

**REGULAR MEETING  
of the  
OAKLAND BOARD OF HEALTH**

**November 17, 2020 - 7:30 p.m.  
MINUTES**

**Zoom Meeting**

**REGULAR BUSINESS**

**CALL TO ORDER**

Mr. Tiffinger called the meeting to order at 7:32 PM.

**ROLL CALL**

All Yeas – Ms. Ashkenazi, Mr. Ashkenazi, Mr. LaForgia, Mr. Laterra, Mr. Talucci, Mr. Tiffinger

**ABSENT MEMBERS**

Mr. Provenzale was absent due to a personal matter

On motion of Mr. LaForgia, seconded by Mr. Talucci, Mr. Provenzale's absence was excused.

**OTHERS PRESENT**

Council Liaison Pasquale Pignatelli, Thomas J. Romans, Esq., Senior REHS Kristin Caperino

**MEETING ANNOUNCEMENT**

Mr. Tiffinger announced that the meeting was being held in accordance with the public meetings law, duly announced, submitted to the newspaper and advertised more than 48 hours in advance of the meeting and notice posted in the municipal building and on the borough website.

**ADOPTION OF MINUTES**

The Board reviewed the September minutes.

(There were no October minutes to be approved, as the October meeting was declared invalid, and thereby all matters from that meeting were pushed to the November meeting.)

On motion of Ms. Ashkenazi, seconded by Mr. LaForgia, the minutes were approved.

Roll Call: All Yeas – Ms. Ashkenazi, Mr. Ashkenazi, Mr. LaForgia, Mr. Laterra, Mr. Talucci, Mr. Tiffinger

**REVIEW REPORTS**

The Board reviewed the following reports:

- BCDHS Public Health Nursing & Activity Report & CDRSS Report – September & October
- REHS Monthly Report & Summaries – September & October
- Tyco Animal Control Report – September & October
- Secretary's/Registrar's Report – September & October

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

Roll Call: All Yeas – Ms. Ashkenazi, Mr. Ashkenazi, Mr. LaForgia, Mr. Laterra, Mr. Talucci, Mr. Tiffinger

**PAYMENT OF BILLS**

The Board reviewed the following unpaid bills:

<b>10/20/2020 – Thomas J. Romans, Esq.</b> (Retainer due for attending October BOH Meeting, per Contract)	<b>\$ 243.75</b>
<b>10/01/2020 – Tyco Animal Control</b> (Monthly Animal Control Services – September, per 2020 Contract)	<b>\$ 1,300.00</b>
<b>10/01/2020 – Tyco Animal Control</b> (Animal Control Emergency Responses - September, per 2020 Contract)	<b>\$ 120.00</b>
<b>11/2/2020 – Tyco Animal Control</b> (Monthly Animal Control Services – October, per 2020 Contract)	<b>\$ 1,300.00</b>
<b>11/2/2020 – Tyco Animal Control</b> (Animal Control Emergency Responses – October, per 2020 Contract)	<b>\$ 60.00</b>
<b>11/17/2020 – Thomas J. Romans, Esq.</b> (Retainer due for attending November BOH Meeting, per Contract)	<b>\$ 243.75</b>

On motion of Mr. LaForgia, seconded by Mr. Talucci, the Board approved the unpaid bills for payment.

Roll Call: All Yeas – Ms. Ashkenazi, Mr. Ashkenazi, Mr. LaForgia, Mr. Laterra, Mr. Talucci, Mr. Tiffinger

**UNFINISHED BUSINESS**

**DISCUSSION OF THE CHICKEN ORDINANCE**

By request of the Mayor & Council, the Board of Health had a discussion regarding recommendations to the Mayor & Council in regards to their proposed Chicken Ordinance. This was a discussion between the Board of Health Members, Carol Tyler of Tyco Animal Control, Kristin Caperino, R.E.H.S., Council Liaison Pasquale Pignatelli, and residents of Oakland who are chicken owners or advocates of owning chickens.

It was decided to go through the ordinance draft item by item to discuss:

1. It was determined that the recommendation for the maximum number of chickens to the Mayor and Council will be six.

**Comments:**

Resident Dana Andro, who resides at 43 Acorn Ave, would like anyone with chickens currently over that number to be grandfathered in with their current number of chickens until the number decreases to the required amount, since the chickens have become their pets.

Resident Joan Check, who resides at 18 Crosby Lane, has 2 ½ acres of property and she feels that the flexibility in number of chickens should consider the amount of land the resident has. She said as her chickens get older, she may wish to get more, which have to be purchased in a certain amount.

Carol Tyler, of Tyco, indicated that they may go to Zoning and take steps to request additional chickens if they have enough property.

