

**CITY OF ENGLEWOOD**  
**BOARD OF HEALTH REGULAR MEETING**

**April 15, 2009**

1. The regular meeting of the Board of Health, City of Englewood, Bergen County, was called to order at 8:08 p.m. by Dianna Lachman, President, Board of Health.

**MEMBERS PRESENT:**

Dianna Lachman, President; Lisa Levien, Vice President; Bertha-Nora Acosta, and Dr. Earl A. Marsan.

**ALSO PRESENT:**

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

**ABSENT/with apology:**

JoEllen Bostick, Stephanie Davis, and Dr. Lisa Wisotsky.

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 March 11, 2009 Meeting - Open/Closed); #3 (Receipts - March 2009); #4 Bills - March 2009); #5 (Employee Reports - March 2009); #6 (Communications - March 2009); and #7 (Digest of Mail - March 2009).**

Cash receipts for the month of March 2009 were \$39,329.50. Vouchers/Orders for Payment for March 2009 were \$10,467.25. Non-budget payments were \$1,478.49.

Motion to approve Items 2-7 together was made by Ms. Levien, and seconded by Ms. Acosta. Motion was approved 4-0.

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

There were a large number of licences to be approved this month, and Dr. Marsan suggested it be considered to stagger them in the future. Mr. Cruz stated that no complaints or objections to the

renewals had been made by anyone. Motion to approve Retail Licenses for the month of March 2009 was made by Ms. Acosta, and seconded by Ms. Levien. Motion was approved 4-0.

## **ORDINANCES**

### **9. Ordinance No. 09-06 Health Code Revision - Violations and Penalties (Public Hearing/Adoption)**

Motion to read the ordinance by title only was made by Dr. Marsan, and seconded by Ms. Acosta. Motion was approved 4-0.

Mr. Lustgarten stated that Ordinance No. 09-06 was entitled “An Ordinance Revising Chapter 18 of the Health Code of the City of Englewood, in the County of Bergen, New Jersey, ‘Violations and Penalties.’”

Motion to open the time for public comment was made by Dr. Marsan, and seconded by Ms. Levien. Motion was approved 4-0.

There were no comments or questions from the public. Motion to close the time for public comments was made by Dr. Marsan, and seconded by Ms. Levien. Motion was approved 4-0.

Mr. Cruz read the Resolution to Adopt Ordinance No. 09-06, entitled “An Ordinance Revising Chapter 18 of the Health Code of the City of Englewood, in the County of Bergen, New Jersey, ‘Violations and Penalties,’” which was introduced on March 11, 2009, and published in The Press Journal on March 19, 2009.

Motion to adopt Ordinance No. 09-06 was made by Dr. Marsan, and seconded by Ms. Levien. Motion was approved 4-0.

## **RESOLUTIONS**

### **10. Resolution No. 09-09 - Opposition to Assembly Bill 3686**

Mr. Cruz read Resolution No. 09-09 opposing Assembly Bill No. 3686, which proposes the transfer of the Governor’s Council on Alcoholism and Drug Abuse to the New Jersey Department of Human Services, in its entirety. Motion to approve Resolution No. 09-09 was made by Dr. Marsan, and seconded by Ms. Acosta.

Mr. Cruz stated that he had presented this Resolution to the Englewood City Council at the last City Council meeting, and they were strongly in favor. It was also discussed at the last Public Health meeting of Bergen County, and there is now a letter writing campaign underway.

Motion was approved 4-0.

**11. Resolution No. 09-10 - TASE Program Funding Reinstatement**

Mr. Cruz read Resolution No. 09-10, requesting that Tobacco Age of Sale Enforcement (TASE) Program Funding be reinstated for 2009, in its entirety. Motion to approve Resolution No. 09-10 was made by Dr. Marsan, and seconded by Ms. Acosta. There was no discussion, and motion was approved 4-0.

**12. Board Liaison Reports**

Dr. Marsan reported that he had attended one Planning Board meeting in the past month, but that no Health Department-related matters or issues were discussed.

Mr. Cruz stated that he had brought some flyers, inviting the public to meet the candidates running for the Board of Education.

Mr. Cruz reported that he usually attends two City Council meetings per month, and that he would report on them to the Board in the future. He said the 2009 budget was introduced successfully at the last meeting.

Ms. Lachman mentioned that Mr. Cruz also attends a weekly meeting of the City of Englewood Management Team and asked him to brief the Board on any items of interest discussed there. Mr. Cruz said the City is still looking into purchasing a new phone system, and had decided to look at a plan prepared by NJIT and make sure that the RFP of the vendor complies with that plan.

