

CITY OF ENGLEWOOD - BOARD OF HEALTH MINUTES

September 10, 2007

1. The regular meeting of the Board of Health, City of Englewood, Bergen County, was called to order at 8:02 p.m. by Lisa Levien, President, Board of Health.

PRESENT: Lisa Levien, President, Dianna Lachman, Vice President, Curtis Caviness, Jerald Chambers, Dr. Lisa Wisotsky, and Dr. Earl A. Marsan (arrived at 8:05 p.m.).

ABSENT: Dr. Blanche J. Skurnick

ALSO PRESENT: Nelson Xavier Cruz, Director, Health Services/Secretary to the Board, Deborah Greene, Administrative Assistant/Office Manager/Registrar, Janet Kast, Executive Secretary, and Richard A. Lustgarten, Esq., Board of Health Attorney.

Lisa Levien read the Open Public Meetings Act statement.

2. Minutes of July 9, 2007 Meeting

Motion to approve the minutes of the July 9, 2007, meeting was made by Dianna Lachman, and seconded by Dr. Lisa Wisotsky. A roll call vote ensued:

Dr. Earl Marsan	-	“Yes”	Jerald Chambers	-	“No”
Dr. Lisa Wisotsky	-	“Yes”	Curtis Caviness	-	“No”
Dianna Lachman	-	“Yes”	Lisa Levien	-	“Yes”

Motion was carried.

Ms. Levien asked if there was anything to discuss. Dr. Wisotsky asked about the last two pages of the minutes. Ms. Levien said they were included in error and should be removed and shredded. The minutes could then be accepted as read. Dr. Wisotsky asked if anyone knew how this has occurred. Mr. Cruz stated that it was done without his knowledge or approval. Mr. Chambers stated that because this was presented at the Board meeting, it should be available to all Board members.

Mr. Lustgarten asked if there had been a consensus at the last meeting to include the pages. Mr. Caviness and Ms. Levien disagreed regarding whether or not they should be included. Mr. Lustgarten’s recollection was that it was not presented as a reflection of the minutes at the meeting, but thought a possible course of action was that it should be put in the archives of the Board of Health, rather than a part of the minutes. Mr. Caviness suggested that it be included in the Board Digest, as all other communications are. Ms. Levien stated that since it was not addressed or signed, it was inappropriate. Mr. Chambers didn’t feel the Board should be shredding items that were presented at Board meetings, and that was inappropriate. He said it was read to the public at the meeting. Ms. Levien responded that it was inappropriate to be included in the minutes because once they are approved they are a public document. She said the e-mail was not read, and members of this Board and the Department of Health

are under subpoena, and it is inappropriate to comment as a Board on these matters. Mr. Chambers said if the Board didn't want it to be part of the minutes, that was fine, but that it should be part of the Board packet, and not shredded.

Mr. Lustgarten stated that the decision was to approve the minutes or disapprove the minutes without the attachments in question. The minutes as presented are understood not to include the page with e-mail presented to the Board under consideration for approval.

Motion to approve the minutes of the July 9, 2007 meeting was made by Dianna Lachman and seconded by Dr. Lisa Wisotsky. A roll call vote ensued:

Dr. Earl Marsan	-	"Yes"	Jerald Chambers	-	"No"
Dr. Lisa Wisotsky	-	"Yes"	Curtis Caviness	-	"No"
Dianna Lachman	-	"Yes"	Lisa Levien	-	"Yes"

Motion was carried.

Ms. Levien referred to Agenda Item 15, and asked if that dealt with a person or was just a general category. Mr. Cruz answered that it was a person, and Ms. Levien stated that items 15 and 16 would be discussed in Closed Session.

3-4. Receipts/Bills - July & August, 2007

Mr. Cruz reported that the receipts for the month of July, 2007 were \$15,852.25, and the bills for that month were \$5,925.87. The receipts for the month of August, 2007 were \$14,819, and the bills for that month were exactly \$2,537.45. He indicated a change in some of the statistics, to include a comparison from the previous month, as well as last year.

He noted that there was an increase in June receipts, \$17,161.50, and a decrease in July to \$15,852.25, roughly equivalent to what was generated in May. On average, receipts were \$16,000 for that quarter.

5. Employee Reports.

Mr. Cruz reported that he officially assumed the leadership position as Director, Health Services, of the Englewood Department of Health on July 25. Shortly thereafter, he was visited and subsequently subpoenaed to appear before the Grand Jury by a Special Investigator from the U.S. Attorney's Office. During an extremely busy and interesting month, the Director attended the Directors' Meeting of the City of Englewood, and the Annual National Night Out, which the department participated in.