2. It was determined that the Board of Health will recommend that no male rooster or other type of fowl be permitted.

Comments:

Ms. Check stated that she is comfortable with her neighbor's rooster and she would be fine with grandfathering him in, although she knows that other people might not feel the same.

Christina Miller of 38 Heath Road, indicated that she had had roosters in the past and they are protective, but that some roosters can attack so it sometimes depends on the breed. She had a no-crow collar for her docile rooster which made his crowing volume lower.

Ms. Tyler stated that the purpose of having the chickens is to have eggs, so it is not as productive to have a male when you could have a female in it's place, in addition to the potential for noise complaints.

Ali Fleeson of 59 Seton Hall Drive, mentioned that the Environmental Commission had recommended that Franklin Lakes has an itemized list for additional animals and birds and she would like that to be considered for birds other than roosters.

Ms. Tyler responded that other birds can be noisy, create odor and the point of having a flock is to produce eggs.

Councilman Pignatelli mentioned that if someone complains about the noise of roosters, the Animal Control Officer will then go. They do not go door to door to look for violations, but it is a risk taken when you have an animal that is not permitted because people may call and complain once the ordinance is in effect.

Ms. Check said if you have more than an acre, you are permitted to have livestock. But if you have less than an acre you may not.

Ms. Andro stated concern that people's pets are going to be taken away once the ordinance goes into effect, and she wishes to go forward in a positive way to be able to keep all their chickens, which are already considered pets, and that there have not been complaints.

Ms. Tyler said that she has to address it because there has to be guidelines because this was not previously addressed after Ms. Andro's daughter went before the Mayor & Council. She said that it was originally just Ms. Andro's chickens but that was not the extent of it and now it needs to be addressed.

Steve Miller of 38 Heath Road suggested that 23 items on a chicken ordinance is too extensive.

There were several comments regarding items concerning Zoning such as setbacks, but it was determined that any changes to those items must be addressed through the Zoning Department.

Ms. Caperino stated that it must also be considered that structures must be a certain distance from septic, so it must be considered where the septic is in relation to the structures, and many of the Oakland properties have limited space because they are not as large as many of the lots in other towns.

- 3 and 4: It was determined that the Board of Health would recommend that renters who want to keep chickens must obtain written permission from the landlord, which must be provided to the zoning officer, to obtain a zoning permit and it was determined that it would also be recommended that where an owner keeps

chickens the permit will terminate on change of ownership and when a tenant vacates the zoning permit shall terminate.

Comments:

Ms. Check stated that tenants having chickens does not apply to the chicken owners, so this is not necessary

Mr. Miller stated that he feels that this is a zoning issue and should not be in the chicken ordinance. He thinks there should be a zoning ordinance that covers getting approval for any kind of animal.

Ms. Tyler says it is necessary for landlord to give written permission because landlords wind up having to go to court to have animals removed where tenants were permitted to have them without first getting permission from the landlord. She feels that permission from zoning needs to be included in the chicken ordinance so that the ordinance does not have to be revisited in the future.

Ms. Andro would like for there to be a pilot program for a year to see what works with the residents rather than creating something that may not work.

Ms. Tyler stated that it basically has been a pilot program for the past few years, and now something needs to be put in place.

Several residents said that it worked since there were not complaints, and inquired as to why something has to be implemented now.

Ms. Tyler said that there have been complaints of rats directly to Tyco, not the Health Department, and what they turn out to be is because there are animals on the property that are being fed outside. Sometimes they are chickens sometimes they are other animals.

Several residents asked why this is even being done.

Mr. Tiffinger replied that the Mayor & Council requested that the Board of Health review and comment on their ordinance.

Ms. Tyler responded that this is standard for towns to do, and the ordinance was created by the town attorney and the Board is commenting as requested.

#5. It was determined that the Board of Health will recommend that it shall not be required to take a class in regards to keeping chickens in order to have chickens.

#6. It was determined that the Board of Health will recommend that a yearly inspection shall be completed by the Animal Control Officer, a zoning permit shall be issued after which a license shall be obtained from the Board of Health with a fee of \$25. The Board of Health will have authority to determine paperwork, filing deadlines and procedures governing the licensing.

This recommendation includes a note that the residents only wish for an initial inspection.

Comments:

When asked about inspecting horse farms, Ms. Tyler stated that the building department inspects horse farms in other towns.

Ms. Check stated that the building department does not inspect unless there has been a complaint.

**Regular Meeting of the Oakland Board of Health – November 17, 2020 – Page 5**

Ms. Check said that the residents had put forth a suggestion to have a chicken advisory committee, which would be friendlier and more educational and then would refer any issues to the health department. Ms. Tyler responded that most of her visits are educational, and unless there is blatant cruelty or there is some kind of problem she does not create a problem.

