

REGULAR MEETING OF THE OAKLAND BOARD OF HEALTH

April 17, 2018 - 7:30 p.m.

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

REGULAR BUSINESS

CALL TO ORDER

Mr. LaForgia called the meeting to order at 7:31 PM.

Roll Call: Ms. Ashkenazi, Mr. Ashkenazi, Mr. LaForgia, Mr. Provenziale, Mr. Talucci, Ms. West

Others Present

Thomas J. Romans, Esq., Senior REHS Kristin Caperino, REHS Steven Salerno

MEETING ANNOUNCEMENT

Mr. LaForgia read the 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.

ADOPTION OF MINUTES

The Board reviewed the March minutes.

Ms. Ashkenazi noted an error in the minutes. She said she asked if anyone had been “fired”, not “hired”. Ms. Dubowick made the correction.

On motion of Mr. Ashkenazi, seconded by Ms. Ashkenazi, the March minutes were adopted, as amended.

Roll Call: All Yeas – Ms. Ashkenazi, Mr. Ashkenazi, Mr. LaForgia, Mr. Provenziale, Mr. Talucci, Ms. West.

REVIEW REPORTS

The Board reviewed the following reports:

- BCDHS Public Health Nursing Activity Report & CDRSS Report – March
- REHS’ Monthly Report & Summaries – March
- Tyco Animal Control Report – March
- 2017 Tyco Animal Control Annual Report
- Secretary’s/Registrar’s Report – March

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

Roll Call: All Yeas – Ms. Ashkenazi, Mr. Ashkenazi, Mr. LaForgia, Mr. Provenziale, Mr. Talucci, Ms. West

PAYMENT OF BILLS

The Board reviewed the following bills:

2017

3/19/2018 – Borough of Waldwick

\$ 40.00

(Two children seen for immunizations only at Nov. ’17 CHC)

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2018

4/01/2018 – Tyco Animal Control (March 2018 Animal Control Services)	\$1,275.00
4/01/2018 – Tyco Animal Control (March 2018 Emergency Responses - One)	\$ 60.00
3/31/2018 – Thomas J. Romans, Esq. (For additional professional services provided during March)	\$ 435.00
4/17/2018 – Thomas J. Romans, Esq. (For professional services provided during April)	\$ 243.75

On motion of Ms. West, seconded Mr. LaForgia, the Board approved the bills for payment.

Roll Call: All Yeas – Ms. Ashkenazi, Mr. Ashkenazi, Mr. LaForgia, Mr. Provenziale, Mr. Talucci, Ms. West

The Board decided to have Inspector Caperino review Café L'Amore's violations prior to opening the meeting to the public. Café L'Amore appeared before the Board in January for receiving two Conditional ratings in 2017. The restaurant was cited for temperature and hand washing issues, not keeping shellfish tags. In March, Inspector Caperino brought Inspector Salerno to the establishment to conduct an inspection. Inspector Salerno said the establishment set a record for the number of critical violations it was cited for, i.e. 11 out of a possible 20 violations. When Inspectors Salerno and Caperino entered the establishment's kitchen, two people were immediately observed violating the code. The owner was touching ready-to-eat food with his bare hands but washed them afterward. Then an employee switched tasks without washing his hands in between. Inspector Caperino said the owner was quite argumentative. There were problems in the walk-in box and tomato sauce probed at 60°F was being reheated on the steam table. The owner was plating chicken that was going to be served to a customer. The internal temperature of the chicken was 135°F and proper temperature for cooked poultry is 165°F. The owner had no thin-probe thermometer on hand to check temperatures. Inspector Caperino said, back in December and when the owner of the establishment appeared before the Board in January, he was told he must have Food Course Certificates on site. Once again, the certificates were not on site. Since different inspectors conduct the inspections and must confirm the proper number of certified food handlers and managers are present, the certificates must be kept on site.

In response to Mr. Romans' question about whether the establishment is getting better or worse, Inspector Caperino said it's getting worse. Inspector Caperino spoke about a potential food-borne illness outbreak reported at the restaurant on New Year's Eve about a year and a half after she started working for the County. Two people reported becoming sick after eating at the establishment. Stool samples had not been taken, so the source of the illness could not be confirmed and, therefore, the incident was considered a complaint requiring an investigation. The two people who became ill had both eaten pasta, tomato sauce, water and bread. Neither had eaten any meat. Upon entering the establishment to investigate, Inspector Caperino said she observed employees handling bread with their bare hands, so a Conditional rating was issued.

Going back to the most recent inspection, Inspector Caperino, said the owner did not know if his dish machine sanitized using heat or chemicals. Inspector Salerno said the owner also had a difficult time preparing the sanitizing solution to sanitize surfaces. He said, if the solution is too strong, it would be considered chemical contamination because of the high concentration of bleach in the solution. Inspector Caperino explained the easiest way to prepare the solution is to mark a water line in a bucket and add measured amounts of bleach until the proper solution is reached. Once the correct amount of bleach is determined, preparing the solution should become second nature.

Inspector Salerno said they took temperatures of two different items, the garlic and oil mixture, was found at 61°F, and cut deli meats, were found at 56°F, both of which were voluntarily discarded. Inspector Caperino said keeping garlic and oil at the proper temperature is important because of botulism.

MEETING OPENED TO THE PUBLIC

On motion of Mr. Talucci, seconded by Mr. Provenzale, the meeting was opened to the public.

Roll Call: All Yeas - Ms. Ashkenazi, Mr. Ashkenazi, Mr. LaForgia, Mr. Provenzale, Mr. Talucci, Ms. West

NORMAL ORDER OF BUSINESS SUSPENDED

On motion of Ms. Ashkenazi, seconded by Ms. West, the normal order of business was suspended to address Café L'Amore under New Business.

