM.

Roll Call: All Yeas – Ms. Blanco, Dr. Danko, Mr. Ostapczuk, Mr. Tiffinger, Ms. West, Ms. Wilgus

APPROVED:

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Stephen C. Tiffinger, President

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

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