There was also the emergency water advisory, where most towns in the County were caught unprepared. Mr. Cruz suggested, at the Director's meeting, implementation of a reverse 911 system. The Director prepared and submitted four quarterly reports for a Community Development Block Grant of \$9,500 in order to qualify for review and approval of the new grant application. The County indicated the reports have been submitted on a year-end basis, which should have been renegotiated if necessary. Not submitting the quarterly reports on time could result in unspent funds, and possible denial of those funds in future grants. Mr. Chambers asked what the justification was for the previous reporting practice. Mr. Cruz said his understanding, from notes in the file, was that there were issues with school lag time, or

sometimes they couldn't get the reports together. However, we have to abide by the rules of the funding source or ask for a change. In response to Mr. Chambers, he said the County had indicated the reports had been submitted annually for the last two years only, and though the grant had been renewed, they were reluctant to do so this year.

Mr. Caviness referred to the Director's Report, "distractions from special interest groups," and asked Mr. Cruz to explain who these groups were. Mr. Cruz answered that he didn't know specifically, but that certainly, being new, with no prior knowledge or relationship with what had transpired in the past, he was suddenly appearing before a Grand Jury without any explanation. Mr. Caviness asked how, with no prior knowledge, Mr. Cruz could deduce that it was a special interest group causing these distractions, and stated if he had the wherewithal to come to that conclusion, he should then have the wherewithal to know what or who that special interest group is. Mr. Cruz said he could assume it is a special interest group, without knowing who exactly it was, based on the fact that he had been here less than two months, and suddenly had been brought into a situation he could not shed any light on. Mr. Chambers indicated that the new director should be careful how he characterized things, such as "special interest groups."

Ms. Levien directed the Board back to the reports. Mr. Cruz referred to Vital Stats and the licensing for the current month. There were a number of records filed, with some increases, which includes both Englewood residents and non-Englewood residents. From Public Health Nursing, community outreach included eleven DPW employees for blood pressure screenings, and at 111 West St., fourteen residents had their blood pressures taken. At the Mercy Church event on August 18, 2007, eight residents took advantage of blood pressure screenings. At the Farmers' Market, there were fourteen residents who took advantage of those screenings as well.

Ms. Levien asked Mr. Cruz if he had made any determination regarding whether thirteen or fourteen warrant a screening service, or if there were other ways to maximize our efforts. Mr. Cruz felt there was a need for more outreach regarding the services that are provided in order for more people to take advantage of them. For example, this past month thirteen individuals were seen at the Child Health Clinic, significantly more than the previous month. Ms. Levien asked if the increase was due to the fact that school was opening, or if there was increased outreach into the community. Mr. Cruz answered that in September, with school starting again, the numbers should rise, and that specific data for the Public Health Nurses could be compared from August 2007 to August 2006, as well as year-to-date for 2007 to year-to-date for 2006 by checking the new stats.

Mr. Caviness stated that the numbers there were low, and had been for a number of years, and asked if there were other ways to provide this service with less funds. Mr. Cruz asked which services he was referring to. Mr. Caviness said the report being discussed, Public Health Nursing, Child Health Clinic. He said that for the money that we pay for Public Health Nursing, and do the division, it doesn't come out too efficient. Mr. Cruz replied that it is a service required by Practice Standards, so we need to continue to provide our services, but we may need to look at other avenues and options for providing that service. For example, during outreach at St. Cecilia's, as well as at another church, some of the individuals were not aware that we have a CHC clinic here, and many of those individuals do not have access to health insurance, so the word is not out there. Mr. Cruz thought we needed more intervention and work with some of the individuals, whether it's language, or transportation, to address those issues.

Mr. Chambers stated that perhaps a study and analysis was needed to create a program to make us more efficient, to reach out to more people. He agreed with Mr. Caviness that ways of becoming more

productive and efficient were needed. Ms. Levien thought the appropriate word was “productive,” since our services are not reaching enough people. She referred to the new Spanish language component to the newsletter, which Mr. Cruz confirmed. He said that this should begin this month, with six issues of the newsletter a year. The newsletter’s name has also changed, based on names and suggestions from the staff. “The Englewood Health Watch,” or in Spanish, “El Observador de Salud en Englewood,” was selected. Mr. Caviness commented on the name, “The Englewood Health Watch,” and that there was a need to be more careful about some of the information in the newsletter, making sure it was correct.