Roll Call: All Yeas – Ms. Ashkenazi, Mr. Ashkenazi, Mr. LaForgia, Mr. Provenzale, Mr. Talucci, Ms. West

UNFINISHED BUSINESS

LENAPE VALLEY DINER

Mr. LaForgia asked everyone to state their names and addresses for the record.

Mr. John Conte, Jr., Esq., of Meyerson Fox, Mancinelli & Conte, 1 Paragon Drive, Montvale, NJ, on behalf of the Lenape Valley Grill

Mr. Antonio Sanches, REHS Retired, 140 Westover Avenue, West Caldwell, NJ

Mr. John Nissirios, owner of Lenape Valley Diner, 176 Ramapo Valley Road, Oakland, NJ

Mr. Constantine Stamatelatos, 724 Mountain Avenue, Wyckoff

Mr. Romans asked Mr. Sanches if he held any public position. Mr. Sanches said he is retired. Mr. LaForgia said Mr. Nissirios was called before the Board again to discuss the most recent review of his establishment when another Conditional rating was issued. Inspector Steven Salerno reviewed the result of the April 3rd inspection.

Mr. Salerno said he asked the new Food Manager, Mr. Kyriakos Mamarianos, some questions about food safety. He said he had a ServSafe Food Manager's Certificate and produced a copy. Mr. Salerno asked Mr. Mamarianos about the proper stacking procedure in a refrigeration unit and posed the question in several different ways. Mr. Mamarianos said ready-to-eat food should be below chicken, which was alarming to Mr. Salerno. An employee was observed adjusting spot sanitizer at the hand-wash sink, a critical violation because it can contaminate the hand-wash sink. The hand-wash sink is only supposed to be used for hand washing, thus the sink was being contaminated. Raw shelled eggs were observed over ready-to-eat tortillas in a small refrigerator in the cook line. The manager said he did not want to have to reach down to the bottom to get the eggs. That was corrected on site. Mr. Salerno observed raw chicken juice actively dripping onto ready-to-eat chocolate chips and sprinkles which were voluntarily discarded. Active contamination could cause salmonella on the ready-to-eat foods. Inspector Salerno said if someone had asked for sprinkles on an ice cream, they would have consumed raw chicken juice, as well. Employee beverages were observed in a food prep area. Mr. Salerno said hand-to-mouth contact is restricted as much as possible because there is a chance the hands may be contaminated with saliva in the process. Spot sanitizers across the line were double the concentration they should have been. At the beginning of the inspection, at about 9:45 AM, Mr. Salerno observed a flat of raw shelled eggs sitting out. At about 12:30, the raw shelled eggs were still sitting out. The inspection was done on a Tuesday and it was a slow day. Mr. Salerno said he probed an egg and found it at 69°F, a temperature at which salmonella will grow exponentially. This is very hazardous because if a customer orders eggs that are sunny-side up, poached, soft-boiled or undercooked, the customer will be exposed to salmonella.

Mr. LaForgia said the Board had been hearing about similar violations for a number of months, going back to December 2017. In the last fourteen months there had been eight inspections with Conditional ratings. He

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noted from color-coded copies of the inspection reports that three key areas of violations have occurred during that time period, contamination from hands, protecting food from contamination and time and temperature controls. Mr. LaForgia said his main concern was that the last inspection seemed to be worse than the prior ones and that some of the violations were pretty egregious, especially the chicken. Though the Board had met previously with Mr. Conte and the others present from Lenape Valley Diner, the situation does not seem to be getting better which was of serious concern to Mr. LaForgia. Mr. Conte agreed.

Mr. Romans said he went over the exhibits from the December 19th hearing, and the agreement that was entered into was that if there was another Conditional it would subject the license not to be renewed. Between August of 2014 and April of 2018 there were 11 Conditional inspections and five Satisfactory inspections. Mr. Romans said he wanted to ask Inspector Caperino about the Satisfactory one on March 19, 2015. Inspector Caperino said she had been there prior to that and the inspection was done by an inspector by the name of Rebecca and her supervisor at the time, Inspector Joe Gautier. Mr. Romans said the March 19, 2015 inspection resulted in a Satisfactory but there were “outs” and asked about Violation #13, “separation of raw meats and raw eggs”. Inspector Caperino said the inspection was a follow up to her March 17th inspection when they were made Conditional. On March 19th, they were trying to get the establishment to Satisfactory and they could have “outs”. According to the code it could make them Conditional, but they were better. Inspector Gautier decided to make them Satisfactory because another inspection would be done before the end of the year. Mr. Romans said there were other violations, too, during that inspection. Mr. Conte said they would stipulate to what the reports said, that the reports were painstakingly reviewed at the December 19th 2017 hearing and reviewed again a month ago. Mr. Romans asked Inspector Caperino to look at the August 9, 2017 report, another Satisfactory on re-inspection. Inspector Caperino said after numerous inspections and Conditionals, though there were still critical violations, they were better than they were. Since the inspectors would be returning again before the end of the year Inspector Vanacore decided they should be issued a Satisfactory. Mr. Romans said he was going through the reports that were Satisfactory. Mr. Romans asked about another inspection on February 8, 2016 and asked if it was another Satisfactory. Inspector Caperino said the inspection was done by Lauren and there were three critical violations. Again, there was improvement but they still had criticals out. Mr. Romans asked about another Satisfactory re-inspection done on October 23, 2015. Inspector Caperino said the inspection was done by Inspector Debbie McGrath. Mr. Romans said that again it could have been a Conditional but it was not. Inspector Caperino said the eggs at the Baine Marie were reading at 60°. Mr. Romans said out of the 16 inspections that were done between August 2014 to April 2018, 11 were found Conditional but all 16 could have been Conditional. Mr. LaForgia said that the point is while the inspectors let Mr. Nissirios remain Satisfactory, there were issues with each one of the inspections. Ms. West asked if there had ever been an inspection that had not been preceded by a Conditional. Inspector Caperino responded, “No.”. Mr. Romans mentioned one case, but Inspector Caperino clarified that that it was not, in fact, because a spot check had been done prior to that due to a change in inspection procedures where instead of two Chapter 24 inspections being done each year, only one would be done and a spot check. If there were violations at the spot check, then another Chapter 24 would be done.

