

**CITY OF ENGLEWOOD**

**BOARD OF HEALTH REGULAR MEETING**

February 13, 2008

1. The regular meeting of the Board of Health, City of Englewood, Bergen County, was called to order at 8:05 p.m. by Dianna Lachman, President, Board of Health.

**MEMBERS PRESENT:**

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

**ABSENT WITH APOLOGY:**

Stephanie Davis.

**ALSO PRESENT:**

Richard A. Lustgarten, Esq., Board of Health Attorney; Nelson Xavier Cruz, Director, Health Services/Secretary to the Board; Deborah Greene, Administrative Assistant/Office Manager/Registrar; Janet Kast, 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. Lachman stated that she would like a Motion to approve items #2-7, and asked for questions or comments. Ms. Lachman commented on the Public Health Nursing Report, and that there hadn't been an increase in clinic or community outreach numbers. She stated that if more wasn't seen from the unit, perhaps restructuring it to two part-time people would be necessary.

Mr. Cruz said he had discussed these issues with the staff, and said they needed to improve outreach, word-of-mouth, flyers, etc. Mr. Cruz concurred with Ms. Lachman's concerns. He said if that didn't increase the utilization of those services, they would have to consider restructuring the Nursing Unit.

- 2-7. Motion to approve items #2 (Minutes of January 16, 2008 Meeting); #3 (Receipts for January 2008); #4 (Bills for January 2008); #5 (Employee Reports for January 2008); #6 (Communications for January 2008); and #7 (Digest of Mail for January 2008).

Motion to approve items #2-7 was made by Dr. Wisotsky, and seconded by Ms. Bostick. A roll call vote ensued:

Bertha-Nora Acosta	-	"Yes"	Dianna Lachman	-	"Yes"
JoEllen Bostick	-	"Yes"	Lisa Levien	-	"Yes"
Dr. Lisa Wisotsky	-	"Yes"	Dr. Earl Marsan	-	"Yes"

Motion was carried.

8. Motion to approve Retail Licenses (January 2008)

Motion to approve Retail Licenses for January 2008 was made by Ms. Levien, and seconded by Ms. Bostick. A roll call vote ensued:

Bertha-Nora Acosta	-	“Yes”	Dianna Lachman	-	“Yes”
JoEllen Bostick	-	“Yes”	Lisa Levien	-	“Yes”
Dr. Lisa Wisotsky	-	“Yes”	Dr. Earl Marsan	-	“Yes”

Motion was carried.

**RESOLUTIONS**

9. Appointment of Registered Environmental Health Specialist

Mr. Cruz read the Resolution appointing Kristina Bonanni to the position of Registered Environmental Health Specialist in its entirety.

Motion to approve the Resolution, appointing Kristina Bonanni, was made by Ms. Bostick, and seconded by Dr. Wisotsky. A roll call vote ensued:

Bertha-Nora Acosta	-	“Yes”	Dianna Lachman	-	“Yes”
JoEllen Bostick	-	“Yes”	Lisa Levien	-	“Yes”
Dr. Lisa Wisotsky	-	“Yes”	Dr. Earl Marsan	-	“Yes”

Motion was carried.

**ORDINANCES**

10. Ordinance No. 08-01: Repeal of Massage Therapy Ordinance - Public Hearing/Adoption

Motion to read Ordinance No. 08-01 by title only and open public comment was made by Ms. Levien, and seconded by Ms. Bostick. A roll call vote ensued:

Bertha-Nora Acosta	-	“Yes”	Dianna Lachman	-	“Yes”
JoEllen Bostick	-	“Yes”	Lisa Levien	-	“Yes”
Dr. Lisa Wisotsky	-	“Yes”	Dr. Earl Marsan	-	“Yes”

Motion was carried.

Mr. Lustgarten stated that Board of Health Ordinance No. 08-01 is an Ordinance to repeal Chapter 9 of the Health Code of the City of Englewood, entitled “Massage, Bodywork and Somatic Therapies.” He invited anyone present who wished to speak, and make any comment with respect to this ordinance, to do so. There were no comments from the public.