Mr. Cruz next spoke about the Health Educator’s Monthly Report. The number of activities included summer outreach, where a total of twenty were reached during pool outreach. The Family Health Awareness Fair planning was started by the Health Educator, who unfortunately, submitted her resignation. Another event was at 111 West St., where twenty residents were reached, and the Farmers’ Market, with twenty participants. Additional activities include advisories on various toys by Mattel and Fisher Price, which was posted on the web, as well as information in the newsletters and other flyers.

The report by the Youth Health Educator provides an overview with various activities, many of which were in tandem with the Health Educator. Although the Youth Health Educator targets the adolescent population, given the fact that there was no school during those months, she participated in reaching other groups. One of the activities was National Night Out, where approximately 100 people were reached. At the Farmers’ Market, there were 31 contacts, and at the beauty salon outreach, 15 women were advised about HPV. At the HealthEASE Senior Wellness Fair, 30 people were reached at that event. Dana Kenning also submitted her resignation.

Mr. Chambers asked who would take over the Health Educators’ job responsibilities until replacements were hired. Mr. Cruz answered that there was an active search going on right now, and that he was currently utilizing existing staff until both Health Educators’ positions could be filled. Mr. Chambers asked if there was a standard number of sessions for each program, and was it set up on a systematic basis for each outreach program, and how many sessions were we supposed to have on a quarterly basis. Mr. Cruz stated that previously they only provided two pieces of data for the sessions during the month and sessions year-to-date. That has been expanded to compare sessions of the prior month. So there is no baseline at this point, but a baseline will be developed, based on the data that is captured.

Mr. Caviness said there was a connection between Public Health Nursing statistics and Health Education. The rationale for the low numbers in Public Health Nursing was that people were not educated to the fact that there were Child Health Clinics. He felt our re-assessment should include the fact that we have two resignations of health educators, and that this was a prime time to re-evaluate the way we are providing services, and maybe could be provided differently, more efficiently, with cost effectiveness, to the residents of Englewood. Ms. Lachman stated that these positions are paid for by outside sources. Mr. Caviness affirmed that Reach and Teach is partially funded, but that he was talking about health education in general.

In the Environmental Health Report by Ms. Priscilla Lewis, one of the major activities was the emergency outreach in response to the Boiled Water Advisory for Bergen County. Although she did not have access to the building because she was never issued a key, she took the initiative to go to Staples and created some signs, and worked very closely with the Englewood Police Department. She is to be applauded for her efforts. In order to address the issue of limited access, she was given a key. She was also provided with the name of the web master, in order to comment in a similar situation in the future,

and post a message on the web, as well as create posters as needed.

Ms. Levien asked if there was a way of setting up messages on our telephones so that if someone calls the Health Department, they could be told that the water needs to be boiled, for example. Mr. Cruz didn't believe that we had such a system in place, but that one could be created based on the situation that arises. That message could be changed outside by calling in. Ms. Levien felt the staff should be commended, and suggested asking for their input on how to be proactive in local emergency situations coming down the pike.

Mr. Caviness asked what the emergency management plan was for the City of Englewood. Ms. Levien replied that there is a coordinator for the City of Englewood, Larry Suffern. Mr. Caviness asked if there was an emergency, would everything go through Larry Suffern, and not through the Health Department. Ms. Levien said that was correct, and that we needed to be prepared to answer certain questions, and we would know if there was an emergency situation based on what the basic question would be. Mr. Caviness said he understood the logic, but per his training, if there is an emergency, all questions must go to the proper place. There should be one person answering questions, and that should be Larry Suffern, the OEM. He applauded Priscilla and the Health Department, but said there are situations as an enforcement agency, when we can not do anything.

Ms. Lachman said it was her understanding that the entire procedure was currently being redone. The Police Department seemed quite overwhelmed during this emergency, and Englewood does not have a reverse 911, and it needs to be addressed immediately, if not sooner. Mr. Caviness agreed. Ms. Lachman suggested that the Board write a letter to the Police Department expressing concern about the way this emergency was handled, and indicating that we would like to work with them immediately on it. Mr. Cruz stated that other directors and health officers were unprepared as well, and in many cases, only businesses were informed, and the residents were not. He had recommended the serious consideration of a reverse 911 system, which is supported by both the Police and Fire Departments, and is being considered now, but will probably not happen until there is a permanent City Manager.

