

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

**September 16, 2009**

1. The regular meeting of the Board of Health, City of Englewood, Bergen County, was called to order at 8:09 p.m. by Dianna Lachman, President, Board of Health.

**MEMBERS PRESENT:**

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

**ALSO PRESENT:**

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

**ABSENT/with apology:** Stephanie Davis.

**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.

Ms. Dianna Lachman, Board President, asked those present to stand while the Pledge of Allegiance was recited.

- 2-7. **Motion to approve Items #2 (Minutes of July 15, 2009 Open Meeting); #3 (Receipts - July/August, 2009); #4 (Bills - July/August, 2009); #5 (Employee Reports - July/August, 2009); #6 (Communications - July/August, 2009); and #7 (Digest of Mail - July/August, 2009).**

Cash receipts for the month of July, 2009 were \$14,254.00. Vouchers/Orders for Payment for July, 2009 were \$6,540.61. Non-budget payments were \$22,810.38.

Cash receipts for the month of August, 2009 were \$11,536.25. Vouchers/Orders for Payment for August, 2009 were \$4,606.03. Non-budget payments were \$2,692.32.

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

Motion was approved 6-0.

**8. Motion to Approve Retail Licenses - July/August, 2009**

Ms. Lachman asked Mr. Cruz if there were any objections to the licenses being approved. He said there were none. Motion to approve retail licenses for the months of July and August, 2009 was made by Ms. Bostick, and seconded by Ms. Acosta. Motion was approved 6-0.

**9. ORDINANCES**

Ordinance 09-07 entitled "An Ordinance Amending Chapter 13, Section 1 of the Health Code of the City of Englewood, to Define and Outline Penalties for Illegal Boarding Houses," scheduled for public hearing and adoption, was requested to be tabled subsequent to discussions with the City solicitor and several City officials. Mr. Lustgarten reported that the City Council is considering a similar Ordinance, but there is a question of agency jurisdiction. Mr. Lustgarten and Mr. Cruz are favoring concurrent jurisdiction between the Property Maintenance and Health Departments. Mr. Lustgarten called for a motion to table Ordinance 09-07.

Motion to table Ordinance No. 09-07, entitled "An Ordinance Amending Chapter 13, Section 1 of the Health Code of the City of Englewood, to Define and Outline Penalties for Illegal Boarding Houses," was made by Ms. Bostick, and seconded by Dr. Marsan. Motion was approved 6-0.

**RESOLUTIONS**

**10. Appointment - Alternate Deputy Registrar/License Clerk**

Mr. Cruz read Resolution #09-11 appointing Beatrice Reynolds to the position of Alternate Deputy Registrar/License Clerk, effective as of July 1, 2009, for the Department of Health, City of Englewood.

Motion to adopt Resolution No. 09-11 was made by Ms. Bostick, and seconded by Dr. Marsan. Motion was approved 6-0.

**11. Board Liaison Reports**

There were no Board Liaison Reports this month.

**12. Personnel Sub-Committee Report**

Ms. Levien reported that the Personnel Sub-Committee had not met in the previous month.

However, the Personnel Sub-Committee did meet in July 2009 to review and approve the six-

month performance appraisal of Ms. Grace Morales. At the recommendation of Mr. Cruz, Ms. Morales was removed from probationary status.

## **OLD BUSINESS**

### **13. H1N1 Report (Public Health Nurse)**

Mr. Cruz stated that Ms. Morales was unable to attend the Board Meeting because she was making a presentation at one of the local schools that evening. He reported that during the summer, the Department had met with both the public and private schools in Englewood to plan for the upcoming H1N1 vaccinations. He said the Department had just received a letter of intent from the State indicating that our Public Health Priority Funding would be increased to \$80,000 in order to support the Department's efforts for H1N1 vaccination, as well as other educational activities.

A discussion ensued regarding vaccination for H1N1 influenza in the private schools. Mr. Cruz said that in his meetings with the private schools, they seemed amenable to vaccination on their sites. There is a question of liability, and neither the State nor the Federal Government has come to a decision on that. All the nurses need to be utilized in the vaccination of the students. One nurse would be vaccinating the students, and another would be doing data entry.

Dr. Wisotsky inquired as to how the vaccines would be distributed. Mr. Cruz answered that different approaches are being suggested at this time. One is that the Federal Government would distribute the vaccines to the States; the State in turn would distribute them to the Counties, and the Counties to the local health departments. Whether local health departments would then distribute them to the schools remains to be seen. He said there are issues of logistics, transportation, storage, so the schools might have to come to the health departments.

Mr. Cruz stated that initially it was thought the H1N1 vaccine would be given in two doses, but now it is believed it can be given in one dose, which means the supply would increase. He said at the present time, the health departments would receive the vaccine, then distribute them to the schools, as long as the school nurses are willing to vaccinate. Dr. Wisotsky wanted to clarify if the vaccines would also be distributed to the private schools. Mr. Cruz said they would, and that the Department had met with several of the private schools in Englewood already. He added that the information being received has been changing constantly, and would update the Board of new developments.

### **14. Englewood Deer Population**

Mr. Cruz stated that Matt Traudt, Animal Control Officer of the Department, was scheduled to speak at the meeting on the Englewood deer population, but it was decided to postpone his participation until the following month's meeting. Mr. Traudt has been meeting with officials at Flat Rock Brook Nature Center, who plan to do a survey. Mr. Cruz said that Mr. Traudt would be

able to provide more information at the October 2009 Board Meeting.

