

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

September 21, 2021 - 7:30 p.m.

Oakland Senior Center, 20 Lawlor Dr., Oakland, NJ

REGULAR BUSINESS

CALL TO ORDER

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

ROLL CALL

All Yeas - Ms. Ashkenazi, Mr. Ashkenazi, Mr. Provenzale, Mr. Talucci, Mr. Tiffinger

ABSENT MEMBERS

Mr. LaForgia was absent due to a prior commitment and Mr. Laterra was absent due to a work commitment.

On motion of Mr. Provenzale, seconded by Mr. Talucci, Mr. LaForgia and Mr. Laterra were excused.

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

OTHERS PRESENT

Council Liaison Pasquale Pignatelli, Board of Health Attorney Thomas J. Romans and Principal REHS Kristin Caperino

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.

PUBLIC COMMENT

No members of the public were present for comment.

ADOPTION OF MINUTES

The Board reviewed the June minutes.

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

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

REVIEW REPORTS

The Board reviewed the following reports:

- BCDHS Public Health Nursing & Activity Report & CDRSS Report – June, July & August
- REHS' Monthly Report – June, July & August
- Tyco Animal Control Report – June, July & August
- Secretary's/Registrar's Report – June, July & August

On motion of Mr. Talucci, seconded by Mr. Provenzale, the reports were accepted.

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Roll Call: Ms. Ashkenazi, Mr. Ashkenazi, Mr. Provenziale, Mr. Talucci, Mr. Tiffinger

PAYMENT OF BILLS

The Board reviewed the following bills paid during the period of summer adjournment:

6/23/2021 – Bergen County Department of Health (Septic and well services for 1/1/2021 – 5/31/2021)	\$45,874.33
07/01/2021 – Tyco Animal Control (Animal control services June 2021, per contract)	\$ 1,325.00
07/01/2021 – Tyco Animal Control (Animal Control Emergency responses in June 2021)	\$ 180.00
07/01/2021 – Thomas J. Romans, Esq (Retainer for July, per 2021 Professional Services Contract)	\$ 243.75
08/03/2021 – Tyco Animal Control (Animal Control Services for July 2021, per contract)	\$ 1,325.00
08/03/2021 – Tyco Animal Control (Animal Control Emergency responses in July 2021)	\$ 180.00
08/01/2021 – Thomas J. Romans, Esq. (Retainer for August, per 2021 Professional Services Contract)	\$ 243.75

On motion of Mr. Ashkenazi, seconded by Ms. Ashkenazi, the Board ratified the bills approved for payment during the period of summer adjournment.

Roll Call: Ms. Ashkenazi, Mr. Ashkenazi, Mr. Provenziale, Mr. Talucci, Mr. Tiffinger

The Board reviewed the following unpaid bills:

09/01/2021– Tyco Animal Control (Animal Control Services for August 2021, per contract)	\$ 1,325.00
09/01/2021 – Tyco Animal Control (Animal Control Emergency Responses in August 2021)	\$ 180.00
09/01/2021 – Thomas J. Romans, Esq (Retainer for September, per 2021 Professional Services Contract)	\$ 243.75

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

Roll Call: Ms. Ashkenazi, Mr. Ashkenazi, Mr. Provenziale, Mr. Talucci, Mr. Tiffinger

UNFINISHED BUSINESS

None.

NEW BUSINESS

○ **CONCERNING THE GOVERNOR'S MASK MANDATE FOR CHILDREN**

Council Liaison Pasquale Pignatelli stated that at the last council meeting a group of parents requested that the council pass a resolution asking the Governor to rescind his mask order for schools. He mentioned that there has been a steady increase over the past few weeks of people dying in the United States from Covid-19, as well as a 240% increase of child Covid-19 cases since July. He mentioned from his perspective of having been involved in public health for over 35 years, whenever there was suspicion of having been exposed, they wore a mask; and that ideally in prevention of disease spreading vaccines are number one, sanitary conditions are number two, and additionally masks/social distancing are also effective in preventing disease. He stated that the parents who came to the meeting believed that masks make kids sick and do not prevent disease, and that some parents do not like government telling them what to do but there are many circumstances in which the government does do so. He further stated that the Delta strain is much more virulent than the original Covid-19 strain. Mr. Provenza added that children are more susceptible to the Delta strain. Mr. Talucci mentioned the fact that a case of Covid often gets progressively worse through the weeks, so it must be prevented as much as possible; (and if it is not possible to prevent it – such as in breakthrough cases, it must be treated as early as possible. He added that with these breakthrough cases, the percentage of deaths are very low because they were vaccinated.) Ms. Ashkenazi commented that the children who are not vaccinated are also exposing the other children and teachers to the virus if they are exposed, and also that there are many other vaccines that. Mr. Provenza added that the children not wearing masks could also influence teachers to not want to come in and be exposed to the non-mask-wearing students, so there could be issues with getting teachers. Mr. Tiffinger concluded that, from the public health perspective, public health policy is that the children should wear a mask. Therefore, the Board of Health does not recommend that the council pass a resolution to ask the Governor to rescind the mask order for schools.