Mr. LaForgia said the Board needed to take some type of action. Mr. Conte said when he was at the meeting a month ago he was relatively new to the matter and suggested his client employ a consultant. He said it was not like hiring a lawyer where there are a thousand in the industry. He said there are not many consultants in the area and his client hired Antonio Sanchez who has 25 years of experience as an inspector and he was there after the last inspection. He actually did his own inspection and was there twice the previous week and once that week. Mr. Conte said that was the intention, to bring him in as an inspector and he had enlightened some of the employees. They may have certifications but there had been other things they misinterpreted or didn't understand and that was his in-house role, to go through everything and do an inspection and explain why things may lead to a Conditional. That was the reason Mr. Conte brought Mr. Sanches to the meeting. Mr. Conte said he hoped Mr. Sanches or someone like him could have been at restaurant the day after the meeting and his client worked diligently to hire someone. In addition to all the license and court fees Mr. Nissirios

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had paid, Mr. Conte said he was now paying to have Mr. Sanches there because his client wants to keep the restaurant open. Mr. Conte asked for the Board's indulgence and to let Mr. Sanches explain what he had done since being hired. Mr. Romans said the Board would stay as long as was needed and Mr. La Forgia agreed.

Mr. Sanches said he started working in a restaurant at the age of 14 and had 27 years of experience working in the health department, and his REHS license has been maintained since he retired. Mr. Sanches said he did an assessment as soon as he arrived at the restaurant. When he saw things he didn't like, he said he corrected them and took photos, as well. He said he had John Nissirios drop off a letter requesting time as a public health control, that according to the public health code, eggs and butter could be left out for four hours. Inspector Caperino said she had received the letter which was reviewed by Tom Longo and her supervisor. They felt it wasn't necessary and they had the power to approve or deny the request. Inspector Caperino explained that time as a public health standard is something granted to an establishment that can be trusted to time stamp when the food was taken out and keep track of how long it was left out. It can also be rescinded. The letter received was requesting butter and bacon to be left out, neither of which were an issue in the restaurant. The issue with eggs being left out goes back to when Inspector McGrath was conducting inspections. She said there is a refrigerator right there. Since the establishment had been Conditional, time as a public health control is not necessary because refrigeration is accessible. Mr. Sanches asked if that was in Title 24. Inspector Caperino said they are the Health authority that would grant approval. Mr. LaForgia said they could give it to them in good faith but the establishment hasn't shown a level of trust. Inspector Caperino also indicated the request was for those food items "and other foods". Mr. LaForgia said it had to be very, very specific.

Mr. Talucci said Mr. Sanches went in and did his own inspection and asked if he reviewed all the violations first. Mr. Sanches said he reviewed only the last inspection report because most of the violations were corrected on site.

Mr. Sanches said he went over washing hands and wearing gloves and everyone seemed to be on board with that now. He had them do cooling logs so food can be properly cooled. The temperature has to come down from 135° to 70° in two hours and 70° to 41° in the remaining four hours. So he had them take a form and start filling out times to be sure they were reaching all of the benchmarks. He said they are keeping the clam tags which are coming in frozen. When the last clam comes out of the bag, the tag gets dated and placed someplace. He's having them do refrigeration logs, checking them three times a day to make temperatures are what they should be, below 41°. All cold holding was below 41° and all hot holding was above 135°. He said the exterminator comes in twice a month as a precautionary basis. Frozen foods are kept hard and they do have thin probe thermometers which they didn't have at the inspection. He said they have chlorine test strips to check the chlorine in the sanitizer. The hot temperature dishwasher is working fine, all the refrigeration units were fine. He said if it was his establishment he would be giving it a Satisfactory at that time, in his opinion. Mr. Sanches said he was there from 9:30 -10:00 that morning and was expecting an inspector to do an inspection prior to the Board meeting.

Ms. West said another part of the plan was to hire a new food manager which was done and he had a certificate but when the inspector went in she found he did not have the basics. The chicken was dripping on food, food was not stored properly and the eggs were not at the proper temperature. She asked if he was working out. Mr. Conte said he is working out now that Mr. Sanches is there. Ms. West said he didn't come with the knowledge Mr. Nissirios had hoped he would have. Mr. Sanches said he teaches ServSafe and he does have the knowledge. He said he touched upon the things covered in the eight-hour course and was drilling temperatures into them. Ms. West said though they took the course they didn't have the knowledge. Mr. LaForgia said they were not demonstrating the knowledge. Ms. Ashkenazi said he was supposed to be the person hired because he was the expert with 25 years' experience and they still failed the inspection. Mr. Conte said Ms. Ashkenazi was right. Ms. Ashkenazi added that the new manager was surprised when he heard chicken couldn't be dripping over sprinkles. She said she did not have a food license and knew that was