Motion to close the public comment was made by Ms. Levien, and seconded by Dr. Wisotsky. A roll call vote ensued:

Bertha-Nora Acosta	-	“Yes”	Dianna Lachman	-	“Yes”
JoEllen Bostick	-	“Yes”	Lisa Levien	-	“Yes”
Dr. Lisa Wisotsky	-	“Yes”	Dr. Earl Marsan	-	“Yes”

Motion was carried.

Mr. Lustgarten said repeal of the ordinance entitled “Chapter 9 of the Health Code of the City of Englewood, Massage, Bodywork and Somatic Therapies,” previously introduced on January 16, 2008, and published in the appropriate newspapers on January 24, 2008, was now appropriate.

It is now hereby ordained by the Board of Health of the City of Englewood that Chapter 9 of the Health Code of the City of Englewood is hereby repealed.

Motion to repeal Chapter 9 of the Health Code of the City of Englewood, entitled “Massage, Bodywork and Somatic Therapies” was made by Ms. Levien, and seconded by Dr. Wisotsky. A roll call vote ensued:

Bertha-Nora Acosta	-	“Yes”	Dianna Lachman	-	“Yes”
JoEllen Bostick	-	“Yes”	Lisa Levien	-	“Yes”
Dr. Lisa Wisotsky	-	“Yes”	Dr. Earl Marsan	-	“Yes”

Motion was carried.

11. Ordinance No. 08-02: Revised “Fees and Fee Schedule” - Introduction

Mr. Cruz read the Board of Health Ordinance No. 08-02 revising Chapter 6 of the Health Code of the City of Englewood, in the County of Bergen, New Jersey, “Fees and Fee Schedule,” in its entirety.

Motion to introduce Ordinance No. 08-02 revising Chapter 6 of the Health Code of the City of Englewood, in the County of Bergen, New Jersey, “Fees and Fee Schedule,” was made by Ms. Bostick, and seconded by Dr. Wisotsky. A roll call vote ensued:

Bertha-Nora Acosta	-	“Yes”	Dianna Lachman	-	“Yes”
JoEllen Bostick	-	“Yes”	Lisa Levien	-	“Yes”
Dr. Lisa Wisotsky	-	“Yes”	Dr. Earl Marsan	-	“Yes”

Motion was carried.

**OLD BUSINESS**

12. Committee Appointment - Personnel Sub-Committee

Further discussion on this subject was tabled until the next Board Meeting.

### 13. Rabies Program

Mr. Cruz reported that two Rabies Clinics were scheduled; one for March 8 and another for April 10, 2008. He said a number of people are unable to attend these clinics, and the idea had been raised on the potential of entering into an agreement with a local veterinarian, who would also give rabies vaccines. The veterinarian who agreed to render such a service was Bergen Animal Hospital, located at 1680 Teaneck Road, Teaneck, New Jersey. He said they had signed a Memorandum of Understanding in which the veterinarian agreed to vaccinate the pets of Englewood residents for rabies at a cost of \$10 per vaccine.

Ms. Lachman asked Mr. Cruz about the possibility of having a veterinarian come to a Board Meeting to speak about the rabies program.

Dr. Wisotsky asked about the outcome of a discussion at the last Board Meeting regarding late hours at the Health Department. She thought some of the suggestions were very good, and asked if the Department would be staying open until 5:30 p.m. once a week.

Ms. Greene stated that in the past month, when they stayed open until 5:30, no one came. She said they didn't have the type of business that Motor Vehicles has to stay open late on a weekly basis, in her opinion. With Motor Vehicles, you now must go there in person to renew your driver's license. The Health Department offers the customers other options, and they don't have to be in the office to obtain birth certificates, dog or cat licenses, or to renew their food licenses. The fact that people are not coming after hours indicates it is not worthwhile to have the staff there and then give compensatory time off to make up for it. She said the Department serves not only the residents of Englewood, but also the public from other towns and states, who need birth, death, and marriage certificates. The other options are available so that they don't have to come to the office. If they do not have a computer, they can place a credit card order over the phone, or they can order it by mail if they don't have a credit card.

