

CITY OF ENGLEWOOD
BOARD OF HEALTH REGULAR MEETING

December 9, 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; 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.

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 October 14, 2009 Meeting, Open and Closed); #3 (Receipts - October/November, 2009); #4 (Bills - October/November, 2009); #5 (Employee Reports - October/November, 2009); #6 (Communications - October/November, 2009); and #7 (Digest of Mail - October/November, 2009).**

Cash receipts for the month of October, 2009 were \$11,339.75. Vouchers/Orders for Payment for October, 2009 were \$9,338.04. Non-budget payments were \$32,742.05.

Cash receipts for the month of November, 2009 were \$8,137.00. Vouchers/Orders for Payment for November, 2009 were \$2,109.27. Non-budget payments were \$6,652.33.

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

8. **Motion to Approve Retail Licenses - October/November, 2009**

Ms. Lachman 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 months of October and November, 2009 was made by Ms. Davis, and seconded by Dr. Marsan. Motion was approved 7-0.

9. Board Liaison Reports

Dr. Wisotsky commented that the Englewood Planning Board is currently looking at two issues for possible involvement by the Department in the future. One is the railroad crossing and the environmental impact on the city, and the other is the Mackay Park Ice Skating Rink. She would like to see it stay, as it is good exercise and an excellent activity for the youth. Ms. Lachman agreed that the Department could participate more actively in planning issues, and its input could be beneficial.

ORDINANCES

11. 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."

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

Mr. Lustgarten stated that Ordinance No. 09-08 was entitled "An Ordinance Amending Chapter 13 of the Health Code of the City of Englewood, in the County of Bergen, New Jersey, 'Retail Food Service Establishments,'" and said that any member of the public wishing to comment on the ordinance could do so.

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

Mr. Cruz read the Resolution to Adopt Ordinance No. 09-08, entitled "An Ordinance Amending Chapter 13 of the Health Code of the City of Englewood, in the County of Bergen, New Jersey, 'Retail Food Service Establishments,'" which was introduced on October 14, 2009, and published in The Press Journal on October 22, 2009.

Motion to adopt Ordinance No. 09-08 was made by Ms. Davis, and seconded by Ms. Bostick. Motion was approved 7-0.

OLD BUSINESS

13. H1N1 Issues

Mr. Cruz reported that the Department had held approximately six H1N1 vaccination clinics to date, and administered 983 Flu Mist vaccines. He said the Department was focused on children that required a second dose at present. The first clinics were held at Janis E. Dismus Middle School, with pre-scheduled follow-ups at the Department. He said so far there had been no issues, except for the many providers requesting the injectable vaccine, which the Department had been unable to secure. Ms. Lachman suggested that Mr. Cruz write a letter to Heather Howard and Dr. Susan Walsh to convey the problems encountered due to the inadequate distribution of the injectable vaccine.

14. 2010 Budget

Mr. Cruz reported that the Department's 2010 budget had been submitted to the City Administration, and that Administration was asking for a 10% cut. He said he and Ms. Levien had been meeting with members of the City Council in an effort to garner their support. A discussion ensued regarding the H1N1 grant the Department was receiving and how the monies were being used.

15. State v. Allan Chanin

Mr. Lustgarten reported that this dog bite case was resolved in Municipal Court last week. The owner pleaded guilty on all counts. The dog had previously been kept in a commercial setting and was not used to being with people. According to reports by the Bergen County Animal Shelter and an independent doctor of veterinary medicine, this dog could be placed in a non-residential setting and would not be dangerous to the general public. It was felt that the incident occurred due to the owner's carelessness and negligence. The case received intense scrutiny, and the Judge imposed the maximum fine on the owner. In addition, the dog must be kept in a commercial setting in Irvington, NJ, and can not be brought back into the city of Englewood.