not a good thing and now an expert is needed to help the expert. Mr. Conte said that's what he suggested at the meeting even though he was new at the time. This was the first that he suggested it. Ms. Ashkenazi said previously the Board had granted him another month's extension so the new manager could come in because he had the experience and the knowledge. Mr. Nissirios said he was an outside manager. Inside the kitchen he knew everything. He went to the school, he worked 27 years, worked for the Pompton Queen and a lot of places and he worked for him for three months. Mr. Ashkenazi asked Mr. Nissirios if he accepted the last report as it's written. Mr. Conte said they don't have a lot of choice in it. Again, Mr. Ashkenazi asked if he accepted what is documented as correct or did he contest it. Mr. Conte said he certainly contested it and they are not at the meeting to challenge Ms. Caperino. He was there because an inspection was done and he needed to be sure that what his client was doing was being done right which is what he had done. Mr. Conte said he did not want to go through line by line. The problem was some of the testimony stated that evening that a particular violation could cause a problem and with the spot sanitizer. Mr. Conte said if they were in trial he could challenge under cross examination and be dealing with all of that. He said even though it's his role it is not his intention to come before the Board and discredit anyone. It was his intention to become a part of the solution not a part of the problem. To a great extent, he said, that was what happened. Mr. Conte said he would have liked to have had Mr. Sanches there before April 6th so what happened didn't happen, but he just couldn't do it. For whatever reason whether the people who were hired there have a great idea of the procedure or not, he had no idea because he is an attorney. He knew if he brought someone in who does the inspections like the Board of Health does that he would know what the issues were. He suggested it and the Board thought favorably of it and his client spent the money to make sure that happened. So he said his client does not accept it and objects to it.

Mr. LaForgia said he tended to agree with Mr. Conte, that he did not have a lot of time to get someone. He said he thought the Board knew he wasn't going to get someone the next day. It just wasn't realistic. So he does have someone now and wanted to know more about how many hours he is spending. He would also like to see a real written report of what has been identified, based on the violations, and what they are doing in the facility to show exactly what is being done in the facility to correct the violations. Mr. LaForgia said he went through the process with the healthcare institution he's a part of and, when there are findings, they have to produce a corrective action plan. That's what he wanted to see from the establishment, the corrective action being taken in each of the areas and issues, so the Board would know what they are intending to do and the inspectors can say we know this is what you were going to do but we're not observing it. What that would mean is that they could not operate the establishment correctly after they told the Board what they could do. Mr. LaForgia asked if that was fair. Mr. Conte said he believed it was fair and felt he should have thought to do that prior to that evening and said frankly he hadn't. He suggested that whatever time period the Board recommended, he would make sure Mr. Sanches gives an outline and would himself do some research on what a corrective action plan looked like so one is put together for the Board.

Mr. Romans asked if Inspector Caperino had seen a repeat pattern of things that came up time and time again over the last two years. Inspector Caperino said there is. She said during the last inspection three violations were identified involving food being protected from contamination. She said as Registered Environmental Health Specialists they are also educators and during the inspection they don't just cite them for the violation and walk away. They want to make sure the violation is corrected while they are there so from that point they know that hopefully they got rid of the issue that could possibly get someone sick. In other words the food that had been contaminated by the chicken juice was thrown away. She said the reason why the first page of violations were so critical was because they could get someone sick and that some people might get sick and others might not. It all depends. That's why they are critical because they protect the health of the public.

Mr. Ashkenazi acknowledged that they are not accepting the findings on the report. Mr. Conte said they are not there to challenge them and they will take the report and make sure Mr. Sanchez does a corrective action plan so the staff there does not commit those violations again. Mr. LaForgia said, and at the end of the day, that was what the Board is looking for, that what they are going to do is going to ensure those things don't

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happen and the Board can ensure that the public is safe to eat at the establishment. He said Mr. Nissirios wants people to eat at his establishment and the Board wants people who eat there to be safe and healthy when they walk out, and that's the Board's role.

Ms. West said it takes a lot to change bad habits, so you can educate someone and get them doing something right. However, if they haven't really changed their habits and Mr. Sanches is gone in two weeks after the inspection and they haven't built in all of those good practices, they will be back where the establishment was before. Ms. West wanted to know what the plan is including how long Mr. Sanches is going to be around. Mr. LaForgia asked how many hours he was there now. Mr. Sanches said he is there one or two times a week and mentioned he had been at the restaurant since 9:30 that morning and was still working. Next week, he he said plans to be there and said he would like to be there when the inspectors come in for the inspection or give a rough idea when they will be in. Mr. Sanches said having done it himself they never called and told the restaurant to let them know when the inspection is going to be done. Mr. LaForgia said they prefer it be unannounced.

Mr. LaForgia said he said he knows Mr. Sanches is there for support but the Board wants to know if the employees can do the same work when he is not there and that in some ways it would be better if he is not there. If they are doing fine on their own, the Board will know he has done a good job and the restaurant is doing it's job. Mr. Conte said they concur with that but he believed at some point in the next few days Mr. Sanches, Ms. Caperino and perhaps Mr. Salerno could possibly meet there for a half hour or an hour to go through the history to talk about it.

Mr. Romans said one of the things the Board was promised by March 31st was a list of the certifications of all the training that was supposed to take place and he didn't think that had come in. Mr. Conte said he believed it was a language issue but that his client had dropped them off. When he spoke this evening, he said apparently that had not happened. Mr. Conte asked if that could happen tomorrow. Mr. Conte asked Mr. Sanches to drop off a copy of his resume and license to the Board tomorrow and the certifications for everyone who works at the establishment, as well, and he had represented they would do that. Mr. Romans said there was an agreement on December 19th that all the employees would get training. The Board perceived a real problem with fundamental training at the ground level. It wasn't there. The constant repeated hand washing, sink violations, sanitizers, food storage, food being left out is a pattern that is consistent, appearing over three years in the reports. Mr. Romans said that was a part of the agreement to allow the license to continue. A letter or certification from management showing the training of everybody and Dino was going to do it. Mr. Romans said he was sure he had done that but he hadn't received the results. Mr. Stamatelatos said at the last meeting he reiterated that managers and kitchen staff had completed their ServSafe training and brought their certifications up to date and that was what took place. He said went above and beyond that by saying by the summer he would try to have the wait staff trained as well.