Ms. Check is concerned that this might put it into place that someone may be looking to see who has chickens.

Ms. Tyler said that she just tries to keep it consistent.

Ms. Fleeson suggested initial inspection only, and then perhaps every 5 years or so, unless there is a complaint.

Ms. Tyler stated that it needs to ensure that everything stays compliant.

Mr. Miller referred to septic inspections, which are only inspected once and then no follow up unless there is a complaint. He feels that an initial inspection is reasonable; however an annual inspection is not. He feels that an annual chicken inspection is giving someone free range to enter properties to find things to fine.

Ms. Check asked if the inspections will be scheduled with the homeowner.

Ms. Tyler responded that she normally will not go on a property without any violations. They stop and do a 5 minute inspection – it should be visually clean, smell good, the animals should be healthy. She said they inform the owner they are going to be stopping by, other than for restaurants.

Ms. Caperino addressed Mr. Miller's septic inspection comparison by stating that live animals are not around septs and that if it is overflowing a summons is issued and it is a NJ DEP violation.

Ms. Check requested putting it in the language that it would be scheduled with the homeowner.

Mr. LaForgia stated that he thought annual inspection may be excessive and perhaps the initial inspection would make sense.

Brian Reilly, of 30 Andrew Ave., stated that he would like himself or his wife to be home if an inspection were to be taking place on his property.

Ms. Tyler said they leave messages, but if no one calls back they have to try, but they go to the door and talk to the owner. They do not go looking through the property looking for problems, they just look for it to look, smell and sound healthy.

Ms. Fleeson, Mr. Miller, and Ms. Andro feel that yearly inspection is intrusive unless there is a complaint.

Ms. Ashkenazi stated that they are responsible owners but that not everyone will be responsible.

Ms. Fleeson responded that that's when if you got a complaint you would handle it.

Ms. Andro said that you have to trust that they will do the right thing, like with dogs.

Ms. Tyler said that they do follow up once their license expires.

Mr. Miller responded that she is not inspecting the homes to see how the dogs are being fed and their bedding and not anywhere on the property. He just gets a license to have the dogs.

**Regular Meeting of the Oakland Board of Health – November 17, 2020 – Page 6**

Ms. Tyler said that it's follow up, and not her choice.

Mr. Miller responded that it is the Council's choice and that the residents disagree with it.

Mr. LaForgia asked what the Board wants to do. He suggested just the initial inspection unless there were complaints. Mr. Tiffinger suggested having annual inspections.

Ms. Tyler said that they are necessary so as to know the appropriate number is being maintained.

Mr. Miller suggested that Ms. Tyler was saying that she would be going around looking for violations.

Ms. Tyler responded that she would be looking for compliance. It is a matter of asking people to abide by the law.

Mr. Miller said it's keeping people under control.

Mrs. Ashkenazi said this is so that people who have never had chickens know what needs to be done.

Ms. Andro said that an advisory committee would then be amazing to help train the new members so it would be done right.

Mr. Miller said that's why an initial inspection should be done but every year is intrusive.

Ms. Andro said an advisory committee would be helpful to Ms. Tyler.

Ms. Tyler said that the Animal Control Officers are trained by the State of NJ and the chicken advisory board would have not authority nor standardized training. Animal control officers are trained by the State Department of Health.

Ms. Check said that they could call the Animal Control Officer if, for example, someone had too many chickens and she would be willing to take whatever classes would give authority.

Board of Health Council Liaison Pasquale Pignatelli suggested that it be recommended to the Mayor & Council that there be an annual inspection with a note that the residents only recommend an initial inspection.

#7. The Board of Health will recommend that no chickens or by-products are to be sold or commercially distributed.

#8 & #9. It will be recommended that the chickens shall be kept in a roofed shelter or coop, which shall provide a minimum of 3 horizontal sq ft per adult bird, and shall also incue a fully enclosed fenced chicken run that provides a minimum of 5 sq feet per adult bird. The shelter/coop shall be counted as part of the accessory structure percentage which shall, in total not exceed 1% of the subject property.

It will also be recommended that if the property has a contained environment (such as fenced-in area) the chickens ma run within that environment, if supervised.

#10. It will be recommended that the chicken shelter shall be bird, rat and predator proof and designed to be visually compatible with the residential area.

#11. It will be recommended that the chicken coop must be predator-proof housing, as approved upon first inspection and the chicken run fencing shall not exceed a height of six feet.

