

CITY OF ENGLEWOOD
BOARD OF HEALTH REGULAR MEETING

October 14, 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; JoEllen Bostick; Stephanie Davis; 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.

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.

After the recital of the Pledge of Allegiance, Ms. Lachman asked for a moment of silence to remember Englewood Police Officer Stephen Griffin, who had recently passed away.

- 2-7. **Motion to approve Items #2 (Minutes of September 16, 2009 Meeting, Open and Closed); #3 (Receipts - September, 2009); #4 (Bills - September, 2009); #5 (Employee Reports - September, 2009); #6 (Communications - September, 2009); and #7 (Digest of Mail - September, 2009).**

Cash receipts for the month of September, 2009 were \$10,214.25. Vouchers/Orders for Payment for September, 2009 were \$13,677.65. Non-budget payments were \$24,339.61.

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 - September, 2009**

Mr. Lustgarten asked Mr. Cruz if there were any objections to the licenses being approved. Mr. Cruz said there were none. Motion to approve retail licenses for the month of September, 2009

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

9. Board Liaison Reports

Ms. Lachman asked if there were any reports this month. Ms. Davis said there was nothing specifically to report at that time, but that she had kept Mr. Cruz up to date on the Board of Education events.

Mr. Cruz reported on some personnel changes discussed at the Directors Meetings. Due to rising costs in health coverage, all City employees, both union and non-union, would be paying 1.5% of their base salary towards health benefits, effective January 1, 2010. He added that all salary increases for non-union employees would be capped at 4%, also effective January 1, 2010.

ORDINANCES

10. Ordinance 09-08 - Health Code Revision: Food Service Establishments

Motion to read Ordinance 09-08, “An Ordinance Revising Chapter 13 of the Health Code of the City of Englewood, in the County of Bergen, New Jersey, ‘Retail Food Service Establishments,’” by title only was made by Ms. Bostick, and seconded by Ms. Davis. Motion was approved 7-0.

A discussion ensued on the changes made to the ordinance. Mr. Lustgarten stated that some of the language had been changed to be more specific, and that rules and regulations that no longer exist had been deleted. Mr. Cruz noted that the Department would resume training restaurant personnel and food service managers to receive their certification.

Mr. Cruz read the Resolution to Introduce Ordinance 09-08.

Motion to introduce Ordinance 09-08, “An Ordinance Revising Chapter 13 of the Health Code of the City of Englewood, in the County of Bergen, New Jersey, ‘Retail Food Service Establishments,’” was made by Ms. Bostick, and seconded by Ms. Davis. Motion was approved 7-0.

RESOLUTIONS

11. Resolution 09-13 - Authorization of funds for legal fees: Ortiz & Paster v. City of Englewood

Mr. Cruz read Resolution 09-13 authorizing funds for legal fees to be paid to the Board Attorney, Richard A. Lustgarten, Esq. for his defense in the suit Ortiz & Paster v. City of Englewood, in its entirety.

Motion to adopt Resolution 09-13 was made by Ms. Bostick, and seconded by Ms. Acosta.

Motion was approved 7-0.

OLD BUSINESS

12. H1N1 Report (Public Health Nurse)

Ms. Grace Morales, Public Health Nurse of the Department, distributed a summary of the previous months' events and activities relative to the H1N1 outbreak. She told the Board that she, Ms. Jean-Louis, Health Educator/Epidemiologist, and Mr. Cruz had had individual meetings with administrators of Englewood daycare, pre-school, and public and private schools to provide them with appropriate literature and CDC resource information. Ms. Morales, Ms. Jean-Louis, and Ms. Stanislaus, Youth Health Educator, also provided information and distributed flyers (in English and Spanish) at the Back to School Nights of several private and public Englewood schools. A presentation on H1N1 was provided for staff of the Crowne Plaza Hotel in Englewood by Ms. Jean-Louis (in English) on September 24, 2009, and by Ms. Morales (in Spanish) on September 30, 2009. Outreach at ShopRite of Englewood and Rite Aid was conducted by Ms. Morales and appropriate literature and CDC resources were distributed. Ms. Morales has also been contacting local churches with regard to the H1N1 outbreak and will be communicating with the Englewood synagogues as well.