**15. Vital Statistics Reconfiguration Status**

Mr. Cruz stated that the newly remodeled Vital Statistics area is about 95% completed. He said the shutters should be done in a few more days, and that once they were done, the Vital Statistics group would relocate from the Nursing area, possibly on September 26, which is on a Saturday. Mr. Cruz said that once that was done, the Department was planning to hold an Open House for the public. He said if it was possible, he would like to call it the Mary Walker Room, and invite her family to the Open House as well.

**16. Lead Analyzer Gun Purchase (LIFT Grant)**

Mr. Cruz announced that the Englewood Health Department was fortunate to be awarded a grant in the amount of \$23,395 from the State. He said that from that amount, \$16,770 was utilized to purchase a new lead analyzer. The Department expects to receive the lead analyzer in the next couple weeks, and once it is received, a training session with the vendor will be scheduled.

**NEW BUSINESS**

**17. Upcoming Events**

Mr. Cruz announced that the Department was holding a Flu Clinic on Friday, October 2, 2009, from 9:00 a.m. to 11:00 a.m., at the Municipal Court. A second Flu Clinic will be held on Friday, October 23, 2009, from 9:30 to 10:30 a.m., at the Englewood Health Department.

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Mr. Cruz referred the Board to an invitation they had received from the New Jersey Association of Local Boards of Health to attend their training summit entitled "Local Boards of Health and Emergency Preparedness: A Training Summit," on Saturday, November 14, 2009, at the Middlesex County Fire Academy. He asked those members who would be interested in attending to let him know by Friday, September 18, so that the registrations and fees could be submitted in a timely manner. Ms. Lachman encouraged all who could do so to attend. She said Mr. Victor Carter would be doing a presentation different from the one he had presented before the Board recently, and that she would also be doing a presentation with Mr. John Saccenti. She said the Board members had also received this information via e-mail, and said that nominations for various awards, such as Health Officer of the Year, Health Educator of the Year, etc. were being requested.

Mr. Cruz also referred to the 2009 Annual Conference of State and Local Health Officials, to be held on October 8, 2009, from 8:00 a.m. to 3:30 p.m., at Mercer County College Convention Center. There is no fee for this conference, and registration is on the New Jersey Learning

Management Network web site.

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Mr. Cruz announced that the Health Officer of the Bergenfield Health Department had just notified him of the approval of the Inter-local Mutual Aid Health Services Agreement between the communities of Englewood and Bergenfield. It has already been executed by the Health Officer of Bergenfield, and Mr. Cruz said he would sign it as well. Mr. Cruz stated the agreement basically says that if there is an emergency in Englewood, and we need support, supplies, or personnel, Bergenfield would assist us in that emergency, and vice versa. Mr. Cruz said it was also a requirement for local health departments seeking accreditation.

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Mr. Cruz stated that he had prepared and submitted an application for the Bergen County Community Block Grant in the amount of \$20,000 to continue the Department's nutrition education program. The Resolution, which has to be reviewed and approved for adoption by the City Council, is scheduled for Tuesday, September 22. Mr. Cruz said he would be present at that meeting. Once it is approved, Mr. Cruz said it would be sent to the County.

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Ms. Lachman spoke about the Department's Annual Family Health Awareness Fair, to be held on Saturday, September 19, 2009, which is also the start of the Jewish New Year. Since the Jewish community of Englewood will be observing Rosh Hashanah that day, and will be unable to participate in the health fair, a version of the Family Health Awareness Fair will be held after the Jewish New Year, possibly at one of the temples, to enable the Jewish community to participate in blood and cholesterol screenings and other events scheduled for the fair. Mr. Cruz explained the difficulties this year in choosing the date for the fair, due to schedule conflicts with Englewood Hospital and Medical Center and staff shortages.

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Ms. Levien commented that in the past, the Department had done testing on several wells in Englewood. Since some time has gone by since the last test, she requested that a follow-up be done.

Ms. Lachman asked for a Motion to open the time for public comment. Motion was made by Ms. Bostick, and seconded by Ms. Acosta. Motion was approved 6-0.

### **PUBLIC SESSION**

There were no questions or comments from the public. Motion to close the time for public

comment was made by Ms. Bostick, and seconded by Ms. Levien. Motion was approved 6-0.

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 Ortiz & Paster v. the City of Englewood Board of Health case 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 when the matter is terminated 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: Pending or anticipated litigation/attorney client privilege.

Motion to begin the Closed Session was made by Dr. Marsan, and seconded by Ms. Bostick. Motion was approved 6-0.

**(Closed Session)**

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

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Dr. Marsan congratulated Mr. Cruz and the staff for the fine job they did on the 2008 Annual Report of the Health Department.

Mr. Cruz mentioned that he had included in the Board Members' packets copies of communications the Department had prepared on the H1N1 influenza virus going out to workplaces and churches in Englewood. The letters include strategies to combat the virus. Ms. Lachman suggested contacting the Suburbanite to see if they could be published as a public service. Mr. Cruz said he would contact the Suburbanite to see if they would do that, and also would post it on the City web site and have copies left at the Englewood Library.

Ms. Lachman asked Mr. Cruz to convey to the staff her gratitude and appreciation for all their

hard work preparing for the Family Health Awareness Fair. She expressed regrets that she would be unable to attend this year since she would be out of town, but invited the other Board Members to stop by and show their support.

There being no further questions or comments, Ms. Lachman asked for a motion to adjourn. Motion to adjourn was made by Ms. Bostick, and seconded by Dr. Marsan. Motion was approved 6-0. The meeting ended at 8:50 p.m.

Respectfully submitted,

Nelson Xavier Cruz  
Secretary to the Board  
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