On the Monthly Report of Enock Moochi, there were several complaints regarding garbage and stagnant water at 63 West Hudson Avenue, which was substantiated. On August 6, a complaint was received regarding fumes generated from the Inglemoor Nursing Home during laundry washing time. Both Mr. Moochi and Ms. Lewis conducted an investigation and contacted the owners of the property who denied smelling any chemicals or odors. The complaint was not substantiated, but there will be a follow-up. On August 14, there was a meeting at the First Presbyterian Church on East Palisade Avenue regarding a church fair and cake sale at the church to be held in September. They instructed the event organizers to label their food products and to do proper packaging. A list of allergen food products and safe cooking temperature information was handed over to the organizers.

In response to Ms. Levien, Mr. Cruz stated that given the staffing profile, the Environmental Unit does as much as possible to address all the complaints. One of the things in progress is a redesign of the complaint form to streamline the process. Ms. Levien asked Mr. Cruz if there was any particular health issue or problem he had seen so far that needed to be addressed. Mr. Cruz answered that there was one regarding DPW and a manhole that was left uncovered, which has been addressed, and presented health concerns as well. They have been cited and requested to submit a correction at the plant. Mr. Caviness requested some clarification on the uncovered manhole issue, and how the Health Department got involved. Mr. Cruz said that he became aware of it because it was in the paper, and met with Mr. Clyde

Sweatt to see how we could improve sharing and dissemination of information between the two departments. Mr. Caviness said manhole covers, Inglemoor, and the fumes were air pollution issues, which are handled by the county.

Mr. Caviness questioned a complaint received on 8/24/07 regarding home catering at 354 Shepard Avenue, and asked if that was Zoning since home catering is running a business in a residential district. Mr. Cruz believed that if they received a complaint, they had an obligation to investigate, and if it needed to be addressed, then they work with the other department to do that. He said we are working in close collaboration with other departments within the City, the Fire Department, the Police, and DPW. Mr. Caviness suggested that in those situations, a joint inspection with the Zoning Officer might be advisable so you don't have to do two inspections and be intrusive in people's homes. Mr. Cruz stated that it was duly noted.

The next report was from the Environmental Assistant, Mr. Matthew Traudt, who responded to and investigated various complaints regarding animals. For example, on August 1, 2007, he received a complaint and a trap deposit for stray cats; five cats have been trapped and removed to date. On August 7, 2007, he received a complaint from a resident regarding pigeons, which was not verified. On August 13, 2007, he received an anonymous complaint on sewage being pumped into a storm drain, and this was coordinated with other departments as well. On August 23, he received another complaint from a resident regarding mice. When investigated, there were no signs of rodent activity, but he plans to do a follow up. Ms. Levien asked if Animal Control only responded to complaints or if proactive measures were taken. Mr. Cruz responded that trapping of animals is done. He added that we try to be proactive at all times on a regular, ongoing basis, i.e. health alerts, etc.

Mr. Lustgarten suggested that a Motion be made to accept items, 3, 4, 5, and 6, the Receipts, Bills, Employee Reports, and the Digest of Mail, as a whole. Mr. Caviness stated that the Digest of Mail hadn't been discussed, particularly the two resignation letters from the two Health Educators. He also requested clarification on the letter from Mr. Rupp, regarding the payment of professionals used during the hearings.

Mr. Lustgarten commented only on the letter from Mr. Rupp, which indicated that if there were insufficient funds in the line items, the invoices could not be paid. Copies of Mr. Lustgarten's letter to Mr. Rupp and his response were forwarded to Mr. Bailey, since this is now a city matter. Mr. Caviness asked Mr. Lustgarten to clarify how it was a city matter when the Court Order from Judge de la Cruz specified the payments were to be from the Board's 2007 budget. Mr. Lustgarten responded that all finances come out of the City budget, that it would be upon their Counsel's advice whether or not to adopt an appropriation for these expenses.

Mr. Caviness also took issue with Mr. Rupp's statement "sufficient funds were not in a line item." He said the letter suggests that there was no line item for the expenses, even though the line item budget was not adopted until after the appointments were made and the contracts were signed. That same issue was raised when the Director was hired, and there was no line item for a Director, but was sure the salary was being paid. He also referred to the new Salary Ordinance to change the prior one with line items and asked if the same logic applied to that.

Mr. Lustgarten replied that the distinction was that the Director is an employee of the City, while these individuals are independent contractors. He explained finance law which covers municipalities and the

Dr. Lisa Wisotsky	-	“Yes”	Curtin Caviness	-	“Abstain”
Dianna Lachman	-	“Yes”	Lisa Levien	-	“Yes”

Motion was carried.

