

REGULAR MEETING OF THE OAKLAND BOARD OF HEALTH

June 21, 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 7:31 PM.

ROLL CALL

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

ABSENT MEMBERS

Mr. Talucci had called to indicate he would be late due to work.

OTHERS PRESENT

Thomas J. Romans, Esq. and R.E.H.S. 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 May minutes.

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

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

REVIEW REPORTS

7:35 PM – Mr. Talucci entered the meeting.

The Board reviewed the following reports:

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

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

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

PAYMENT OF BILLS

The Board reviewed the following bills:

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|---|-------------------|
| 5/31/2016 - Christine Davis, Deputy Registrar (Fee for Cont. Ed. Class on 5/12/16 and Mileage to Venue) | \$ 21.45 |
| 5/31/2016 - Karin Kennedy Dubowick, Registrar (Fee for Cont. Ed. Class on 5/12/16) | \$ 10.00 |
| 5/31/2016 - Tyco Animal Control (Monthly Animal Control Services, per 2016 Contract - May) | \$1,250.00 |
| 5/31/2016 - Tyco Animal Control (Emer. Animal Control Responses, per 2016 contract - May - 1 Call) | \$ 60.00 |
| 6/21/2016 - Thomas J. Romans, Esq. (For professional services rendered, per 2016 contract <ul style="list-style-type: none">- Attend 6/21/2016 BOH Meeting - \$221.92- Additional services rendered for Yuki Japanese Restaurant Hearing – 5 hours @ \$100/hour - \$500) | \$ 721.92 |

On motion of Mr. Ostapczuk, seconded by Ms. West, the bills were approved for payment.

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

UNFINISHED BUSINESS

YUKI JAPANESE RESTAURANT UPDATE

Inspector Caperino reported that she and Inspector Meeker conducted another inspection in the beginning of June and, though there was an improvement over the last inspection, the restaurant remains Conditional. Some conditions were different, that is they were cooking during the inspection and patrons were in the restaurant. Steak and fish were not prepared to the proper temperatures. The steak had to be discarded because it was touched with bare hands when plated. Employees did not wash their hands properly, the bleach level in the spot sanitizer was extremely high which makes it toxic, wiping cloths were not properly stored, food contact surfaces were not properly sanitized and chicken, beef and fish in one of their refrigerators was uncovered and not properly separated.

Mr. Pignatelli asked if Mr. Cheng had taken a course in his language. Inspector Caperino said he had and he had just taken a Food Handler's Course again in his language last week, after the inspection was done. Inspector Caperino said the owner's wife was also recording the conversation during the inspection, without Inspector Caperino's and Inspector Meeker's permission, because she did not understand what was being said. Mr. Pignatelli said he thinks they once had another restaurant in Mahwah. Inspector Caperino said it was in Montvale, inspected by Northwest Bergen Health Commission.

Mr. Tiffinger said he attended a meeting on June 14th with Mr. Cheng's attorney, Richard Burns, Mr. Cheng, a friend of Mr. Cheng's who acted as an interpreter and Mr. Romans. During the meeting it was brought up that Mr. Cheng did not understand English, though he had been in the U.S. for 20 years. And, 20 years in the food industry, added Inspector Caperino. Mr. Cheng's friend said Mr. Cheng has a limited understanding of English and limited understanding of American culture which is causing a problem. Mr. Pignatelli said the rules are the same throughout New Jersey but they may not be enforced the same by different inspectors.

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Inspector Caperino said the restaurant has been open for ten months and there have been problems since the day they opened. Now that the restaurant is being threatened with a possible revocation of its license, the owner is hiring people to help. Mr. Ho, Mr. Cheng's friend, said he would take the Food Manager's Course to help. Additionally, one of the County's food course instructors is going to work as a consultant. Mr. Tiffinger and Mr. Romans said they felt the attorney thought a deal could be worked out prior to the hearing. Mr. Romans said he made it clear it was an informational meeting only and the Board would be making the decision at the hearing. The other attorney had already obtained copies of all reports.

Ms. West asked if a decision would have to be made tonight. Mr. Tiffinger said the Board would go into Executive Session immediately after the hearing to discuss the testimony to make a decision.

NEW BUSINESS

RESOLUTION #2-16 – Amend the amount of the 2016 contract between the Borough of Oakland and Thomas J. Romans, Esq.

Mr. Tiffinger directed Ms. Dubowick to take Resolution #2-16 from the Table and read same:

WHEREAS, the Board of Health directed Board of Health Attorney Thomas J. Romans, Esq. to provide additional legal services in 2016, the fees for which were above and beyond the amount of the 2016 Contract between the Borough of Oakland Board of Health and Mr. Romans.

WHEREAS, the additional legal services are required to prepare for a hearing being held on June 21, 2016.

WHEREAS, the purpose of the hearing is to determine if Yuki Japanese Restaurant, an Oakland food establishment issued three Conditionally Satisfactory ratings in a 12-month period, should be allowed to continue to operate.

WHEREAS, there remains five months in calendar year 2016 and additional services may be required during those five months.

NOW, THEREFORE, BE IT RESOLVED the Board of Health authorizes an increase of \$500 in the total amount of the 2016 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 is providing and for any other additional services Mr. Romans may be required to provide during calendar year 2016.

On motion of Mr. Ostapczuk, seconded by Ms. West, Resolution #2-16 was adopted.

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

ANY OTHER BUSINESS

SUMMER ADJOURNMENT

On motion of Mr. Pignatelli, seconded by Mr. Ostapczuk, the Board voted to adjourn meetings for July and August or by call of the Chair with sufficient advance notice to publicize the meeting, as required by the Open Meetings Law.

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

HANDLING OF CERTAIN MATTERS

On motion of Mr. Ostapczuk, seconded by Mr. Talucci, the Board voted to authorize the President or Vice-President to handle any problems arising during the period of summer adjournment. Problems shall be submitted to the President or Vice-President for review and suggested action, with all such matters reported for ratification at the next regular meeting of the Board of Health.

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

PAYMENT OF BILLS

On motion of Mr. Ostapczuk, seconded by Ms. West, the Board voted to authorize the President or Vice-President to approve for payment any vouchers requiring payment during the period of summer adjournment; same to be ratified at the next regular meeting of the Board of Health.

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

ADJOURNMENT

On motion of Mr. Ostapczuk, seconded by Mr. Pignatelli, the meeting was adjourned at 8:05 PM.

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

APPROVED:

Stephen C. Tiffinger, President

ATTEST: _____
Karin Kennedy Dubowick, Secretary

DATE: _____