

CITY OF ENGLEWOOD
BOARD OF HEALTH REGULAR MEETING

March 11, 2009

1. The regular meeting of the Board of Health, City of Englewood, Bergen County, was called to order at 8:18 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.

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.

- 2-7. **Motion to approve Items #2 (Minutes of February 11, 2009 Meeting - Open/Closed); #3 (Receipts - February 2009); #4 (Bills - February 2009); #5 (Employee Reports - February 2009); #6 (Communications - February 2009); and #7 (Digest of Mail - February 2009).**

Cash receipts for the month of February 2009 were \$14,348.75. Vouchers/Orders for Payment for February 2009 were \$17,949.67. Non-Budget items were \$3,580.80.

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

8. **Motion to approve Retail Licenses - February 2009**

Motion to approve Retail Licenses for the month of February 2009 was made by Ms. Davis, and seconded by Ms. Bostick. 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.

15. **Presentation - Emergency Preparedness**

Mr. Cruz introduced Mr. Victor Carter, Planning Coordinator, Office of Emergency Planning, New Jersey Department of Health and Senior Services, and Mr. Leonard Fiorenza, Assistant Chief, Administrative Services, Bergen County, to the Board Members and public in attendance. He mentioned

that Mr. Carter is also an Englewood resident, and he had just done a presentation for the Public Health Partnership of Bergen County on Emergency Preparedness.

The presentation dealt with the steps being taken by State, County, and Local agencies to deal with emergency preparation and planning. Mr. Carter and Mr. Fiorenza spoke about the Cities Readiness Initiative, whose goal it is to provide needed medications to the public within forty-eight hours of the event. They compared the Federal Strategic National Stockpile for the rapid deployment of medications to the State Strategic Stockpile.

Their talk also covered state testing of the air for biological agents, PanFlu, and the New Jersey Medical Reserve Corps, health professionals who volunteer their time and knowledge.

Mr. Fiorenza spoke about the emergency planning exercises being done in Bergen County, and what can be done to prepare while waiting for state and/or federal aid. He said one important aspect of emergency planning was to develop strategies to identify the special needs populations. He encouraged a regional approach to the distribution of medications in an emergency, instead of a municipal one.

Mr. Fiorenza stated that this kind of emergency preparedness will help in other kinds of situations, such as the MRSA virus.

Mr. Cruz announced that Mr. Carter would be doing a presentation at the Emergency Responders meeting on Tuesday, March 17, 2009, at 10:00 a.m. as well. He said he hoped that Mr. Carter and Mr. Fiorenza would be able to do a presentation before the City Council at some time in the near future.

ORDINANCES

9. 09-04 Create Position: Confidential Executive Secretary (Public Hearing/Adoption)

Motion to read the ordinance by title only was made by Ms. Bostick, 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	-	(Temporarily absent from meeting)			
Dianna Lachman	-	“Yes”			
Dr. Lisa Wisotsky	-	(Temporarily absent from meeting)			

Motion was approved 5-0.

Mr. Lustgarten stated that Ordinance No. 09-04 was entitled “An Ordinance Creating the Position of Confidential Executive Secretary.” Motion to open the time for public comment was made by Ms. Bostick, and seconded by Ms. Levien. A roll call vote ensued:

Bertha-Nora Acosta	-	“Yes”	Lisa Levien	-	“Yes”
JoEllen Bostick	-	“Yes”	Dr. Earl Marsan	-	“Yes”
Stephanie Davis	-	(Temporarily absent from meeting)			

Dianna Lachman - "Yes"
Dr. Lisa Wisotsky - (Temporarily absent from meeting)

Motion was approved 5-0.

There were no comments or questions from the public. Motion to close the public hearing 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	-	(Temporarily absent from meeting)			
Dianna Lachman	-	"Yes"	Dr. Lisa Wisotsky	-	"Yes"

Motion was approved 6-0.

Mr. Lustgarten read the Resolution to Adopt Ordinance No. 09-04, entitled "An Ordinance Creating the Position of Confidential Executive Secretary," which was introduced on February 11, 2009, and published in The Press Journal on February 19, 2009.