Mr. Stamatelatos said two things bothered him. He said Mr. Romans' phrasing about corrective action plan was exactly what he said at the last meeting and he remembered that and it was exactly what he said. It was a perfect phrase for that. It was what they were trying to institutionalize. It was stipulated they would try to hire an expert putting him out of the consulting job. Now they have a retired licensed professional. He said he left the last meeting under the impression that there was going to be an inspection later in the month after the consultant was in place. That on April 3rd he had not been hired and he thought they had time to hire somebody. He said maybe he was wrong but he and Mr. Conte thought they had time to hire someone and put correction action plan in place and address the inspection from March. Inspector Caperino said on the March 13th inspection report she had written that a re-inspection would be done in two weeks. Mr. LaForgia said when you're Conditional the first time, the re-inspection has to be done within a certain amount of time. Inspector Caperino said depending upon what it is it's anytime around two weeks. Mr. Stamatelatos said he is not disputing that but based on the findings of the last meeting, what was intended and promised by both sides, that's where he's confused.

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Mr. Conte interrupted and said the Board didn't promise, and Mr. Stamatelatos said, "No, we promised". Mr. Conte said he did not recall that there was ever representation of when the inspection would happen. Ms. Dubowick said it was supposed to be done by the end of April or anytime during that time period. Mr. LaForgia said, the license would expire the end of April.

Mr. Romans said he thought the problem they were having was that Mr. Nissirios had been before the Board from August 2014 to date five times and the violations have all been the same then that they are now. Mr. Stamatelatos said he cannot speak to that because he wasn't involved until August or September of 2017. He said the December hearing was a marathon and the Board went over every single thing. It's a pattern that requires corrective and repetitive education to change the culture and he that then and stands by it now. Mr. Conte said whatever was happening, they didn't get there and Mr. Sanches was brought in as a professional so the restaurant knew what was happening.

Mr. Talucci said part of the corrective action was to hire a new manager. The Board cannot mandate this, but since the business has a high turnover rate, the employees come with their certifications, but in-servicing new employees would go above and beyond. Pointing out the hand washing or glove use and reiterating what needs to be done can be done prior to hiring new employees or after they are hired. Ms. West said it's not necessarily being done to pass inspection but because they is the safe way to handle food. Mr. Talucci said in a hospital people don't go to the floor or work in the pharmacy or work in any particular place of the hospital proper without going through days and days of in-servicing on policies and procedures. Not that Mr. Nissirios' restaurant is a hospital, but new employees may need to receive more training than is provided in the certification classes. Mr. Conte said he does not disagree.

Mr. Ashkenazi asked Mr. Sanches if he is OK with doing a self-inspection like the REHS staff does. Mr. Sanches said he acted that day as if he had been doing an inspection and went to his laptop and printed the actual state form the REHS staff uses. Mr. Romans asked if he was dealing with the employees hands-on to which Mr. Sanches said he was. Mr. Romans asked if he felt the employees are getting it and Mr. Sanches said he believed they were. Mr. LaForgia asked how many visits he had made so far to which Mr. Sanches replied, "four". Mr. Sanches said he speaks Spanish so speaking to them in English and Spanish helps a lot. He said you have to really beat the information into them until it becomes second nature. To that point, Mr. Stamatelatos said you can sit them down at a conference table, in front of a computer screen or in front of a lectern and repeat the phrases and required temperatures but, on the job site putting it in practice, with the new methods is where Mr. Sanches is a part of that corrective action, and something he was unable to do. Ms. West asked about making spot sanitizer and said she didn't know how to make it but everyone who uses it should be able to mix it as well as to demonstrate hand washing techniques. Mr. Sanches said as soon as he arrived he asked for the test strips and checked the sanitizer to find it was light. So he had them wash out the sink they were using and fill it up. He poured in a teaspoon of bleach, stirred it and took the test strip to test it. It came to 50 ppm. He said he trained them and quite a few of the outside staff. Mr. LaForgia said that follows along with what Mr. Talucci had said earlier, essentially they need a program to put practices into place. What they really need to do is to train somebody and go through in a real world scenario. Mr. LaForgia said everything in the book says one thing, but actually putting it into practice is where you need somebody in the business at the establishment to go through these techniques to make sure they understand so they can replicate it at the point of hire. Mr. Stamatelatos said the old hires actually benefit as well because old habits die hard. Ms. Dubowick said since people learn in different ways it might be helpful to show employees how do things and then have each of them show him how to do it so hew knew they understood. For example demonstrating washing their hands for 20 seconds.

Mr. LaForgia asked the Board what actions they wanted to take - to continue with the license, continue forward so the business can stay operational and what should be required of them. Mr. LaForgia said he believed the Board should give him some time to get the program in order. He would propose getting the certifications. If Inspector Caperino or Inspector Salerno was amenable to meeting with Mr. Sanches to go

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over the problem areas in particular would, perhaps, be helpful. Mr. Romans said it was in the reports. Inspector Caperino said she would need to discuss that with her supervisor because they deal with the establishment's owner, not a consultant hired by the owner. She said she in essence would be acting as a consultant to the consultant. Mr. Romans said the inspectors are busy. Mr. Conte said it would just be for communication purposes.

Ms. West asked how much time they would need to get the place functioning at a consistently satisfactory level. Ms. West said we could do this again next month and they could hear "we didn't have enough time". Mr. Sanches said he was expecting someone to come in that day to do an inspection. He felt that comfortable the inspection would pass. Mr. LaForgia said it sounds like Mr. Sanches has a lot of things in place and it just needs to be put in writing which would be helpful to the Board. Mr. Conte said if the Board could grant another two or three months so they do not have to keep coming back. They are not hiding anything and felt they had been very transparent. Ms. Ashkenazi said she was not concerned that everything would be ship shape when Mr. Sanches is there but when he is not there. She did not feel Inspector Caperino should have to meet with him. Mr. Ashkenazi said the inspectors are not going to correct things but give them a report. Mr. Provenziale said if he saw those violations he'd be in the employees' faces to be sure they were getting fixed. They are serious violations. Ms. Ashkenazi said they have been promised every month everything would be fixed and it's never fixed.

