

CITY OF ENGLEWOOD
BOARD OF HEALTH REGULAR MEETING

February 11, 2009

1. The regular meeting of the Board of Health, City of Englewood, Bergen County, was called to order at 8:03 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 (arrived 8:12 p.m.); Dr. Lisa Wisotsky; and Dr. Earl Marsan (arrived 8:08 p.m.).

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.

Mr. Cruz 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.

9. Staff Reports: Lead Case; Peanut Butter Recall

Mr. Cruz requested that #9 on the Agenda be addressed first, which was granted. He introduced Ms. Kristina Bonanni, Registered Environmental Health Specialist of the Englewood Health Department, to the Board and the public in attendance.

Ms. Bonanni reported on a lead abatement case active since July, 2008, when she received a Lead Poisoning Environmental Intervention Report from the State of New Jersey, which indicated that a minor residing in Englewood had an elevated blood lead level. Ms. Bonanni and Mr. John Kang, Registered Environmental Health Specialist from the Fort Lee Health Department, performed a lead inspection at the home of the child on September 2, 2008, and found many surfaces in need of immediate abatement. Ms. Bonanni stated that the homeowner applied for, and was granted, an extension on the deadline for abatement, in order to apply for assistance from the Department of Community Affairs for Lead Hazard Control.

The new deadline was November 7, 2008, but despite several attempts to communicate with the homeowner and tenants at the home, the Health Department has received no word of progress on the abatement. A final letter was sent to the homeowner and tenant on February 5, 2009 requesting a re-inspection be performed between February 17 - 19, 2009. If any of the readings are above the State standard, they would have an additional fourteen (14) days to abate. Otherwise, the Health Department will issue fines for non-compliance.

Ms. Bonanni next updated the Board on the peanut butter recall and distributed a form that had been issued by the State for the recall. Ms. Bonanni said that on January 10, 2009, King Nut Company, the distributor of Peanut Corporation of America's product, had issued a recall. Then on January 13, 2009, Peanut Corporation of America issued their own recall. Ms. Bonanni gave a brief history of the recalls by company, date, and assorted products containing peanuts or peanut paste.

Ms. Bonanni stated that she and other Health Department employees had visited between 25-30 stores in Englewood where they thought these products might be sold, but found them in only four (4) stores. All the establishments were given product information on the recall, and stores selling those products were required to pull them from the shelves. Ms. Bonanni said she had visited Shop Rite numerous times, and that they were being very proactive by displaying flyers on the walls, and that there was bare shelf space where the products had been. She said the Health Department had not received any complaints or questions on the recall, and that the information is posted on the City's web site. She said she is constantly visiting the stores to make sure that the new products being added to the recall list each day are not on stores' shelves.

Ms. Bonanni reported that she had visited the Marlow Candy and Nut Company located in Englewood, and that the FDA had been there a few days before her visit. Their peanut machine had been sterilized and shut down, and they had been cleared by the FDA. She also informed the Board that a reverse 911 call on the peanut butter recall had been issued the weekend of February 7-8, 2009. She said the list of recalled items is over three hundred (300) pages long, and that she goes back and checks the stores periodically to make sure these products are not for sale.

2-7. Motion to approve Items #2 (Minutes of January 14, 2009 Meeting - Open/Closed); #3 (Receipts - January 2009); #4 (Bills - January 2009); #5 (Employee Reports - January 2009); #6 (Communications - January 2009); and #7 (Digest of Mail - January 2009).

Cash receipts for the month of January 2009 were \$15,896.75. Vouchers/Orders for Payment for January 2009 were \$5,508.40. Non-budget items were \$4,525.04.

Motion to approve Items 2-7 together was made by Ms. Bostick, and seconded by Ms. Acosta. Motion was approved 7-0.

8. Motion to approve Retail Licenses - January 2009

Motion to approve Retail Licenses for the month of January 2009 was made by Ms. Bostick, 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. Motion was approved 7-0.

RESOLUTIONS

10. Resolution #09-06 - Appointment of Senior REHS

Mr. Cruz read Resolution #09-06 appointing Kristina Bonanni to the position of Senior Environmental Health Specialist for the Department of Health of the City of Englewood in its entirety. Motion to approve Resolution #09-06 was made by Ms. Levien, and seconded by Ms. Acosta. Motion was

approved 7-0.

ORDINANCES

11. Ordinance #09-01 - Personnel Practices Manual - Revised 2009 (Public Hearing/Adoption)

Motion to read the ordinance by title only, and open the matter for a public hearing was made by Ms. Davis, and seconded by Ms. Bostick. Motion was approved 7-0.

Mr. Cruz stated that Ordinance No. 09-01 was entitled “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)’”, and invited anyone present to speak or comment on the ordinance to be passed. There were no comments from the public. Motion to close the public hearing was made by Ms. Davis, and seconded by Ms. Bostick. Motion was approved 7-0.