17. Conferences

Mr. Cruz reported that he, Ms. Lachman, and Ms. Acosta had attended a conference of the NJ Local Boards of Health, where Ms. Lachman made a presentation, and was very well received. He noted that there were few health officers at the conference and suggested that they be made more aware of these opportunities. He said the seminars were informative, and that Englewood and Ft. Lee health departments were cited as exemplary.

Mr. Cruz said he and Ms. Lachman also attended the Annual Convention of the NJ League of Municipalities in November. He discussed the several sessions he participated in there and the exhibits he saw.

Ms. Lachman distributed a letter from the President of the NJ Local Boards of Health to all of the Board Members. In the letter, the President thanked all its members for their support, and invited them to a meeting on Saturday, January 16, 2010, at 10:30 a.m., in the South Brunswick

Municipal Building, to vote for new officers. She also stated that Richard Lustgarten, Englewood Board of Health Attorney, was asked to be the Consulting Attorney for the NJ Local Boards of Health.

18. World AIDS Day

Mr. Cruz reported on the Department's World AIDS Day Observance Program held on December 1, 2009, at Dwight Morrow High School Dizzy Gillespie Auditorium, during school-day assemblies. He said 1,500 students and 150 faculty/parents participated this time. The guest speaker was Ms. Tangy Major. Other activities included performances by Dwight Morrow High School students and poetry reading. Prizes were awarded to the top two poems out of seventy entries received. Mr. Cruz and the Board thanked Ms. Jean-Louis and the staff for making this day a success.

19. Other Business

Ms. Lachman stated that two Board Members complete their terms on December 31, 2009, and that at the next City Council meeting, there would be a vote to re-appoint them or appoint new members.

Mr. Cruz announced that the tentative date for the January 2010 reorganization meeting is Wednesday, January 13, 2010.

Ms. Levien asked Mr. Cruz to be prepared to discuss the strengths and weaknesses of the Department's programs in 2009 at the January 13, 2010 meeting. Ms. Lachman suggested that at the January or February meeting, they try to complete the Board's business during the first hour of the meeting, use the second hour to brainstorm, and discuss what the Board would like to see happen during 2010.

Ms. Lachman asked for a Motion to open the time for public comment. Motion was made by Ms. Davis, and seconded by Ms. Bostick. 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. Bostick, and seconded by Ms. Davis. 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 Ortiz and Paster litigation and 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 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: unwarranted invasion of individual privacy, pending or anticipated litigation or contract negotiation/attorney client privilege, and employment matters relating to an employee.

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

(Closed Session)

The Board Attorney, Richard Lustgarten, Esq. summarized where the Ortiz and Paster case is at the present time and said the trial date is in January, 2010. There was a consensus of the Board to ratify and confirm the removal of Grace Morales, Public Health Nurse, from probationary status, retroactive to July 27, 2009. Mr. Cruz recommended the lifting of the probationary status of Sheena Stanislaus, Youth Health Educator, to the Board. The Personnel Sub-Committee reported on meetings held with various staff members regarding the structure and functioning of the Department.

The meeting returned to Open Session, and Mr. Cruz read Resolution 09-14, removing the probationary status of Grace Morales, retroactive to July 27, 2009. Ms. Lachman asked for a motion to accept the Director's recommendation that Ms. Morales be removed from probationary status. Motion to approve Resolution 09-14 was made by Ms. Bostick, and seconded by Dr. Marsan. Motion was approved 7-0.

Mr. Lustgarten thanked the Board for an excellent year, and said many important health issues were addressed. Ms. Lachman wished everyone a happy holiday and a safe and healthy New Year. She also asked the Board to keep in mind issues for discussion in the coming year for the January, 2010 meeting. Dr. Marsan thanked Mr. Lustgarten, the Board Attorney, for his insistence on structure and order at the meetings.

There being no further questions or comments, Ms. Lachman asked for a motion to adjourn.

Motion to adjourn was made by Dr. Marsan, and seconded by Ms. Bostick. Motion was approved 7-0. The meeting ended at 9:47 p.m.

Respectfully submitted,

Nelson Xavier Cruz
Secretary to the Board
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