Mr. LaForgia said the Board needs a specific motion. Mr. Romans said the Board needs to come to some type of consensus or someone needs to make a proposal that would be the foundation for a motion which is not for him to say. He said he did recommend to the Board that they do not retract the basic agreement they had on December 19th, that if they were to continue to be Conditional that their license would not be renewed but terminated. Mr. LaForgia said he believed only a temporary license would be issued each month. Ms. Ashkenazi said the license expires the end of April. Mr. Romans said the agreement was specific, that if there was another Conditional, the license would not be renewed. Mr. Romans recommended keeping the agreement in place. Mr. Provenziale asked if that meant they could not serve food to which Mr. Romans said, correct, they would be out of business.

Ms. Ashkenazi asked if the license would be issued for a month or if it could be issued for a couple of weeks. Ms. Dubowick said the only licenses that can be issued are for 30 days. Mr. LaForgia said currently they are operating under a temporary license so the Board would have to extend the license for another 30 days with the stipulations that they provide the Board the corrective action plan, the certifications and they would have to be re-inspected and found Satisfactory. Then the Board would have to decide whether to issue the full annual license. Ms. Ashkenazi said she would be fine with issuing a temporary license for several months. Ms. West suggested extending the license for another month if a Satisfactory is achieved by the end of April. In other words extend the license to May.

Mr. Talucci said what he had asked for last month when they were suggesting bringing someone new on board is exactly what they had there that night. There was a person they could physically see with the qualifications needed. When the Board was told last month that a new person was being brought on board, the Board had no idea what that person had to offer. Mr. Talucci said he knows the Board was instructed not to get involved in the hiring process and he felt a band-aid was being put on an aneurysm. What he saw that night was that things are moving in a positive direction which was what he would have liked to have seen last month with the new person coming on board. Ms. West said she would have liked to have seen that back in December. Mr. Talucci said he wanted to be sure last month that the new person coming on board knew what he was doing. He felt that the Board knew a person with the qualifications and knows what he is doing, is willing and able to do what the Board asked them to do, and that is to fix the problems and inspect at the same level as the Health Department's inspectors. Mr. Ashkenazi asked if Mr. Talucci was suggesting giving them another month's trial. Mr. Talucci said if the license is extended to May while Mr. Sanches is on board but extending it further is rolling the dice. He said he felt at least there was someone on board who could push the ship in a

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positive direction. Mr. LaForgia said he agreed and the right people were brought in but time was the challenge. Mr. LaForgia said he could appreciate that and giving them an additional 30 days beyond that would give them a chance to put a plan in place. They have somebody to put that plan in place and see where it goes from there. He said clearly, if at the next inspection there is not a Satisfactory, he felt they would all have concerns and Mr. Conte would as well having been the previous Prosecutor.

Mr. Romans asked Inspector Caperino if she would contemplate an inspection sometime before the next Board meeting and Inspector Caperino said she would. Mr. Romans asked if the summonses would be heard. Inspector Caperino said they would be heard on May 10th and the court is deciding if the case would stay in Oakland or not. She said the Court Administrator is going to reach out to Mr. Conte to determine if there is a conflict of interest. Mr. Conte said the Judge or the Court Administrator would make that determination and the Court Administrator had already reached out to him.

Mr. Romans asked if it would be desirable for the court appearance be before the next Board meeting and Inspector Caperino felt it would be. Mr. Conte asked if it would have to be held before the next Board meeting. Ms. Ashkenazi and Mr. LaForgia both felt it would not make any difference because it just involves payment of fines. Mr. Romans said he was just trying to determine what if any items should be left open and go beyond the Board meeting. He said certainly they should have certifications from the training, the plan that they are proposing and asked the Board when they would want that. Mr. LaForgia said by the following week or two weeks to come up with a plan but the Board has to agree on that. Ms. West said there is no use in delaying the plan because if it does not go into effect the following day the Board would not see any significant improvement by the next meeting. Mr. Conte said he could have it to the Board by the following Friday which is eight business days. Ms. West said Monday. Ms. Ashkenazi asked if it would be distributed to all the Board members when it was received. Mr. LaForgia said it would. Mr. LaForgia said if it could be sent electronically, that would be even better. Mr. Conte said he could deliver it. He said he would e-mail it to the Secretary so both options would be available. Ms. Dubowick reported that she had been called for jury duty and if she got on a case she could be out for a week or so. Mr. Conte said if he called and Ms. Dubowick was not available he would send it to Mr. Romans.

Mr. Romans said that by next Friday, the Board would have the plan to which Mr. Conte was referring, the certification of training of personnel and Mr. Sanches' resume and certification for background information. Mr. Romans said that had to be a part of the motion. Mr. LaForgia said he recommended granting another 30-day license for May, through May 31st, as a part of the proposal. Inspector Caperino asked if the inspection should be done anytime between tomorrow and May 31st. Mr. LaForgia said it should be done before the next meeting, a week or so before. Mr. Conte asked for the date of the next scheduled meeting to which Mr. LaForgia said May 15th. Mr. Romans said he felt Inspector Caperino's question was whether the inspection should be done in April or May. Mr. LaForgia said he didn't think it mattered but that it was at least a week before the meeting which gives a window.