7. License Approvals

Three (3) retail food establishment licenses were submitted for approval (attached at end of minutes). Motion to approve the licenses was made by Curtis Caviness, and seconded by Dr. Marson. A roll call vote ensued:

Dr. Earl Marsan	-	“Yes”	Jerald Chambers	-	“Yes”
Dr. Lisa Wisotsky	-	“Yes”	Curtis Caviness	-	“Yes”
Dianna Lachman	-	“Yes”	Lisa Levien	-	“Yes”

Motion was carried.

Old Business

8. Tanning Salon Ordinance (07-03)

Mr. Lustgarten stated procedure on the need for a motion to adopt the Ordinance by title only. Motion was made by Curtis Caviness, and seconded by Dr. Lisa Wisotsky. A roll call vote ensued:

Dr. Earl Marsan	-	“Yes”	Jerald Chambers	-	“Abstain”
Dr. Lisa Wisotsky	-	“Yes”	Curtis Caviness	-	“Yes”
Dianna Lachman	-	“Yes”	Lisa Levien	-	“Yes”

Motion was carried.

Mr. Lustgarten read the ordinance by title as to repeal Chapter 16 of the Health Code of the City of Englewood, entitled “Tanning Salons.” He called for a Motion to open public comment on this ordinance.

Motion was made by Curtis Caviness, and seconded by Lisa Levien. A roll call vote ensued:

Dr. Earl Marsan	-	“Yes”	Jerald Chambers	-	“Yes”
Dr. Lisa Wisotsky	-	“Yes”	Curtis Caviness	-	“Yes”
Dianna Lachman	-	“Yes”	Lisa Levien	-	“Yes”

Motion was carried.

Mr. Lustgarten stated that the time was now open for the public to make any comments that were related specifically to this ordinance, to repeal Chapter 16 of the City Health Code section entitled “Tanning Salons.” He reminded the public that they should identify themselves, and that the ordinance to be repealed had been published, and gave a brief synopsis of the previous Board discussion. With no comment from the public, Lisa Levien made a motion to close the public comment period, and Dianna

Lachman seconded the motion. A roll call vote ensued:

Dr. Earl Marsan	-	“Yes”	Jerald Chambers	-	“Yes”
Dr. Lisa Wisotsky	-	“Yes”	Curtis Caviness	-	“Yes”
Dianna Lachman	-	“Yes”	Lisa Levien	-	“Yes”

Motion was carried.

A motion to repeal Chapter 16 of the Health Code of the City of Englewood, entitled “Tanning Salons,” was made by Dr. Earl Marsan, and seconded by Jerald Chambers. Mr. Chambers asked if this would mean that the state has all jurisdiction over tanning salons, and the Health Department would have no oversight for licensing purposes. Mr. Lustgarten responded yes. Mr. Caviness said the other issue was whether or not to permit tanning salons in this town. Mr. Lustgarten said that in the prior meeting, where they are located was discussed as a zoning issue for the Mayor or Council to determine. He had reservations as to whether the City could limit or exclude them since a State Statute sets forth oversight, which means they are a legitimate business.

A roll call vote ensued:

Dr. Earl Marsan	-	“Yes”	Jerald Chambers	-	“Yes”
Dr. Lisa Wisotsky	-	“Yes”	Curtis Caviness	-	“Yes”
Dianna Lachman	-	“Yes”	Lisa Levien	-	“Yes”

Motion was carried.

9. Purchase of Promotional Items

Deferred, as the item was requested by Dr. Blanche Skurnick, who was on vacation.

10. Pandemic Flu Plan

Mr. Cruz informed the Board that the Health Department is now in Phase Two for the County. He said that a plan is being developed for health departments in the county, and the various health departments will be participating. Mr. Caviness asked who from this department will be participating. Mr. Cruz said that process had been initiated by Ms. Madison-Jenkins, who is expected to return at the end of the month, and that he would follow up with her on that process, and that she would be representing this Health Department.

Ms. Levien asked about the flu vaccines. Mr. Cruz stated that the flu vaccines had been ordered by Ms. Deborah Greene, and they should be delivered in the next couple of weeks. Plans for the clinics include two dates in October and two dates in November. Ms. Levien asked how many doses were ordered. Mr. Cruz answered that he believed there were a total of 400. He also stated that in order to address and defer some of the cost, the Department has applied for Medicare certification for reimbursement. Ms. Levien asked if we had Medicare certification in the past. Mr. Cruz said it was his understanding that we did many years ago, but for some reason it had lapsed, and it was being renewed. Ms. Levien asked if that meant anyone could pay for their vaccine through Medicare insurance, which Mr. Cruz confirmed.