Mr. Cruz read the Resolution to Adopt Ordinance #09-01, entitled “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)’”, which was introduced on January 14, 2009, and published in The Press Journal on January 22, 2009.

Motion to adopt Ordinance #09-01 was made by Ms. Davis, and seconded by Ms. Bostick. Motion was approved 7-0.

12. Ordinance #09-02 - Health Code Revision - Chapter 6 “Fee Schedule” (Public Hearing/Adoption)

Motion to read the ordinance by title only, and open the session for public comment was made by Ms. Bostick, and seconded by Ms. Acosta. Motion was approved 7-0.

Mr. Lustgarten stated that Ordinance #09-02 was entitled “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,’” and invited anyone present to speak or comment on the ordinance to be passed. There were no comments from the public. Motion to close the public hearing was made by Ms. Bostick, and seconded by Ms. Acosta. Motion was approved 7-0.

Mr. Cruz read the Resolution to Adopt Ordinance No. 09-02, entitled “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,’” which was introduced on January 14, 2009, and published in The Press Journal on January 22, 2009.

Motion to adopt Ordinance #09-02 was made by Ms. Davis, and seconded by Ms. Bostick. Motion was approved 7-0.

13. Ordinance #09-03 - Maximum Salaries for 2009 and 2010 (Public Hearing/Adoption)

Motion to read the ordinance by title only, and open the matter for a public hearing, was made by Ms.

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

Mr. Lustgarten stated that Ordinance #09-03 was entitled “An Ordinance Establishing the Salaries of the Department of Health of the City of Englewood as of January 1, 2009 and January 1, 2010,” and invited anyone present to speak or comment on the ordinance to be passed. There were no comments from the public. Motion to close the public hearing was made by Ms. Levien, and seconded by Ms. Bostick. Motion was approved 7-0.

Mr. Cruz read the Resolution to Adopt Ordinance #09-03, entitled “An Ordinance Establishing the Salaries of the Department of Health of the City of Englewood as of January 1, 2009 and January 1, 2010,” which was introduced on January 14, 2009, and was published in The Press Journal on January 22, 2009.

Motion to adopt Ordinance #09-03 was made by Ms. Bostick, and seconded by Ms. Davis. Motion was approved 7-0.

14. Ordinance #09-04 - Create Position: Confidential Executive Secretary (Introduction)

Motion to read Ordinance #09-04, “An Ordinance Creating the Position of Confidential Executive Secretary,” by title only was made by Ms. Bostick, and seconded by Ms. Acosta. Motion was approved 7-0.

Mr. Lustgarten read the introductory statement: “Notice is 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 Wednesday, February 11, 2009, and will be further considered for final passage and adoption at a meeting of said Board to take place on March 11, 2009 at 8:00 p.m. at the Englewood Municipal Court, 73 South Van Brunt Street, Englewood, New Jersey, or as soon thereafter as the matter can be heard.”

Motion to introduce Ordinance #09-04, “An Ordinance Creating the Position of Confidential Executive Secretary,” was made by Ms. Davis, and seconded by Ms. Bostick. Motion was approved 7-0.

15. Ordinance #09-05 - Maximum Salaries for 2009 and 2010 Amended (Introduction)

Motion to read Ordinance #09-05, “An Ordinance Amending the Established 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. Bostick, and seconded by Dr. Marsan. Motion was approved 7-0.

Mr. Lustgarten read the introductory statement: “Notice is hereby given that the following Ordinance was introduced at a regular meeting of the Board of Health of the City of Englewood, on Wednesday, February 11, 2009, and will be further considered for final passage and adoption at a meeting of said Board to be held in the Englewood Municipal Court at 73 South Van Brunt Street, Englewood, Bergen County, New Jersey on Wednesday, March 11, 2009 at 8:00 p.m., or as soon thereafter as the matter can be heard, at which time any interested party may comment thereon.”

Motion to introduce Ordinance #09-05, “An Ordinance Amending the Established Salaries of the

Department of Health of the City of Englewood as of January 1, 2009, and January 1, 2010,” was made by Dr. Marsan, and seconded by Ms. Levien. Motion was approved 7-0.

OLD BUSINESS

16. Model Lead-Safe City Agreement

Mr. Cruz referred the Board to the Model Lead-Safe City Agreement between the New Jersey Department of the Public Advocate and the City of Englewood, which had been mailed to them in their Board packets. The original document had been submitted at the last Board Meeting on January 14, 2009. Since then, the New Jersey Department of the Public Advocate had made several corrections and recommendations. Mr. Cruz said that even before entering the Agreement, the Department had benefitted from it, in that Matt Traudt had received training in lead inspection at no cost to the Department. He said if the Board approves the Agreement, he would take it to the City Council for their approval, because the Agreement would be between the City and the Office of the Public Advocate. Approval was granted by consensus to move forward to the City Council.