Motion to adopt Ordinance No. 09-04 was made by Ms. Bostick, and seconded by Ms. Levien. A roll call vote ensued:

Bertha-Nora Acosta	-	"Yes"	Lisa Levien	-	"Yes"
JoEllen Bostick	-	"Yes"	Dr. Earl Marsan	-	"Yes"
Stephanie Davis	-	(Temporarily absent from meeting)			
Dianna Lachman	-	"Yes"	Dr. Lisa Wisotsky	-	"Yes"

Motion was approved 6-0.

10. Ordinance #09-05 Maximum Salaries for 2009 and 2010 Amended (Public Hearing/Adoption)

Motion to read the ordinance by title only was made by Dr. Marsan, and seconded by Ms. Levien. Motion was approved 7-0.

Mr. Lustgarten stated that Ordinance #09-05 was entitled "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."

Motion to open the session for public comment was made by Ms. Bostick, and seconded by Dr. Marsan. Motion was approved 7-0.

There were no questions or comment from the public. Motion to close the time for public comment was made by Ms. Bostick, and seconded by Ms. Davis. Motion was approved 7-0.

Mr. Lustgarten read the Resolution to Adopt Ordinance #09-05, entitled "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,” which was introduced on February 11, 2009, and published in The Press Journal on February 19, 2009. Motion to adopt Ordinance #09-05 was made by Dr. Marsan, and seconded by Ms. Levien. Motion was approved 7-0.

11. Ordinance #09-06 Health Code Revision - Violations and Penalties (Introduction)

Motion to read Ordinance #09-06, “An Ordinance Revising Chapter 18 of the Health Code of the City of Englewood, in the County of Bergen, New Jersey, ‘Violations and Penalties,’” by title only was made by Ms. Bostick, and seconded by Ms. Davis. 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 on Wednesday, March 11, 2009, and will be further considered for final passage and adoption at a meeting of said Board to take place on April 15, 2009, at 8:00 p.m. or as soon thereafter as the matter can 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 #09-06, “An Ordinance Revising Chapter 18 of the Health Code of the City of Englewood, in the County of Bergen, New Jersey, ‘Violations and Penalties,’” was made by Dr. Marsan, and seconded by Ms. Bostick. Motion was approved 7-0.

RESOLUTIONS

12. Resolution #09-07 Appointment of Confidential Executive Secretary

Mr. Cruz read Resolution #09-07 appointing Janet Kast to the position of Confidential Executive Secretary for the Department of Health of the City of Englewood, effective March 16, 2009, in its entirety. Motion to approve Resolution #09-07 was made by Ms. Bostick, and seconded by Ms. Davis. Motion was approved 7-0.

13. Resolution #09-08 Appointment of Registered Environmental Health Specialist (conditional)

Mr. Cruz read Resolution #09-08 appointing Kara Lindstrom to the position of Registered Environmental Health Specialist for the Department of Health of the City of Englewood, at an annual salary of \$35,000.00 (Thirty-five thousand dollars), effective March 30, 2009, conditional upon satisfactory results of pre-employment requirements, in its entirety. Motion to approve Resolution #09-08 was made by Ms. Bostick, and seconded by Ms. Levien. Motion was approved 7-0.

14. Board Liaison Reports

Neither Ms. Davis (Board of Education Liaison) nor Dr. Marsan (Planning Board Liaison) had anything to report this month.

OLD BUSINESS

Mr. Cruz thanked Ms. Bertha-Nora Acosta and Mr. Antonio Alvarez for their assistance with the recording of the Board of Health minutes, and said he did not want it to go unrecognized.

Mr. Cruz requested that if any Board Member had still not completed and sent in their Financial Disclosure Form for 2008 to please do so at their earliest convenience.

16. Model Lead-Safe City Agreement

Mr. Cruz reported that on March 3, 2009, a presentation was given on the Model Lead-Safe City Agreement by Mr. Joe Pargola to the Englewood City Council. This document is currently being considered by the Council, and Mr. Cruz will find out the status at the next City Council meeting.

