

CITY OF ENGLEWOOD
BOARD OF HEALTH REGULAR MEETING

January 14, 2009

1. The regular meeting of the Board of Health, City of Englewood, Bergen County, was called to order at 8:10 p.m. by Dianna Lachman, President, Board of Health.

MEMBERS PRESENT:

Dianna Lachman, President; Lisa Levien, Vice President; Bertha-Nora Acosta; JoEllen Bostick; Stephanie Davis; Dr. Lisa Wisotsky; and Dr. Earl Marsan.

ALSO PRESENT:

Richard A. Lustgarten, Esq., Board of Health Attorney; Nelson Xavier Cruz, Director, Health Services/Health Officer/Secretary to the Board; Janet Kast, Senior Executive Secretary.

Ms. Lachman welcomed everyone to the meeting and wished them a Happy New Year. Mr. Cruz then read the O.P.M.A. Statement, as follows:

O.P.M.A. STATEMENT

Adequate notice of this meeting was given, in compliance with the Sunshine Law, and published in The Record, The Press Journal, posted on the bulletin board at City Hall, and on the City's Web Page, all at least 48 hours prior to the date of this meeting. The Secretary of the Board has on file a copy of the notice for appropriate retention.

REORGANIZATION

2. Nomination/Election of Officers

Motion to nominate the existing slate, Dianna Lachman for President; Lisa Levien for Vice President; and Nelson Xavier Cruz for Secretary, was made by Ms. Levien, and seconded by Ms. Bostick. There were no other nominations. Motion to close the nominations was made by Ms. Lachman, and seconded by Ms. Acosta. A roll call vote ensued:

Bertha-Nora Acosta	-	"Yes"	Lisa Levien	-	"Yes"
JoEllen Bostick	-	"Yes"	Dr. Earl Marsan	-	"Yes"
Stephanie Davis	-	"Yes"	Dr. Lisa Wisotsky	-	"Yes"
Dianna Lachman	-	"Yes"			

A roll call vote then followed to elect the existing slate.

Bertha-Nora Acosta	-	"Yes"	Lisa Levien	-	"Yes"
JoEllen Bostick	-	"Yes"	Dr. Earl Marsan	-	"Yes"
Stephanie Davis	-	"Yes"	Dr. Lisa Wisotsky	-	"Yes"
Dianna Lachman	-	"Yes"			

Ms. Lachman thanked the Board for their vote of confidence and said they would do their best to have another very good year.

3. Committee Appointments

a. Personnel Sub-Committee

Ms. Lachman stated that the Personnel Sub-Committee members for the year 2008 were Lisa Levien, JoEllen Bostick, and Dr. Lisa Wisotsky. She asked if there were any volunteers to serve on the committee in 2009. There were none, so the Board voted to continue the Personnel Sub-Committee as is. All members voted “aye.”

b. Other Committees

Ms. Levien spoke of the need for a representative from the Board of Health to have contact with the Board of Education, establish a better dialog with them, and possibly attend some of their meetings. Mr. Lustgarten suggested a “liaison” instead of forming a committee, as a liaison would make phone calls and contact, as opposed to formal committee meetings. He said that way there would be no restrictions, and the liaison would have the responsibility of reporting relevant information back to the full Board.

Ms. Davis volunteered to be the liaison between the Board of Health and the Board of Education. Dr. Marsan suggested that Ms. Lachman or Mr. Cruz request that the minutes of the regular meetings of the Board of Education be sent to Ms. Davis.

Mr. Cruz suggested also naming a liaison between the Board of Health and the Planning Board. Ms. Lachman agreed, stating that there was an important synergy between the two Boards, as the Planning Board is involved in new development and existing structures in Englewood, and asked if there were any volunteers for that position. Dr. Marsan volunteered to be the liaison between the Planning Board and the Board of Health.

Motion to establish the Board of Health positions of liaison to the Englewood Board of Education and appoint Stephanie Davis as the representative liaison, and liaison to the Englewood Planning Board and appoint Dr. Earl Marsan as the representative liaison was made by Ms. Bostick, and seconded by Dr. Marsan. A roll call vote ensued:

Bertha-Nora Acosta	-	“Yes”	Lisa Levien	-	“Yes”
JoEllen Bostick	-	“Yes”	Dr. Earl Marsan	-	“Yes”
Stephanie Davis	-	“Yes”	Dr. Lisa Wisotsky	-	“Yes”
Dianna Lachman	-	“Yes”			

Motion was carried.

Ms. Lachman mentioned that she and Mr. Cruz were functioning unofficially as liaisons with the Police, Fire, and EVAC Departments of the City, because of their frequent attendance at meetings of the Local Emergency Planning Committee and other participation. Additional concerns regarding the need for such an arrangement should be directed to Ms. Lachman, and/or brought up at the next Board Meeting, so the

appointing of a liaison can be discussed.