NEW BUSINESS

17. Customer Late Night

Mr. Cruz referred the Board to the statistics he provided showing that during the fiscal year 2008, service was provided to only nine (9) consumers after hours in the Vital Statistics Department. He said that previously, Health Department employees received compensatory time off for the extra hours worked one evening per month. Now that the Department is unionized, employees have the choice between compensatory time off or being paid for overtime.

Mr. Cruz suggested discontinuing the late night hours in Vital Statistics, as it is not cost effective, which would not affect the evening hours of the CHC Clinic held monthly. He said the staff would be available, and has done so in the past, for emergencies after hours. He asked for a hand vote of the Board on this issue. Ms. Lachman clarified that a Vital Statistics staff person would arrange to go to work outside of their normal hours in the case of a person needing a certificate urgently. The Board voted unanimously to do away with the late night hours in Vital Statistics. Dr. Marsan suggested publishing a notice that the Vital Statistics late night hours had been eliminated, but that a staff person would be available if there was a need. Ms. Lachman added that a notice should also be posted on the Department door, window, and web site. Ms. Davis suggested that the word “possibly” be added to the section about a staff person being available, to ensure that no one abuses this option.

18. Board of Health Meeting Venue Change

Mr. Cruz asked the Board to consider changing the venue of the Board Meetings back to the second floor Police Department Conference Room, due to the poor acoustics of the Municipal Courtroom and the difficulties with the Department recording system. The Board felt that the Municipal Courtroom is more accommodating to the public and has easier access than the second floor conference room. It was decided to continue the Board Meetings there, and Ms. Lachman requested the information necessary to obtain a better quality voice recorder system for the minutes.

19. Seasonal Influenza

Dr. Wisotsky referred the Board to the article enclosed in their Board packets entitled "Prevention and Treatment of Seasonal Influenza," published on December 11, 2008 in the New England Journal of Medicine. The article reports that twelve children who were unvaccinated died in Texas during the 2006-2007 influenza season. She said the article recommends novel approaches to administering the flu vaccine, such as setting up a flu clinic in a school system.

A discussion ensued regarding the possibility of having a flu clinic in the school system in Englewood. Mr. Cruz brought up the legal issues, different health insurance categories, problems with temperature control of the vaccines, and cost issues. Mr. Cruz said the majority of the vaccines received currently are from the New Jersey Vaccines for Children program, for those families without health insurance.

Ms. Davis said that, as liaison to the Englewood Board of Education, she would look into the vaccine situation in the local schools, and talk to them about the possibility of working with the Health Department in the future on this issue. Dr. Marsan suggested making copies of the article under discussion to distribute to the Board of Education.

20. New Air Handler (HVAC)

Mr. Cruz reported that a new air handler system had been installed and the ducts had been cleaned, and that the Department now has heat. He explained that the Municipal Court and Police Department had already had this installed previously.

Mr. Cruz also reported that the reconfiguration bidding process for the Vital Statistics area of the Department had also been completed, and according to the time table he had been given, work would begin on March 9, 2009, and be completed in four to six weeks. This project entails the enclosing of the Vital Statistics area, widening the customer service window, and ensuring the confidentiality of customers' transactions.

21. Dental Screening Clinic

Mr. Cruz told the Board that several dental screening clinics are being planned. One will take place at the Health Department on March 4, 2009, from 4:00 - 7:00 p.m. Another one is being planned for February 26, 2009 at Vincent K. Tibbs at 9:00 a.m., and the third will be at Bergen Family Center on March 5 at 9:00 a.m. The dental provider will be Dr. Edward Jackson, whose practice is in Hackensack.

22. Flu Clinic

Mr. Cruz stated that the flu season has been extended and that the Department would be holding another Flu and Pneumonia Clinic on Friday, February 27, 2009, from 9:00 a.m. to 3:00 p.m. at the Health Department. He said flyers had gone out, both in English and Spanish; it was put on the web site; and a press release had been done.

23. Rabies Clinic

Mr. Cruz informed the Board that a Rabies Clinic was scheduled for Saturday, February 21, 2009, from 12:00 noon to 3:00 p.m. at the Municipal Court. Mr. Cruz said that in the past, two clinics had been held, but it was decided to consolidate them to just one. Residents unable to get to this clinic have the option of obtaining their pet's rabies vaccination at the Bergen Animal Hospital in Teaneck.