○ **CONCERNING 46/48 RIVERSIDE DRIVE SHARED SEPTIC**

Board of Health Attorney Thomas J. Romans brought up that the plans submitted by the owners of 46 Riverside Drive, which has a shared septic at 46 with 48 Riverside Drive should be heard by the Board of Health for consideration. Mr. Romans said that he felt that getting a septic plan reviewed was a routine matter that should come before the Board of Health and was not a matter of jurisdiction because the Board of Health would not be issuing a permit at this point, but a matter of rejecting a plan, with specific issues to address, or approving a plan at this point, after which any other issues (such as those concerning the Building Department) could be addressed before a permit were to be issued for a septic to be constructed. He further stated that the Attorney for 46 Riverside Drive and the Borough Attorney, Brian Chewcaskie, would be having a conference call with him to discuss this, and that Mr. Romans intended to tell Mr. Chewcaskie that the homeowner is entitled to clear direction from the Board of Health as to things within its jurisdiction – health-related issues and issues that pertain to approval of the septic system. Councilman Pignatelli agreed that the matter should be before the Board of Health and give Pre-Approval from the Health Department. Principal R.E.H.S Kristin Caperino stated that the Building Department has issues with 48 Riverside Drive, and the Board of Health is working with 46 Riverside Drive, but the septic is shared between the two properties. She stated that 48 Riverside Drive is bank-owned and the people that "bought it" never went through the proper procedure to obtain a CCO. Councilman Pignatelli asked that once you transfer property ownership, how could a shared septic be allowed. Ms. Caperino stated that since the proper channels were not followed to file for a CCO, it was not known that the ownership changed. It would have been held up if the proper paperwork was submitted to the town; however, it was not submitted. She said that there is also a lien on 48 Riverside Drive, due to the fact that the DPW had to conduct clean-ups due to property maintenance issues. So, now the owner of 48 Riverside Drive must submit the proper paperwork to the town and be recognized as the owner of the property and satisfy the liens and other issues. Mr. Romans asked why should problems with 48 Riverside Drive prohibit 46 Riverside Drive. Ms. Caperino responded that there would not be enough space to have both the shared septic and the new septic at 46 Riverside Drive. The septic that is currently shared has its tank and pit where the new waterline would have to be constructed for the new septic at 46 Riverside Drive, thereby rendering 48 Riverside Drive without a septic system. Councilman Pignatelli said that 48 Riverside Drive would have to put a new septic in. Ms. Steele stated that they are not doing that. Councilman