**OLD BUSINESS**

**13. Vital Statistics Reconfiguration Status**

Mr. Cruz reported that the project was scheduled to begin on April 13, but that the contractor was unable to begin the project that day due to the water main break in Ridgefield, where he lives. Mr. Cruz said the dumpster had been delivered on April 15, and the work was expected to begin the following day.

Vital Statistics and all customer service activities had been redeployed to the Nursing area of the Department, and the former Vital Statistics area was completely vacant. The Child Health Conference was cancelled for April due to the amount of material and number of people in the clinic area, and to ensure the safety of the children. The total project is expected to take from six to eight weeks.

**14. Englewood FQHC Feasibility Development**

Mr. Cruz reported that, on March 31, 2009, he, Ms. Lachman, Ms. Levien, and Dr. Marsan had attended a meeting with the North Hudson Community Action Corporation and Englewood

Hospital and Medical Center to explore the feasibility of an FQHC in Englewood. Since that time, two things had transpired: the entering into an agreement with Ms. Pat Burks, a consultant; and the submission of a confidentiality agreement to share information. Mr. Cruz explained that they need to share information, some of which is sensitive data, and decide who would pay for the services of the feasibility project. He said that is generally a shared expense by the entities involved. Ms. Pat Burks, who serves as a consultant for both, will be driving that effort.

**15. Emergency Response Presentation (for First Responders)**

Mr. Cruz stated that, on March 17, 2009, Mr. Victor Carter had made a presentation for the emergency responders, which went very well. Unfortunately, Fire Department personnel were not able to be there. Since Homeland Security funds are available, Mr. Cruz said it had been decided to move ahead and schedule a meeting on Friday, April 17, 2009, with the Directors of the Fire, Police, Public Works, and Health Departments, Ms. Lachman, and another member of EVAC, in order to move forward with emergency preparedness planning. Mr. Cruz said he had expressed his disappointment, with Chief Moran, that no one from the Fire Department was attending these meetings.

**NEW BUSINESS**

**16. National Public Health Week**

Mr. Cruz stated that National Public Health Week was observed the week of April 6-9, 2009. On April 6, the Department was at the Bergen Family Center. On April 7, the Department was unable to be at Janis E. Dismus Middle School as scheduled, as they were closed, but will have an event on April 16. The Department was at ShopRite of Englewood on April 8, and 111 West Street on April 9. This year, National Public Health Week coincided with Holy Week, and Mr. Cruz indicated that the Department would schedule their events differently if it again falls during an inconvenient time for outreach.

**17. Get Fit Englewood**

Mr. Cruz said that flyers had been distributed to the Board and to the public regarding Get Fit Englewood, in English and Spanish. The kick off date is Saturday, April 25, 2009, from 10:00 a.m. to 2:00 p.m., at Janis E. Dismus Middle School. Eight weeks of activity will follow at Mackay Park between 10:00 a.m. and 2:00 p.m. There will be a physical fitness/nutrition consultant there who is based in Englewood and has worked with the Recreation Department. On the last day, June 20, prizes will be awarded. Mr. Cruz invited the Board members and public to join in the activities.

**18. Swimming Pool Showers**

Mr. Cruz reported that, at the last Board Meeting, Ms. Jeanne Hopewell raised a concern about

the lack of a shower at the City swimming pools. He subsequently met with the Director of the Recreation Department, Ms. Merle Simons, who has purchased portable showers which will be installed at Janis E. Dismus Middle School and Mackay Park. Earlier in the day, Ms. Hopewell had visited the Health Department, and was given a brief tour of the construction project and informed of the purchase of the showers.

**19. 2008 Annual Report - Draft for Review**

Mr. Cruz told the Board Members that he had included a draft of the 2008 Annual Report of the Englewood Department of Health in their packets for their review and comments, before final approval.

**20. Reach & Teach Position Vacancy**

Mr. Cruz stated that the Reach & Teach Youth Health Educator had been terminated while still in the probationary period. The position has since been advertised, and Mr. Cruz had interviewed several candidates. The position had been offered to a candidate, contingent upon pre-employment requirements being met. The candidate has worked at the high school, and the Bergen Family Center, is a resident of Englewood, and attended Syracuse University. Mr. Cruz said the vetting process had taken place, and that he had received positive feedback, and thought she would be a very good organizational fit. The projected start date is May 11 or earlier.