4. Motion to approve Minutes of December 17, 2008 Meeting (Open/Closed)

Motion to approve the Minutes of the December 17, 2008 Board Meeting was made by Dr. Marsan, and seconded by Ms. Acosta. A roll call vote ensued:

Bertha-Nora Acosta	-	“Yes”	Lisa Levien	-	“Abstain”
JoEllen Bostick	-	“Abstain”	Dr. Earl Marsan	-	“Yes”
Stephanie Davis	-	“Abstain”	Dr. Lisa Wisotsky	-	“Yes”
Dianna Lachman	-	“Yes”			

Motion was carried.

5-9. Motion to approve Items #5 (Receipts for December 2008); #6 (Bills for December 2008); #7 (Employee Reports for December 2008); #8 (Communications for December 2008); and #9 (Digest of Mail for December 2008).

Cash receipts for the month of December, 2008 were \$9,995.80. Vouchers/Orders for payment for December, 2008 were \$14,453.94. Non-budget items were \$2,051.91.

Motion to approve Items 5-9 together was made by Dr. Marsan, and seconded by Ms. Acosta. A roll call vote ensued:

Bertha-Nora Acosta	-	“Yes”	Lisa Levien	-	“Yes”
JoEllen Bostick	-	“Yes”	Dr. Earl Marsan	-	“Yes”
Stephanie Davis	-	“Yes”	Dr. Lisa Wisotsky	-	“Yes”
Dianna Lachman	-	“Yes”			

Motion was carried.

10. Motion to approve Retail Licenses for December, 2008

Motion to approve Retail Licenses for the month of December, 2008 was made by Dr. Marsan, and seconded by Ms. Davis. Mr. Cruz read the list of licenses to be approved and stated that there had been no complaints against them or objections by anyone for the renewals. A roll call vote ensued:

Bertha-Nora Acosta	-	“Yes”	Lisa Levien	-	“Yes”
JoEllen Bostick	-	“Yes”	Dr. Earl Marsan	-	“Yes”
Stephanie Davis	-	“Yes”	Dr. Lisa Wisotsky	-	“Yes”
Dianna Lachman	-	“Yes”			

Motion was carried.

RESOLUTIONS

11-15. Motion to approve Items #11 (Resolution #09-01, Reappointment of Department Staff); #12 (Resolution #09-02, Appointment of Board Attorney); #13 (Resolution #09-03, Regular Meeting Schedule); #14 (Resolution #09-04, Designation of Official Newspapers); and #15 (Resolution #09-05, Authorize Legal Fees - Carbone v. Board of Health) together.

Motion to approve Items #11-15 together was made by Ms. Bostick, and seconded by Ms. Acosta. Ms. Lachman asked if there was any discussion on these items. Dr. Marsan asked for clarification on the legal fees for Carbone v. Board of Health, and Mr. Lustgarten said the case was still going on and would be discussed further in the Closed Session. A roll call vote ensued:

Bertha-Nora Acosta	-	“Yes”	Lisa Levien	-	“Yes”
JoEllen Bostick	-	“Yes”	Dr. Earl Marsan	-	“Yes”
Stephanie Davis	-	“Yes”	Dr. Lisa Wisotsky	-	“Yes”
Dianna Lachman	-	“Yes”			

Motion was carried.

ORDINANCES

16. Ordinance #09-01 - Personnel Practices Manual - Revised 2009 (Introduction)

Motion to read Ordinance #09-01 by title only was made by Dr. Wisotsky, and seconded by Ms. Acosta. Motion was approved 7-0.

Mr. Cruz stated that “Notice was hereby given that the following Ordinance was introduced at a meeting of the Board of Health of the City of Englewood, Bergen County, New Jersey, conducted on Wednesday, January 14, 2009, and would be further considered for final passage and adoption at a meeting of said Board to take place on February 11, 2009, at 8:00 p.m., or as soon thereafter as the matter could be heard, at the Englewood Municipal Court, 73 South Van Brunt Street, Englewood, New Jersey, at which time any interested party may comment thereon.”

Mr. Lustgarten stated the complete title of Ordinance #09-01 was “An Ordinance Adopting Guidelines for Employees of the Department of Health Entitled ‘Personnel Practices Manual of the Department of Health, City of Englewood (Revised 2009)’.”

Motion to introduce Ordinance #09-01 was made by Ms. Levien, and seconded by Dr. Marsan. Motion was approved 7-0.

17. Ordinance #09-02 - Health Code Revision - Chapter 6 “Fee Schedule” (Introduction)

Motion to read Ordinance #09-02, “An Ordinance Revising Chapter 6 of the Health Code of the City of Englewood, in the County of Bergen, New Jersey, ‘Fees and Fee Schedule,’” by title only was made by Ms. Davis, and seconded by Ms. Bostick. Motion was approved 7-0.