**Regular Meeting of the Oakland Board of Health – November 17, 2020 – Page 7**

#12, 13, 14, 15 are zoning issues and will be addressed by the Zoning Department, so the Board of Health does not have a recommendation regarding them, other than to omit “professional animal” from “professional animal waste company” for removal of droppings.

#16. It will be recommended that all chicken feed shall be kept in a covered and secured metal container off of the ground and inside a structure that is not the coop. They may be fed in the coop or outside of the coop. All food debris must be cleaned up regularly.

17 is a zoning issue and will be addressed by the Zoning Department, so the Board of Health does not have a recommendation regarding it.

18. It will be recommended that if, for any reason, an applicant no longer keeps and raises chickens, they shall be removed from the property in a humane manner.

19. It will be recommended that it is intended that penalties for violations of provisions in this code subsection are as specified in §1-5 General Penalty, or as amended. Any repeat violation of these standards may be grounds for the revocation of the zoning permit permitting the keeping and maintenance of chickens.

20. It will be recommended that periodic inspection by the Animal Control Officer be removed from the ordinance.

21. It will be recommended that chickens shall be kept and maintained at all times in a humane manner and in accordance with good agricultural practices. The Animal Control Officer/Cruelty Investigator shall have all the powers under N.J.S.A. 4:19-15.16c to ensure the chickens are maintained in a humane way and under humane conditions. Any failure to comply with the Animal Control Officer/Cruelty Officer shall be grounds for revocation of the zoning permit permitting the keeping and maintenance of chickens.

22. It will be recommended that the Health Department, and/or any similar body the Borough contracts with for public health services, shall have the power to investigate any claims under their jurisdiction related to the keeping and maintenance of chickens. Any failure to comply with such body shall be grounds for revocation of the zoning permit permitting the keeping and maintenance of chickens.

23 is a zoning issue and will be addressed by the Zoning Department, so the Board of Health does not have a recommendation regarding it.

These recommendations will be sent to the Mayor and Council.

Ms. Fleeson asked Council Liaison Pignatelli how to address the zoning issues that the Board of Health did not address.

Council Liaison Pignatelli said to address the Council with a request to send the ordinance to the zoning department for comment.

Ms. Fleeson said that she will email the Council in regard to that.

**NEW BUSINESS**

**APPROVE BOARD OF HEALTH MEETING SCHEDULE FOR 2021**

No members objected to the following schedule for 2021 Meetings:

- Reorganization & Regular Meeting: January 19
- Adjournment (No Meeting): July and August
- Regular Meetings: February 16, March 16, April 20, May 18, June 15, September 21, October 19, November 16 & December 21

## **OTHER BUSINESS**

### **2021 BUDGET**

The Health Department Budget for 2021 was submitted with no major increases or decreases at \$ 178,325

### **2021 TYCO CONTRACT**

Tyco's contract submittal increased by \$300.00

### **2021 BERGEN COUNTY DEPARTMENT OF HEALTH SERVICES CONTRACT**

The Bergen County Department of Health Services extended the current 5 year contract to include one additional year, under the same terms.

### **RABIES CLINIC**

The 2020 Oakland Free Rabies Clinic was held at Ramapo Valley Animal Hospital this year, with Dr. Duhr administering the vaccines.

86 animals were vaccinated, including 72 dogs and 14 cats.

The clinic was by appointment only. All owners were required to Pre-Register their pets with the Board of Health Secretary and show proof of previous rabies vaccine for the 3 year vaccination. If no proof existed they received a 1 year vaccine.

The clinic was very successful, and will likely be held in the same format going forward.

### **OPTIONS FOR MEMBERS WITH EXPIRING TERMS**

Current members whose terms expire at the end of 2020 include Stephen Tiffinger, Jo-Ann Ashkenazi, and Yuval Ashkenazi. All 3 members indicated that they will renew their memberships.

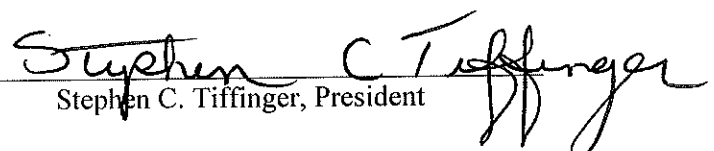
## **ADJOURNMENT**

### **ADJOURNMENT**

On motion of Mr. LaForgia, seconded by Mr. Talucci, the meeting was adjourned at 9:26 PM.

Roll Call: All Yeas – Ms. Ashkenazi, Mr. Ashkenazi, Mr. LaForgia, Mr. Laterra, Mr. Talucci, Mr. Tiffinger

APPROVED:

  
Stephen C. Tiffinger, President



ATTEST: Sandra Steele  
Sandra Steele, Secretary

DATE: 12/22/2020