**21. Probationary Status of Employees**

Mr. Cruz stated that Matthew Traudt and Dr. Suzie Jean-Louis were on probationary status due to the change in their positions. Dr. Suzie Jean-Louis was promoted to Health Educator/Epidemiologist, and Matt Traudt to Environmental Assistant/Animal Cruelty Investigator. He said they had successfully completed their probationary periods, and it was his recommendation that they be removed from their probationary status.

**22. Other Business**

Ms. Lachman reported on her trip to Bowling Green, Ohio two weeks ago for the National NALBOH meeting, as a representative of the New Jersey Local Boards of Health. She said it was very interesting and she met people from all over the country. The two principal topics discussed were obesity/nutrition and disaster planning. Teaching nutrition and fitness to children in the schools was recommended, as it is more difficult to reach the parents. She also suggested devising a map of Englewood showing the mileage between different locations as a means of motivating people who walk for exercise.

On the subject of disaster planning, it was determined that local health officers must become more involved in emergency preparedness. Mr. Cruz said he had recently attended a meeting on that topic, and had shared several articles with the Board Members in their packets, including

“Psychological and Behavioral Management in Disasters, Mass Violence and Public Health Emergencies,” “The Bio-psycho-social Consequences of Terrorism,” and “Radiological Dispersal Device Incident Response Planning: Psychological Management.”

Ms. Lachman stated there would be a meeting of NALBOH in Philadelphia from July 1 - 3, 2009 offering courses for Board members, and that she would distribute booklets regarding that to anyone interested in attending.

Ms. Lachman asked for a Motion to open the time for public comment. Motion was made by Dr. Marsan, and seconded by Ms. Acosta. Motion was approved 4-0.

### **PUBLIC SESSION**

There were no questions or comments from the public. Motion to close the time for public comment was made by Dr. Marsan, and seconded by Ms. Levien. Motion was approved 4-0.

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A discussion ensued regarding invoices received from the court reporter involved in the Violet Cherry hearings. Mr. Lustgarten said that if these had also been sent to the City of Englewood, and if the City Treasurer had authorized them to be paid, indicating that there was an appropriation for the service, then there was no action for the Board to take, because the invoices would be paid automatically. He said, however, that it was his understanding that these had not been formally approved, nor were there any appropriations for them. Mr. Lustgarten said that, at the moment, this matter was in the City’s hands.

Mr. Lustgarten stated that there were no updates on the lead case or the litigation to be discussed in the Closed Session, but if the Board wanted to discuss personnel matters, they could do so in Closed Session.

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 personnel matters 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 May 13, 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: employment matters relating to an employee.

Motion to begin the Closed Session was made by Dr. Marsan, and seconded by Ms. Acosta. Motion was approved 4-0.

Specific issues, regarding the Reach & Teach Youth Health Educator position, and recent job title changes and salary increases, were discussed by the Board in closed session.

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There was a question about whether there was a bed bug problem in Englewood. Mr. Cruz said there were two cases to his knowledge, and that the latest one was recently resolved in court. Mr. Lustgarten said an agreement had been reached in a pending municipal court case, which the court would adjourn for three months. He said they had reached an agreement with the defendant, the Department's Environmental Unit, and the Court in which the defendant would allow an exterminator in her home once a month for the next three months. If she cooperated, the Department had agreed to dismiss the charges because the extermination is more important than the penalties.

Mr. Cruz said, in several cases, the bed bug problem required bringing in an exterminator and getting rid of the mattresses. Some of the individuals involved are fully compliant, and others are not. In one case, he said they decided to move out.

Ms. Lachman asked if there was a requirement for a superintendent or owner of a dwelling with bed bugs to inform the new tenants or owners that there is a bed bug problem. Mr. Cruz said that they are required to address the problem if it has been raised, and that in his experience, the landlords and owners have been compliant and contract with an exterminator, such as Orkin, to abate the problem. Sometimes there is a problem if a tenant has their dwelling fumigated, but there is an adjoining wall with another dwelling, and that tenant refuses to fumigate.

Ms. Lachman requested that the Department include an article about bedbugs in the next issue of the newsletter, and said there was a good article about them in The Record the previous day. She thought the Department might be receiving some phone calls and questions about them.

Motion to adjourn was made by Dr. Marsan, and seconded by Ms. Acosta. Motion was approved 4-0. The meeting ended at 9:00 p.m.

Respectfully submitted,

Nelson Xavier Cruz  
Secretary to the Board  
/jk