Mr. Romans said Mr. Conte's point earlier was that he had hoped they would have a little more time for Mr. Sanches to get involved and have some effect and to do an inspection in the next four or five days doesn't make much sense. Mr. Romans asked if it made sense to do it after May 1st. Inspector Caperino said Mr. Sanches had said he was ready right now. Mr. LaForgia said to give them a chance to understand what he is teaching them because he heard it takes at least three weeks to make a real habit. Ms. Caperino said the Board wanted it done at least a week before the meeting which meant it had to be done in May. Ms. West said it could be done the day before the meeting. Mr. Romans asked what was wrong with three weeks. Mr. LaForgia said sometime around the end of April or beginning of May, based on the schedule. Inspector Caperino said if they were going by her schedule it would be coming up shortly, by that week or early next week. Mr. Romans asked if sometime after May 1st worked and that was agreed upon. Inspector Caperino said the Board can decide when the inspection should be done. Ms. West said if she goes before the end of

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April and it's Conditional again it would only open up more problems and that by going in early May they would have an extra chance. Mr. LaForgia said the want to see a clean establishment.

Mr. Romans the following motion:

The Board is not in any way abrogating or changing the agreement it had with its Licensee on December 19, 2017 and that the Board will grant a one-month extension of the license through the month of May and the Board will revisit the matter at the next regular Board meeting on May 15th and that within Friday, April 27th, the Board will be getting a plan from the Licensee to address the plan to have the establishment compliant and that the Board will receive a certificate from the Licensee of the training that has been undertaken by the employees and the management at the premises and that, for informational purposes only, the Board will be getting Mr. Sanches' resume and certification and finally that sometime after May 1st there will be a re-inspection of the licensed premises.

Ms. West asked if Inspector Caperino does another inspection in the beginning of May and it is problematic, does the Board need to have a contingency of what will happen at the May meeting or invite people in or tell them to be at the meeting. Mr. Romans said he didn't feel the Licensee needed to be at the next meeting, that the Board is going to consider their license at the next meeting whether it's Satisfactory or Unsatisfactory. He said there is no guarantee that if the inspection is Satisfactory the license will be granted. The matter will be considered at the next meeting. Mr. Talucci asked if the license goes from the date of issue. Ms. Dubowick said it is dated from the first of the month and that if there are 31 days in the month it is extended to the last day. The annual license runs to December 31st. There is just an expiration date.

Mr. Romans asked if anyone wanted to amend the resolution as he stated it and no one suggested any amendments.

On motion of Ms. Ashkenazi, seconded by Mr. Provenzale, the Board adopted the motion proposed by Mr. Romans.

Roll Call: All Yeas - Ms. Ashkenazi, Mr. Ashkenazi, Mr. LaForgia, Mr. Provenzale, Mr. Talucci, Ms. West.

Mr. LaForgia asked if Mr. Conte was comfortable with what was stated to which Mr. Conte stated, "Yes." Mr. Romans and the members of the Board wished Mr. Conte, Mr. Nissirios and Mr. Sanches good luck.

Mr. Stamatelatos asked Mr. Romans to not send any registered letters to Sisco's corporate offices.

NEW BUSINESS

CAFÉ L'AMORE

Mr. Sherif Bekhet introduced himself as one the owners of Café L'Amore located at 455 Ramapo Valley Road.

Mr. Romans said the Board was discussing what action, if any, the Board wanted to take with respect to the recent violations and Conditionals the establishment had received.

Mr. Bekhet appeared before the Board in January for having received two Conditional ratings in a 12-month period during 2017. Mr. Bekhet was summoned to appear before the Board again for again receiving two Conditionals in a 12-month period, the last of which was issued in March. During that inspection Mr. Bekhet was cited for 11 out of 20 possible critical violations.

Mr. LaForgia said Mr. Bekhet was asked to appear again to find out why this continues to happen and why the Board should continue to allow him to operate in the Borough. Mr. Bekhet spoke about how the mussels were in the containers in a box and the chicken was in the bag in a box. The boxes were in the bottom of the fridge and touching each other. He felt it wasn't a big thing but since the inspectors said it was he would trust their word. Another thing was the inspector came at lunchtime and everyone comes in at once and he gets very busy. He said he had lost employees and is now down to two or three people in the kitchen and it is too much pressure on him. He said the chicken that was on the plate ready to go the customer was cold because it was sitting out, not because it wasn't cooked to the proper temperature. Mr. Bekhet said he sets up the steam table himself all the time. He said there is no reason for him to heat all of the items to get them hot except for the tomatoes. He said they are all little things here and there. He said he was really sorry about the guy who didn't wear gloves. He has been with him for 15 years. He said he washes his hands but he didn't do it for 20 seconds. He said he doesn't have a timer. Mr. Bekhet said he understands the book says you have to wash your hands while singing Happy Birthday to make sure the hands are clean, but reality is different. He said he has been doing this in Oakland for 24 years and no one has ever complained about everything. He said he is not perfect and tries to make sure everyone does what they are supposed to do and is trying to do his best. He spoke about the broken cover on the sugar and the dented can. He said he knows if a dented can is blown up that something is wrong but sometimes it's just a little dent. He said whatever they are asking for he will do and he threw away the can.

Mr. Bekhet said his house was robbed two days before the inspection was done and items were stolen from his wife and his children and he was mean to the inspectors the day of the inspection. Mr. Bekhet apologized for being mean. He said the inspectors asked for his food course certificates and they were in the car. He asked if he could run home to get them. He was told at the December inspection they were supposed to be on the premises. Mr. Bekhet was very upset and said he felt the inspectors walked in to give him a summons.