17. Vital Statistics Reconfiguration - Redeployment Plan Status

Mr. Cruz reported that out of nine bidders for this project, the recommendation went to the lowest bidder. This was supposed to be presented on March 3, 2009, before the City Council, but the paperwork was mistakenly submitted only to the City Clerk without a copy to Mr. Cruz. This will have to be submitted for the next meeting of the City Council.

18. Dental Screening Clinic

Mr. Cruz reported that the Department had held three dental clinics recently; one on February 26, 2009, at Vincent K. Tibbs, where 58 clients were seen; on March 4, 2009, at the Englewood Health Department, where 15 clients were seen; and March 5, 2009, at Bergen Family Center, where 138 clients were seen, for a total of 211 clients.

19. Flu Clinic

Mr. Cruz stated that only three clients were seen at the Flu Clinic at the Health Department on February 27, 2009, in spite of the fact that it was advertised well. He said one more flu clinic would be held on Friday, March 27, 2009, and outside residents would be welcome as well as Englewood residents.

20. Rabies Clinic

Mr. Cruz reported that a Rabies Clinic was held on Saturday, February 21, 2009, from 12:00 to 3:00 p.m. at the Englewood Health Department. Ninety-five (95) dogs and twenty-seven (27) cats were vaccinated, for a total of 122 animals. He said a mass mailing was being done to all owners of unlicensed pets in Englewood, which totals approximately three hundred.

21. Family Health Awareness Fair

Mr. Cruz stated that the Family Health Awareness Fair is scheduled for Saturday, September 26, 2009 from 11:00 a.m. to 3:00 p.m., in partnership with TD Bank, formerly Commerce Bank. Mr. Cruz has scheduled a meeting with Carla Johnson on March 18 regarding the use of the Colgate dental van, which would certainly attract a lot of attention.

NEW BUSINESS

22. Over-Expenditure - Legal Expenses: Carbone v. Board of Health

Mr. Cruz stated that they had anticipated that there would be an over-expenditure in this case, but in fact, there was not. He said there was an authorization for \$5,000, and an additional \$2,500. Of a total of \$7,500 approved, \$342 remains, and Mr. Cruz said one final bill was expected on the Carbone issue.

Mr. Lustgarten announced that the Carbone & Faasse v. the Englewood Board of Health matter had been resolved.

23. CDBG 08-09 Application

Mr. Cruz stated that the Department submits an application every year for the Nutrition Education Program at Janis Dismus Middle School from the Community Development Block Grant. He said in the past, the Department had received an award of \$9,500. This year's application was for \$20,000, but Mr. Cruz said he had not received a letter from the County yet. He said he had been informed by Mr. Scott Reddin, who had attended the Community Development meeting, that the Department would not be receiving the grant this year.

24. 2009 Budget

Mr. Cruz said the 2009 Budget for the Department would be presented to the City Council on March 17, 2009, at 6:00 p.m. Ms. Lachman suggested contacting the Friends of the Englewood Health Department to invite them to the meeting to show their support.

25. National Public Health Week

Mr. Cruz announced that National Public Health Week is scheduled for April 6 - 12, and that this year's theme is "Building the Foundation for a Healthy America." He said that various public health related activities would be taking place at Bergen Family Center, Janis E. Dismus Middle School, 111 West Street, and ShopRite.

26. Family Care Enrollment - St. Cecilia's Catholic Church

The Department will be working with the County as part of the Access to Care Task Force, a sub-committee of CHIP, which Mr. Cruz sits on, and on Sunday, June 21, 2009, from 12:00 p.m. to 3:00 p.m., there will be a family enrollment at St. Cecilia's Catholic Church for health care. Mr. Cruz said he had made arrangements with the North Hudson Community Action Corporation to provide a van, for various screenings, to be parked in front of St. Cecilia's Church. Flyers will be distributed in English and in Spanish, and the event will be advertised on our web site and the county's.

27. Health Department Brochure - Korean Translation

Mr. Cruz called the Board's attention to a Health Department brochure in their packets which had been translated into Korean. He said this would be posted on the web, along with the English and Spanish

versions.