Ms. Lachman asked if the Department received calls from residents asking why they were not open late and if there were complaints. Ms. Greene said the inquiries were if the Department was open on Saturdays, but they had no complaints to date. Ms. Lachman said if there were complaints at some point, then they could revisit this issue, but it seems that the Department is trying to be accommodating. Ms. Greene indicated that Englewood is one of only seven towns in New Jersey that offers the VitalChek service. It is a financial plus for the City, and didn't know why more hadn't taken advantage of that option.

### NEW BUSINESS

#### 14. Dental Screening Clinics

Mr. Cruz said the Department had held several dental screening clinics to date. The first one was held on February 6, 2008 at the Health Department, and approximately 40 children were seen. The services were rendered by Dr. Edward Jackson, a Hackensack dentist. Dr. Jackson returned the following day and saw a significant number of children at Vincent K. Tibbs Developmental Center. Mr. Cruz said another screening had been planned for the 15th of the month at Bergen Family Center, but due to a conflict in their schedule, it has been postponed until March. Another clinic is scheduled for mid-July utilizing the Colgate van, and it is hoped they will have an adult dentist as well.

Dr. Marsan asked who was following up the dental screenings.

Mr. Cruz said that many of the children were referred to federally qualified health centers, specifically, one in Garfield and Paterson, but unfortunately there were not many dental providers in Englewood that accept Medicaid or the uninsured. These dental screening clinics are for children seventeen years of age and under. He said the Department is looking for another dentist who would work pro bono, and for additional providers for the screenings in March and July.

Ms. Levien asked if the Department was assembling a list of dentists in Englewood who would see patients on a sliding scale. Mr. Cruz said he would have to survey the dentists to see who would work on a sliding fee scale basis, who would accept Medicaid, etc., and could certainly do that.

15. New Departmental Brochure

Mr. Cruz reported that the new departmental brochure is about 80% done, will be in English and Spanish, and describes all the services provided. It is a marketing tool, and could be used at community events. A draft will be ready in the next few weeks.

16. Martin Luther King Jr. Observances

Mr. Cruz said the Health Department participated in the Martin Luther King Jr. Observances. Mr. Cruz attended the march at City Hall, joined the group at one of the churches, and attended a celebration in Tenafly in the evening.

17. Bylaws and Code of Conduct for the Board of Health

Ms. Lachman said that the Bylaws and Code of Conduct for the Board of Health had been distributed in the Board Packets last month. Since some of the Board members had not had sufficient time to review them, the discussion was tabled until the next Board Meeting. Ms. Lachman requested the Board review the Bylaws and Code of Conduct and come to the next meeting with suggestions or any modifications so that they could adopt them or change them.

18. Department Volunteer and Intern

At this time, Mr. Cruz acknowledged two volunteers. One was Milenka Baptiste, who was with the Department for five months. She has joined the Peace Corps and gone to South Africa. She is not only a resident of Englewood, but also a graduate of Dwight Morrow High School. The other person, Casey Smith from the Academies, is currently an intern. She will be with the Department until June. Mr. Cruz acknowledged the great work they have been doing.

Ms. Lachman suggested that since the Board members come from so many diverse places of work and areas of expertise, any periodicals, articles, or reprints they think would be beneficial to the other Board members should be given to Mr. Cruz or Ms. Greene. They could then be distributed for everyone to read.

Motion was made to open the meeting for public comments by Ms. Levien, and seconded by Ms. Bostick. A roll call vote ensued:

Bertha-Nora Acosta	-	“Yes”	Dianna Lachman	-	“Yes”
JoEllen Bostick	-	“Yes”	Lisa Levien	-	“Yes”
Dr. Lisa Wisotsky	-	“Yes”	Dr. Earl Marsan	-	“Yes”

Motion was carried.