Ms. West asked Mr. Bekhet to explain about the bleach solution used in the sanitizer. Mr. Bekhet said he uses two different suppliers and the strength of the bleach each supplier carries is a different concentration. He admitted this was a slip for him. He said sometimes it gets very busy and he does his best. He said he respects the inspectors and the job they are doing. He said he feeds his family from the restaurant and would not want anyone to get sick. Ms. West said Mr. Bekhet has been before the Board several times and his restaurant has good reputation, but after all of this time running and owning the restaurant why these issues are surfacing. Mr. Bekhet spoke about employee turnover and what happens when employees are criticized for not doing the right thing. They move around from one restaurant to another. He said, based on what the inspectors are saying, you would think his restaurant is a disaster and it is not.

Ms. Ashkenazi said we have a tremendous amount of restaurants in town. They are extremely busy and don't have the same problem Mr. Bekhet is having so they must be doing something right. Mr. Ashkenazi asked if the cook has a thermometer in his pocket and he takes the temperature of the chicken and serves it to the customer. Mr. Bekhet said they don't do that. He said he would never send raw chicken to a customer, ever. Mr. Provenzale said his employee didn't even have a thermometer on hand and asked how he could be checking the temperature to make sure. He said it's not a whole chicken, rather a scaloppini. So if you sear it one side and flip it over it's already cooked. Inspector Caperino said chicken is chicken regardless of whether it's the breast or any other part and must be cooked to 165°F. Mr. Bekhet disagreed.

Inspector Caperino said her supervisor, Marjorie Vanacore reviews the inspection reports and decides if and how many summonses should be issued. A separate summons could have been issued for each violation, but only three were issued. Inspector Caperino said Inspector Vanacore told her the violations in recent reports are no different from the ones she saw when she was inspecting the establishment years ago. A re-inspection will be done and if the establishment is Conditional again, then further action will be taken.

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Mr. Provenzale clarified with Inspector Caperino that her objective is food safety and not issuing summonses. Inspector Caperino agreed. Mr. LaForgia reminded Mr. Bekhet that the inspectors are the enforcement arm of the Board of Health and they are contracted with through Bergen County Department of Health Services to conduct inspections. Mr. LaForgia said at this point he didn't feel the Board had enough information about what corrective action Mr. Bekhet would be taking to correct all the deficiencies so the establishment is not Conditional again and remains safe. Mr. LaForgia said the Board wants to see the establishment remain open but wants to be sure of the health and safety of the people who eat at the restaurant.

Mr. Bekhet said he could not read the summonses. He said he had six different items on the steam table but only one item was out of temperature. Inspector Caperino said the tomato sauce was being heated on the steam table because there is no other explanation for the temperature being what it was which is where bacteria is harbored. Ms. Caperino described the other summonses and Ms. Dubowick was asked to make copies available for Mr. Bekhet. Mr. LaForgia said the summonses will be heard in court on May 10th and a re-inspection will be done. The Board decided not to take action at this point

On motion of Mr. LaForgia, seconded by Ms. West, the matter of Café L'Amore will be taken up again at the next Regular Meeting of the Board of Health at which Mr. Bekhet shall be present. Based upon the results of the court action and a re-inspection, the Board will further consider what action, if any it wants to take in this matter.

Roll Call: All Yeas - Ms. Ashkenazi, Mr. Ashkenazi, Mr. LaForgia, Mr. Provenzale, Mr. Talucci, Ms. West

RESUME NORMAL ORDER OF BUSINESS

On motion of Ms. Ashkenazi, seconded by Ms. West, the normal order of business resumed.

Roll Call: All Yeas – Ms. Ashkenazi, Mr. Ashkenazi, Mr. LaForgia, Mr. Provenzale, Mr. Talucci, Ms. West

RESOLUTION #2-18

Mr. LaForgia stated that Resolution #2-18 is required to amend Mr. Romans' Professional Services Contract with the Borough. The amount specified for Additional Services needs to be increased. Mr. LaForgia asked Ms. Dubowick to read the resolution.

WHEREAS, the Board of Health directed Board of Health Attorney Thomas J. Romans, Esq. to provide additional legal services in 2018, the fees for which are above and beyond the amount of the 2018 Contract between the Borough of Oakland and Mr. Romans.

WHEREAS, the additional legal services were required to prepare for the Lenape Valley Diner appearance before the Board on April 17, 2018.

WHEREAS, the purpose of the appearance before the Board was to determine if Lenape Valley Diner, an Oakland food establishment issued eight Conditionally Satisfactory ratings in a 14-month period, should be allowed to continue to operate.

NOW, THEREFORE, BE IT RESOLVED the Board of Health authorizes an increase of \$600.00 in the total amount of the 2018 Contract between the Borough of Oakland Board of Health and Thomas J. Romans, Esq. in order to compensate Mr. Romans for the additional legal services he provided.

On motion of Ms. West, seconded by Mr. Talucci, Board of Health Resolution #2-18 was adopted.

Roll Call: All Yeas – Ms. Ashkenazi, Mr. Ashkenazi, Mr. LaForgia, Mr. Provenzale, Mr. Talucci, Ms. West

ANY OTHER BUSINESS

New other business to report.

MEETING CLOSED TO THE PUBLIC

On motion of Ms. Ashkenazi, seconded by Ms. West, the meeting was closed to the public.

Roll Call: All Yeas – Ms. Ashkenazi, Mr. Ashkenazi, Mr. LaForgia, Mr. Provenziale, Mr. Talucci, Ms. West

ADJOURNMENT

On motion of Mr. LaForgia, seconded by Ms. West, the meeting was adjourned at 9:50 PM.

Roll Call: All Yeas – Ms. Ashkenazi, Mr. Ashkenazi, Mr. LaForgia, Mr. Provenziale, Mr. Talucci, Ms. West

APPROVED:

Stephen C. Tiffinger, President

ATTEST: _____
Karin Kennedy Dubowick, Secretary

DATE: _____