Dr. Wisotsky requested an update on the H1N1 vaccination status. Mr. Cruz reported that the flu mist has become available, but that the State ordering system has had some glitches, and there has been a problem ordering it. He stated that the injectable vaccine is not expected to be ready until late October, or early November. Mr. Cruz said the Department has entered into a Memorandum of Understanding with Dr. Adair to administer the H1N1 vaccinations at our clinics. Based on Dr. Adair's availability, the clinics will be held on Tuesdays and Thursdays, from 5:30 - 7:30 p.m., at the Municipal Court.

Mr. Cruz also reported that the children will now be vaccinated at the Municipal Court, instead of at the schools, as originally planned. All those on the top priority list for the vaccination will receive it first. Those groups include pregnant women, health care workers, emergency responders, children from six months to 24 years old, and other individuals with medical complications, such as asthma and emphysema.

A discussion ensued regarding the timing of the H1N1 vaccination clinics, the method of allocation of the vaccines, and the possibility of locating another provider to aid in the vaccination clinics. Ms. Lachman suggested that they form a committee to meet in the near future to discuss possible solutions and alternatives to the proposed schedule.

Mr. Cruz said he would re-look at the school scenario, and request a meeting with Dr. Segall to discuss having the children vaccinated in the schools. One issue to address is that the school nurses may not have given vaccinations in years and will need re-training. Ms. Levien asked if it would be possible to use the schools as the venue for the children's vaccinations, and the

Department provide the doctors and nurses as the vaccinators. The school nurses could be trained for data entry in the State's H1N1 vaccination system and help by entering the children's data. The question of whether the Englewood Hospital and Medical Center's staff would be available to help with vaccination was also posed.

Ms. Morales concluded her report by stating that some of the difficulties result from the ever-changing rules and regulations with regard to the vaccine, but there had been no new cases of H1N1 influenza reported in Englewood since last Spring.

13. Vital Statistics Reconfiguration Status

Mr. Cruz reported that the Vital Statistics Unit moved back into their newly remodeled area on Saturday, September 26, 2009, and were open for business on Monday, September 28. He said the Department is planning to hold an Open House, tentatively scheduled for November 5, 2009. Mr. Cruz said he has been attempting to reach Rev. Walker to invite him and his family to the Open House, but so far has not been able to do so. If the date of November 5 is not convenient for Rev. Walker, Mr. Cruz said he would schedule the Open House at a later date in December or January.

14. Lead Analyzer Gun Purchase (LIFT Grant)

Mr. Cruz reported that the Department had received a grant in the amount of \$23,395 to purchase a lead gun, which is expected to arrive by October 27, 2009. He said the existing lead gun is no longer functional, so this couldn't come at a better time. The Department has been borrowing one from another local health department in the interim.

A discussion ensued regarding a recent article in The Suburbanite and the Department's Flu Vaccine Clinics, and whether some of the vaccines were being given at no charge. Mr. Cruz answered that the vast majority of people who were vaccinated at the clinic were senior citizens with Medicare Part B. Some Fire, Police, and Health Department employees were vaccinated, and several EMS volunteers with no insurance received vaccinations as well. Mr. Cruz stated that the total cost of the vaccines to the Department was about \$6,000, which comes from the State's Public Health Priority Funding grant.

Ms. Lachman said she would like the Department staff to be re-certified in CPR and in the use of the AED defibrillator. She also invited the Members of the Board and the Board Attorney to participate in this training if they so desired. She suggested that the Board Members work with the Board of Education on training the school children in CPR, and mentioned that the Seattle, Washington schools train very young children in CPR, and that they have one of the highest "save rates" for heart attacks in the nation.

NEW BUSINESS

16. H1N1 Grant

Mr. Cruz reported that he prepared the H1N1 vaccination grant, and it was submitted before the October 1, 2009 deadline. The Department has received a letter of commitment for \$80,572, but is still waiting for the letter of award. Mr. Cruz said some modifications may need to be made due to changing costs of personnel and supplies.