Mr. Cruz stated that “Notice was hereby given that the following Ordinance was introduced at a meeting of the Board of Health of the City of Englewood, Bergen County, New Jersey, conducted on Wednesday,

January 14, 2009, and would be further considered for final passage and adoption at a meeting of said Board to take place on February 11, 2009, at 8:00 p.m., or as soon thereafter as the matter could be heard, at the Englewood Municipal Court, 73 South Van Brunt Street, Englewood, New Jersey, at which time any interested party may comment thereon.”

Motion to introduce Ordinance #09-02, An Ordinance Revising Chapter 6 of the Health Code of the City of Englewood, in the County of Bergen, New Jersey, “Fees and Fee Schedule,” was made by Ms. Davis, and seconded by Ms. Acosta. Motion was approved 7-0.

18. Ordinance #09-03 - Maximum Salaries for 2009 and 2010 (Introduction)

Motion to read Ordinance #09-03, “An Ordinance Establishing the Salaries of the Department of Health of the City of Englewood as of January 1, 2009 and January 1, 2010,” by title only was made by Ms. Levien, and seconded by Dr. Marsan. Motion was approved 7-0.

Mr. Cruz stated that “Notice was hereby given that the following Ordinance was introduced at a meeting of the Board of Health of the City of Englewood, Bergen County, New Jersey, conducted on Wednesday, January 14, 2009, and would be further considered for final passage and adoption at a meeting of said Board to take place on February 11, 2009, at 8:00 p.m., or as soon thereafter as the matter could be heard, at the Englewood Municipal Court, 73 South Van Brunt Street, Englewood, New Jersey, at which time any interested party may comment thereon.”

Motion to introduce Ordinance #09-03, “An Ordinance Establishing the Salaries of the Department of Health of the City of Englewood as of January 1, 2009 and January 1, 2010,” was made by Ms. Bostick, and seconded by Dr. Marsan. Motion was approved 7-0.

OLD BUSINESS

Dr. Wisotsky inquired on the status of the possible community health center in Englewood. Mr. Cruz answered that, at the moment, Englewood Hospital and Medical Center was undergoing construction, and that most of their energy and resources were going toward that. He also stated that the new Federally Qualified Health Center (FQHC) in Hackensack, which opened in September, was very busy, with a patient waiting list of about six weeks. He added that dialog between both entities has been initiated, however, and that there exists mutual interest to explore this potential community partnership.

NEW BUSINESS

19. Inspection of Vending Machines in City Buildings

Mr. Cruz referred the Board to an anonymous letter included in their packets, which had been received on Thursday, January 8, 2009, alleging that there were currently a number of unregistered vending machines in the Police and Fire Departments and in the Actors Fund Nursing Home. Mr. Cruz informed the Board that he had met with officials of these organizations to investigate and resolve all non-compliance issues.

20. Resignation of REHS

Mr. Cruz announced the resignation of Mr. Enock Moochi, Registered Environmental Health Specialist, on January 12, 2009. He said he would elaborate further on this Personnel matter during the closed session.

Dr. Wisotsky wanted to discuss an article she had read in the New England Journal of Medicine on seasonal influenza, and Mr. Cruz agreed to photocopy the article to distribute to Board Members for discussion at the next Board Meeting.

Dr. Wisotsky also stated that establishing an e-mail database for Englewood residents ought to be a priority for 2009.

Ms. Lachman agreed, and also invited all Board Members to attend an event on Sunday, January 25, 2009, honoring Violet Cherry, former Director and Health Officer of the Health Department for 31 years, and welcoming Nelson Xavier Cruz, the present Director and Health Officer, to the larger community, from 4:00 to 7:00 p.m., at the Gallery, Englewood Hospital and Medical Center.

Ms. Lachman inquired if Mr. Cruz had been able to contact Rev. Walker regarding the reception the Board was planning, to thank all who made donations to the Friends of the Englewood Health Department in Mary Walker's name. Mr. Cruz said he had made several attempts with no success to date, would continue to do so, and thought it might be possible to hold the event before the February 11, 2009 Board Meeting. Ms. Lachman thought it might have to be postponed until March, to allow enough time to properly prepare for it.

Mr. Cruz stated that there was going to be a Board of Health Orientation and Training Session on Saturday, March 7, 2009, from 1:00 to 3:00 p.m., at the Englewood Public Library. The facilitators will be Steve Papenberg and John Saccenti. Ms. Lachman encouraged the newer Board Members to attend, as it is an excellent program. Mr. Cruz added that it gives the Board Members an opportunity to engage with other Board of Health Members and see what problems they face, as well as exchange resources and information. Ms. Lachman said the seminar was open to the entire Northern New Jersey region.