Pignatelli stated that no one could live in it then. Mr. Romans said that the legal issue is whether you can prohibit 46 Riverside Drive's homeowner (who has lost a sale because he cannot get an approval on the septic system because of problems with 48 - the owners of which have agreed not to occupy the property) from getting approval of a septic system? Ms. Caperino said that with a shared septic, within the State Code, 48 Riverside would have to go for a TWA (treatment works approval) from the State. She added that there is the other issue of 48 Riverside Drive being on the Ramapo River, and a factor would be contamination of the river. She stated that, as she discussed with the Borough Administrator, with a TWA 48 Riverside Drive could then have a holding tank for 180 days; but after that 180 days, who is going to oversee the removal of the tank and make sure the sewage is not going into the river? Councilman Pignatelli said that it used to be that a property could come as close as possible to the code, as far as complying. Ms. Caperino affirmed that, but stated that doing so would then leave 48 without a septic. Councilman Pignatelli inquired if there was any agreement in the past that stated that 46 must provide a septic for 48 Riverside Drive. Mr. Romans stated that they had an agreement in the past and that was why he suggested 46 Riverside Drive's attorney come to the meeting tonight in case this was discussed. He stated that he Board of Health is raising problems and the Board of Health and Building Departments are pointing fingers at each other. Ms. Caperino countered that she and the Building Department are on the same page. Mr. Romans said he understands that but whatever the Building Department decides, related to the BOCA Code or building matters should not govern what the Board of Health does. Ms. Caperino responded that under the State septic code, because 48 would then not have a septic they would still need to get a TWA and a holding tank for 180 days and then would need a new septic. The Board of Health cannot leave 48 without a septic, unless they were going to share a septic, which is no longer allowed by State Code. Mr. Romans suggested that all the parties involved attend a Board of Health and present their information and then the Board of Health could talk about the resolution of this and the Board would make a decision about whether the Board would approve what was presented by the homeowner. Ms. Caperino said that she spoke with the engineer, who is fully aware that his plan cannot be approved, which is why he has not sent a revised another plan. The owners of 48 called to start the process and they never did anything further. Councilman Pignatelli inquired if the agreement is binding. Mr. Romans responded that 46 has certain rights to enter the property of 48 to disable the system, per the agreement. Ms. Caperino pointed out that the people who signed the agreement are not the current owners. Mr. Romans stated that it had been 9 months. Ms. Caperino said that she had rejected the plan, and the engineer can resubmit a new plan, but he has not done so. She said the end result, even with a TWA is that both properties are going to have to put new septic in. Mr. Romans said that 48 has agreed that they will not occupy the house or use the system. Ms. Caperino said that they had not followed the proper procedures to show ownership of the property and that they worded their affidavit, which is not a legal document, specifying "currently" present, which means on the date they signed. Mr. Romans said that if the owner of 46 and their attorney believe that the affidavit is worded correctly, then the Board of Health should indicate what it should tell them what specifically is required and they will either comply or not. Councilman Pignatelli said that if the Health Inspector followed the letter of the law that should be sufficient. Ms. Caperino stated that if there had been room to leave the existing septic and put another one in a different area of the yard, it might have been permissible with an agreement between 46 and 48; however, there is no other space in which to put a septic on 46 Riverside Drive. Councilman Pignatelli said that Ms. Caperino should write a letter to the Building Inspector not to issue a CCO because they must show proof of water and sewage. Ms. Caperino said that the Construction Official is aware of the situation, and has been in contact with Brian Chewcaskie. She added that in 2013, 46's owner was informed by Health Inspector McGrath of what the septic issues were and what would need to be done. They were attempting to do this in 2015 and they were told the same thing. She did not know if the 48 property was in foreclosure at that time, but now someone has purchased it, and they have to follow the proper procedures. Mr. Romans stated that he has the complete history of the Building Department's comments and Ms. Caperino's views. He stated that the home owner of 46, the attorney and the engineer disagree with Ms. Caperino's views. Ms. Caperino said that the engineer can send new plans at any time, and she also told Mr. Austin that 46 Riverside Drive can go to the State. She said that she is treating this like any other rejected plan, according to procedure. Councilman Pignatelli inquired if there is a fee each time a new plan is submitted, and was informed that the first revision is not charged if they are fixing the problem for which the plan was rejected. Mr. Talucci asked if when the current owners of 46 were told of the shared septic situation at the time when they purchased the home. Ms. Caperino said that she does not know when

they bought it, but the State Code changes so things are not always under the same situation as when they purchased the property. If Code changed between the time they purchased and the time they are selling they must be in compliance at the time of realty transfer, as per Code. She said she did tell them to reach out to State, because it is also on the river so there are a lot of factors in this situation. Councilman Pignatelli stated that he would discuss the matter with Attorney Chewcaskie regarding this matter.

○ **CONCERNING THE REQUIREMENT FOR LICENSED SEPTIC INSTALLER TO BE PRESENT FOR INSPECTIONS**

Principal REHS Kristin Caperino stated that the owner of an Oakland-licensed septic installation company inquired as to whether his workers can still work without him being there while he is on vacation for a week, since the Board of Health now requires the owner to be present for all inspections. The Board inquired as to what work the other Oakland-licensed septic installers are having workers do while they are on vacation. Ms. Caperino stated that they do not have work being done while they are on vacation, and that they may have other work such as landscaping that could be done. The Board determined that it will not rescind its policy, so the owner must be present at all inspections.

OTHER BUSINESS

SENIOR FREE FLU SHOT PROGRAM

It was reported the Senior Free Flu Shot Program is scheduled for Thursday, October 14th, from 2 PM to 4 PM at the Oakland Senior Center, for Oakland seniors 65 and older only. Oakland Drug will be administering the vaccinations and submitting to Medicare at no cost to the Borough.

ADJOURNMENT

ADJOURNMENT

On motion of Mr. Talucci, seconded by Mr. Provenzale, the meeting was adjourned at 8:31 PM.

Roll Call: Ms. Ashkenazi, Mr. Ashkenazi, Mr. Provenzale, Mr. Talucci, Mr. Tiffinger

APPROVED:


Stephen C. Tiffinger, President

ATTEST: 
Sandra Steele, Secretary

DATE: 10/20/2021