17. 2010 Budget

Mr. Cruz reported that the Department budget is normally due in November, but that changes had been made this year, and it was due in October. The Health Department budget for 2010 totaling \$888,808 has been submitted to Administration and copies distributed to the Board members. Salaries and Wages of \$781,808 includes a 3.5% contractual increase. An initial meeting with City Administration has been scheduled, and Mr. Cruz said a follow-up meeting with the Board would be scheduled after that.

18. Upcoming Events

Mr. Cruz reported that the Department is holding a second seasonal flu clinic on October 23, 2009, from 9:30 - 10:30 a.m. at the Health Department. He said the Department had purchased 250 flu vaccines. 153 vaccines were used at the Department's first flu clinic on October 2, 2009, leaving 97 for the second clinic. The vaccines are normally ordered in April, and Mr. Cruz stated the Department is researching a new vendor contract in an effort to reduce costs.

19. Other Business

Mr. Cruz reported that the Department had entered into a mutual aid agreement with Bergenfield to provide emergency response to one another. The Resolution was submitted to the City Council, and approved by them, and copies have been signed by the City Manager and by Mr. Cruz, and filed in Bergenfield and Englewood.

Mr. Cruz stated that the Nutrition Education Grant was not funded for the year 2009, and that he had submitted an application for 2010 in the amount of \$20,000. He said a Resolution was introduced and adopted at a previous City Council meeting.

Ms. Lachman reported that several important meeting dates were coming up. The American Public Health Association is holding a national meeting in Philadelphia November 7-11, 2009. Ms. Lachman said if anyone was interested in attending, she would be able to provide more information, or it could be found on their web site.

Ms. Lachman reminded the Board Members that the New Jersey Association of Local Boards of Health is holding a training summit on Saturday, November 14, 2009, from 8:30 a.m. to 3:00 p.m., at the Middlesex County Fire Academy in Sayreville, NJ. Both she and the Board Attorney, Richard Lustgarten, Esq., will be making presentations at this summit, and she invited all interested Board Members to attend.

Ms. Lachman also mentioned that the New Jersey League of Municipalities is holding its annual conference in Atlantic City, New Jersey, November 17-20, 2009. She and Mr. Cruz will be attending a few of the workshops offered there dealing with health-related subjects.

Ms. Lachman asked the Board Attorney what paperwork the Board Members have to keep for their records, and for how long. Mr. Lustgarten said there is a record retention schedule for municipalities and their sub-agencies like the Board of Health. He said the individual Board Members can keep as little or as much as they like. He reminded the Board Members that any e-mail they send in relationship to the Board business is subject to subpoena and disclosure. The Open Public Records Act recognizes electronic media, so it could be potentially retrievable in any controversy.

Ms. Lachman asked what documents should be shredded, if any. Mr. Lustgarten answered that any documents relating to personnel matters, or that contain personal information, or information relating to someone's personal health must be shredded. Closed Session Minutes are released once the matter has been resolved, but pending that, copies must be shredded.

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

PUBLIC SESSION

There were no questions or comments from the public. Motion to close the time for public comment was made by Ms. Davis, and seconded by Dr. Marsan. 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 probationary status of a staff member 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 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: Employment matters

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

(Closed Session)

Mr. Cruz recommended the lifting of the probationary status of Ms. Kara Lindstrom, Registered Environmental Health Specialist to the Board.

The meeting returned to Open Session, and Ms. Lachman asked for a motion to accept the Director's recommendation that Ms. Kara Lindstrom be removed from probationary status. Motion to accept Mr. Cruz's recommendation to remove Ms. Kara Lindstrom from probationary status was made by Ms. Davis, and seconded by Dr. Marsan. Motion was approved 7-0.

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 7-0. The meeting ended at 9:30 p.m.

Respectfully submitted,

Nelson Xavier Cruz
Secretary to the Board
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