Mr. Cruz said he had included a flyer on NIMS training in the Board Members' packets. He said these courses in emergency response would be held on Saturday, February 7, 2009, at 7 Jay Street, for a nominal cost, and were sponsored by EVAC. Ms. Lachman explained that ICS stood for "Incident Command Systems," and the course gives instruction on the system that goes into place in case of any mass casualty incident. She encouraged the Board Members to take the training and become involved in the planning process of emergency response preparedness.

Ms. Lachman asked for a Motion to open the meeting for public comment. Motion was made by Ms.

Levien, and seconded by Ms. Bostick. Motion was approved 7-0.

PUBLIC SESSION

Scott Reddin

Mr. Reddin congratulated Ms. Lachman and the other Officers and thanked all the Board Members for taking time out of their busy schedules to volunteer. He referred to Resolution #09-05 - Authorize Legal Fees - Carbone v. BOH, and asked what the legal fees were for. Mr. Lustgarten said the fees were paid to him for defending the lawsuit, not to Mr. Carbone, and that the case has not been resolved yet.

Mr. Reddin then addressed Resolution #09-03 - Maximum Salaries for 2009 and 2010, and asked who determines the salaries. Mr. Cruz said there was now a union in place at the Health Department, and that a settlement was reached for a four-year period. He said the people involved were the Board Attorney, Personnel Director, the union representative, and himself. Mr. Reddin commented on how binding arbitration affects all of us, and also other towns and their budgets.

Mr. Reddin commented on the discussion by the Board regarding how they could improve on getting the word out on Health Department activities and functions. He said that the City Council had authorized the purchase of an electronic message board that will be located near the clock in town. He invited the Department to use that message board for any information, Health Department functions, or announcements to be made. He said it should be ready some time in April, and he would provide the name of the contact person when he had it.

Dr. Richard Pierson

Dr. Pierson congratulated the Board for a fine job. He said the diversity of Englewood and the breadth of interest is related to what Mrs. Violet Cherry was able to start about 35 years ago, in what he sees as going on in very exciting ways. Dr. Pierson stated the Pediatric Obesity Project is one of those ways, and it is growing wings with major involvement from Dr. Jean-Louis and Mr. Cruz and other members of the Health Department. He thanked the Board for their major efforts and for volunteering.

There were no further questions or comments from the public. Motion to close the Public Session was made by Ms. Bostick, and seconded by Ms. Davis. Motion was approved 7-0.

Dr. Marsan said he had received a phone call from an Englewood resident looking for free computer classes, and asked if anyone was aware of where that could be done. Dr. Wisotsky suggested the Englewood Public Library, and Dr. Jean-Louis said they are also offered for women at the Womens Rights Information Center.

Dr. Marsan then commented on a possible relationship between the Pediatric Obesity Project and the Federally Qualified Health Center suggested for Englewood. Ms. Lachman replied that the Health Department was trying to qualify for the FQHC. A discussion ensued regarding the cost of building a facility for the FQHC, such as the one in Hackensack, and where the funds would come from.

Ms. Lachman asked for a Motion to go into a Closed Session. Mr. Cruz read the Closed Session

Resolution as follows:

WHEREAS, the Open Public Meetings Act of the State of New Jersey permits the public to be excluded from certain matters to be discussed by the Board; and

WHEREAS, the Board of Health of the City of Englewood desires to discuss Carbone & Faasse v. the Englewood Board of Health and the resignation of Mr. Enock Moochi, and

WHEREAS, these matters are ones which permit the exclusion of the public from such discussions; and

WHEREAS, minutes will be taken during the closed session, and a summary of the minutes will be made available to the public by February 11, 2009, upon approval of the minutes, and once the need for confidentiality no longer exists.

NOW THEREFORE, BE IT RESOLVED, by the Board of Health of the City of Englewood, that the public be excluded since these matters, as set forth above, are ones which permit the exclusion of the public from such discussion;

REASON FOR EXCLUSION: #7. Pending or anticipated litigation or contract negotiation/attorney client privilege; and #8. Employment matters relating to an employee.

Motion to begin the Closed Session was made by Ms. Bostick, and seconded by Dr. Marsan. Motion was approved 7-0.

(Closed Session)

Personnel matters of the Englewood Health Department were discussed, and Mr. Cruz gave the Board an update. Mr. Lustgarten discussed the Carbone and Faasse v. Englewood Board of Health and Ortiz & Paster and Howard Moore v. City of Englewood Board of Health lawsuits, and gave the Board an update.

Motion to adjourn was made by Dr. Wisotsky, and seconded by Ms. Levien. Motion was approved 7-0. The meeting ended at 9:30 p.m.

Respectfully submitted,

Nelson Xavier Cruz
Secretary to the Board
/jk