## **PUBLIC SESSION**

### Curtis Caviness, 41 E. Forest Avenue

Mr. Caviness said he had distributed questions at the last Board Meeting and he was still waiting for answers. In the absence of written answers to his questions, Mr. Caviness asked if he could file an OPRA request. Mr. Lustgarten said that Mr. Caviness was certainly entitled to a copy of the Minutes of the meeting. Mr. Caviness said he didn't want the Minutes, just the answers to his questions. Mr. Lustgarten said the answer to question No. 1, as he recalled it, was “This is not tuition reimbursement. Reference to Section 1:10 of the Personnel Practice Manual relates to higher education lump sum. The tuition reimbursement relates to the Director's certification courses for Health Officer Licensure.”

The answer to question No. 2, which had to do with the contract and Mr. Cruz's certification in six months, was “Six months have elapsed and course work has been completed. The Director is currently awaiting the exam. Paragraph 5 contemplated course work and exam could be completed within six (6) months. The Director will sit for next scheduled exam for Health Officer Licensure.” He asked Mr. Cruz if that would be sometime before March, which Mr. Cruz confirmed.

The third question was related to an inquiry made by the State. The answer is “The status is pending. The Board of Health filed an appropriate response.”

Question No. 4 had to do with who prepared the budget. The answer is “The preliminary budget was prepared by the Director based on the Department's programmatic needs. When the Director obtains the Health Officer License, he will certify the budget.”

The next question had to do with the LHE Report. The answer is similar to the previous one. “The Director helped prepare that report, and when he obtains his Health Officer License, he will certify it.”

The last question had to do with the appointment of an individual as REHS. The answer to the question is that “the recruitment process has been completed. All normal recruitment protocols were followed, and an appointment was made.”

Mr. Lustgarten stated that was a summary of his discussion with Mr. Cruz, and all the answers will be recorded in the Minutes.

Mr. Caviness said the PHP application was due on December 31<sup>st</sup>. He asked who prepared and signed that. Mr. Lustgarten did not know the answer to that question. Mr. Caviness then asked about the flu grant that is also forthcoming and must be prepared and signed. Mr. Cruz said the pandemic flu grant was completed, signed, and submitted.

Ms. Lachman asked if there were any more questions or comments from the public. There were none.

She asked for a Motion to close the Public Session. Motion was made by Ms. Levien, and seconded by Ms. Bostick. A roll call vote ensued:

Bertha-Nora Acosta	-	“Yes”	Dianna Lachman	-	“Yes”
JoEllen Bostick	-	“Yes”	Lisa Levien	-	“Yes”
Dr. Lisa Wisotsky	-	“Yes”	Dr. Earl Marsan	-	“Yes”

Motion was carried.

Mr. Lustgarten indicated that the Board would conduct a short 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 pending litigation of Carbone and Faasse vs. Englewood Board of Health, 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 March 18, 2008 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: Reason for exclusion: Pending or anticipated litigation or contract negotiation/attorney client privilege.

Ms. Lachman called for a Motion to begin the Closed Session. A Motion to begin the Closed Session was made by Dr. Wisotsky, and seconded by Ms. Levien. A roll call vote ensued:

Bertha-Nora Acosta	-	“Yes”	Dianna Lachman	-	“Yes”
JoEllen Bostick	-	“Yes”	Lisa Levien	-	“Yes”
Dr. Lisa Wisotsky	-	“Yes”	Dr. Earl Marsan	-	“Yes”

Motion was carried.

**(Closed Session)**

Dr. Wisotsky made a Motion to Adjourn, seconded by Ms. Bostick. A roll call vote ensued. All members voted “aye,” in favor. Motion was carried.

The meeting officially adjourned at 9:10 p.m.

Respectfully submitted,

Nelson Xavier Cruz  
Secretary to the Board  
/jk