Ms. Lachman said the Englewood Board of Health is a member of the National Association of Local Boards of Health (NALBOH), and in their most recent publication, there is an article about emergency preparedness. The article discusses how the economy will impact all the resources for emergency preparedness. Ms. Lachman said she would report back to the Board on the article after she had read it completely.

Ms. Lachman also stated that she sits on the New Jersey Local Boards of Health, and that they are sending her to Bowling Green, Ohio as a representative from the State of New Jersey, for their Annual Meeting, from April 1 - 3, 2009. She said she will be exchanging information with other Boards of Health from all over the country, and would report back on her trip at the next Board Meeting.

Mr. Cruz reported that there had been a Board Training and Orientation for new Board Members in Northern New Jersey on Saturday, March 7. There were 39 participants, including two Health Officers, members of various Boards, City Council members, as well as Board Presidents, and representing towns such as Saddle Brook, Hasbrouck Heights, Hackensack, Englewood Cliffs, and Mahwah, and as far away as Hampton, New Jersey. Mr. Cruz said the three presenters were John Saccenti, Steve Papenberg, and Richard Lustgarten, Esq. Ms. Lachman, Ms. Levien, and Ms. Bostick attended from the Englewood Board of Health. Mr. Cruz said a press release was being prepared and would be included in next month's Board Packet.

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

PUBLIC SESSION

Jeanne Hopewell, 380 Liberty Rd.

Ms. Hopewell first spoke of her concern about the problem of childhood obesity, and her disappointment that the Department did not receive the funds to address this problem. She suggested adding nutrition courses to the schools' curriculums.

Ms. Hopewell raised the subject again of the lack of a shower at the City's swimming pool, and the unsanitary conditions and habits caused by this. She said when the pool first opened years ago, the children using the pool had access to the school to use the showers and the bathrooms. She said they now have to cross the street and use a field house to use the facilities.

In response to Ms. Hopewell's concern about the Nutrition Program, Mr. Cruz said that, despite not receiving the grant money this year, the Nutrition Program would be continued at Janis E. Dismus Middle School. He said there is a movement afoot, working with the Board of Education, not just in Englewood, but also in the surrounding towns, to address the problem of obesity, which does include curriculum redesign.

Regarding the lack of a shower at the pool, Mr. Cruz stated that he had raised the question with the Director of the Recreation Department last year, and it had been addressed by providing the use of the field house across the street. He said he was meeting with the Director the following day, and he would see what could be done to change that.

Ms. Hopewell told him that there were no showers in the field house, only toilets, and sometimes the doors were left unlocked, so that anyone could use them.

Ms. Lachman suggested the use of an outside shower, if possible, and a sign indicating the children must shower before entering the swimming pool. Mr. Cruz added that the sign might request a shower both entering and exiting the pool, and that there should be adult supervision there to enforce this. He said he would report back to the Board at the next meeting on the outcome of his meeting with the Director of Recreation.

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

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 the lead case, the Carbone & Faasse litigation and the Ortiz & Paster 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 April 15, 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: pending or anticipated litigation or contract negotiation/attorney client privilege.

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

(Closed Session)

Mr. Lustgarten and Mr. Cruz gave the Board an update on a lead abatement case in Englewood. They stated that a summons had been issued and a court date was pending.

Mr. Lustgarten informed the Board that a settlement had been reached in the Carbone & Faasse v. Englewood Board of Health matter and that this case is now closed.

Mr. Lustgarten updated the Board on the status of the Ortiz & Paster lawsuit.

Ms. Bostick invited all present to a fundraiser honoring "Shelter Our Sisters," organized by her sorority, Delta Sigma Theta, on Saturday, April 4, 2009, at 12:00 p.m., at the Teaneck Rhodda Center. Gift certificates from ShopRite would be most welcome.

Motion to adjourn was made by Dr. Marsan, and seconded by Ms. Bostick. Motion was approved 7-0. The meeting ended at 10:10 p.m.

Respectfully submitted,

Nelson Xavier Cruz
Secretary to the Board
/jk