24. Family Health Awareness Fair

Mr. Cruz stated that a Family Health Awareness Fair is being scheduled with TD Bank for Saturday, September 26, 2009, from 11:00 a.m. to 3:00 p.m. He said arrangements were being made for the Colgate Dental Van to be there this year. Ms. Lachman remarked that it was a wonderful day for the Health Department and invited all the Board Members to attend and show their support.

Ms. Lachman informed the Board that Mr. Cruz had been interviewed by NY1 News that Monday on the Trap Neuter and Release Program that the Department had been participating in to control the feral cat population. Others interviewed were from the Start II Animal Rescue Agency, which is renting space in Englewood in the old animal shelter, and Dr. Sniderman, a veterinarian who is starting a program in which veterinarians will make house calls. Mr. Cruz added that yesterday he had received an e-mail from someone in Mt. Holly who had heard about the Department's program and also wants to interview him.

Ms. Lachman reminded the Board of the Board Training Program to be held on Saturday, March 7, 2009, from 1:00 p.m. to 3:00 p.m., which would be especially valuable for the newer Board Members. It will be held at the Englewood Public Library, and is for all the local Health Departments in Bergen County. Ms. Lachman asked any interested Board Members to tell Mr. Cruz if they were going to attend, so that he could inform the facilitators.

Ms. Lachman stated that in the future, she would like some money put aside in the budget for Board training. She said there are many wonderful seminars and conferences available dealing with public health, and she wants to encourage the Board members to attend as many as possible. Mr. Cruz said that he had requested \$2,500 in the current budget for Board training.

Ms. Lachman said she had received a phone call from Lucius Walker, the husband of Mary Walker, and they thought the reception to honor the people who had donated in her name to the Reach and Teach Program could be held before the April 2009 Board Meeting. She said she would be speaking to Mr. Cruz and the Department staff soon about arranging this.

Ms. Lachman mentioned that she is on the Board of the Jewish Family Services Professional Services Committee, which offers a family support service. This particular branch is located in Teaneck and is non-denominational. They offer psychological counseling, career workshops, referrals to job training programs, and many other forms of assistance. She said she was giving the information to Mr. Cruz to

use as another resource for residents needing assistance.

Mr. Cruz stated that the previous weekend, he, Ms. Lachman, and several staff members of the Health Department had received NIMS Training in emergency preparedness, which is a requirement in the State of New Jersey. Ms. Lachman said the training deals with mass casualty incidents and how to prepare for them and handle them. She said the course will be offered from time to time at a nominal fee and encouraged everyone to take it. She said there was also a computer version of the course, and if anyone was interested in that, she would get the web site for them.

Ms. Lachman asked for a Motion to open the meeting for public comment. Motion was made by Ms. Bostick, and seconded by Ms. Davis. Motion was approved 7-0.

PUBLIC SESSION

Dr. Suzie Jean-Louis

Dr. Jean-Louis spoke about the new law in the State of New Jersey requiring all children to obtain a flu vaccine or be excluded from school. She said the deadline was extended to the next school year. Before the beginning of the next school year, each child must present proof of immunization. If a child's parents refuse to immunize their child against the flu for religious reasons, the child must not have received any other immunizations, for the same reason. Dr. Jean-Louis stated it was the schools' responsibility to make sure all the children are given the flu vaccine, but that later, the Health Department would audit the schools' records to check to see whether the flu vaccines were given.

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

Dr. Marsan, the Board liaison to the Englewood Planning Board, reported on the Planning Board meeting he attended. There was a property dispute, and he found the process very interesting.

Dr. Marsan also stated that Ms. Lachman is going to be honored by the Rotary Club on Thursday, March 12, 2009, at 6:00 p.m. at the Presbyterian Church, and asked that Board members show their support by attending.

Ms. Lachman reported that Matt Traudt had received a call about a coyote sighting at Flat Rock Brook. She told the Board about a book she was reading about coyotes, and said they have been in this area for hundreds of years. She said they are opportunistic animals, and small mammals are their prey, so care should be taken with small toddlers and infants, who should not be left alone when they are outdoors.

Ms. Lachman asked for a Motion to go into 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 a lead case and the Carbone & Faasse litigation, 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 March 11, 2009, or upon approval of the minutes, and once the need for confidentiality no longer exists the minutes will be made available to the public,

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: tactic/techniques protecting the safety and property of the public or investigations; and pending or anticipated litigation or contract negotiation/attorney client privilege.

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

(Closed Session)

Mr. Cruz and Mr. Lustgarten discussed a pending lead abatement case in Englewood, and provided the Board with a detailed chronology of the case. Any continued failure to comply with abatement will result in a summons.

Mr. Lustgarten gave the Board an update on the Carbone & Faasse v. Englewood Board of Health lawsuit, including the possibility of a settlement.

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

Respectfully submitted,

Nelson Xavier Cruz
Secretary to the Board
/jk