Mr. Caviness had a question on old business, regarding follow-up on the JIF. He knew that in June and July there were letters sent to the JIF, and that we had gotten responses. He asked if there had been any update on that. Mr. Lustgarten answered that the request was routed to Mr. Bailey for follow-up with JIF, and there has been no response as yet.

New Business

11. Initial Organizational Assessment and Needs/Concerns

Mr. Cruz stated that an organizational assessment was done, and some of the concerns identified included limited data bases for Animal Control and existing outdated computer systems. Three have been replaced, and others may be considered within the next six months. Other issues included some cleaning, starting with Vital Statistics, in order to improve staff morale. He stated that painting would also be addressed. Also addressed was that three staff members in Vital Statistics were sharing two phones, and one was relocated from an unused location.

Mr. Caviness inquired who had participated in the assessments. Mr. Cruz answered that staff were interviewed, and that observations and feedback were provided on what some of their needs were in their respective areas. Mr. Caviness asked who the feedback was provided to, and was told it was to staff at a monthly staff meeting, meetings with the supervisors, both individually and as a group, and area meetings.

Mr. Caviness asked if there were any major changes as a result of this needs assessment. Mr. Cruz answered that the initial assessments he mentioned were reviewed for organizational infrastructure, ability to capture data, and report that on a regular basis with reliability and accuracy. Mr. Caviness asked if there were any other major changes, such as personnel. Mr. Cruz said a personnel change was being considered, that is not on this report.

Ms. Levien said personnel could not be discussed in an open meeting. Mr. Caviness replied that applied to individuals, not the process. He was concerned with the fact that, Title 26 and Practice Standards say that planning, evaluation, development of goals and objectives, improvement plan to address performance deficiencies, etc. are the job of the Health Officer, and said that was why he asked who the feedback was given to, and for the attorney, if we are in compliance with the Practice Standards. Mr. Lustgarten answered affirmatively, and said he had spoken to Mr. Cruz and had indicated that if we don't have a Health Officer on staff we need to contact another local Health Officer. Mr. Cruz stated that there had been discussions with local Health Officers who had agreed to provide advice and consultation should an issue arise during the interim period while the Health Officer is on Family Leave.

Mr. Chambers asked if that was in compliance with the State mandates. Mr. Cruz answered that the State requires a duly licensed Health Officer, which we have, although she is unavailable. However, when concerns come up, they can be addressed with the advice and consultation of a duly licensed Health Officer from an adjoining town.

Mr. Caviness read directly from 8:52, quoting the fundamental responsibilities of a licensed Health Officer. He pointed out that they are all prefaced with "each Health Officer shall" and said shall means we must have, and these must be addressed. Mr. Caviness said this is the State law, and asked if it was the legal opinion of Mr. Lustgarten that we are in compliance. Mr. Lustgarten stated that we are in

compliance because we have a salaried employee who is on staff who is a Health Officer.

Mr. Caviness said that his specific question addressed the planning under discussion in Number 11, Organizational Assessment and Needs, and who the feedback was given to. Mr. Lustgarten said the question addressed to him was if we were in legal compliance, and the reason we are is several-fold. One is that although the person is on a leave of absence, we still have a licensed Health Officer on staff. Mr. Cruz has reached out to other people with that certification so that during the leave of absence, if immediate issues come up, he has access to people who have a licensure. Regarding the long term planning, Mr. Lustgarten concluded that the department has access to the information that a licensed person would have and has someone on staff, which is the basis for the opinion that we are in compliance.

Mr. Chambers questioned the evaluations, which appeared to have been extensive, since Mr. Cruz was hired. He asked if the licensed Health Officer on staff was involved with these evaluations, and if there was a summary for the Board to review the evaluation that was done. Mr. Cruz stated again that the Health Officer was not available, and that he based the evaluations on staff profiles he had done, taken from evaluations that were done in the past, as well as reviewing existing job descriptions, comparing them to current functions of the staff. Mr. Chambers asked if there were summary reports of these evaluations that the Board could review. Mr. Cruz said there were only notes on the various areas that he reviewed.

12. Salary Ordinance Introduction (07-04)

Mr. Lustgarten indicated that the Board should entertain a Motion to read the Ordinance No. 07-04 by title only and read its introduction.

A Motion was made by Dianna Lachmann and seconded by Curtis Caviness. A roll call vote ensued:

Dr. Earl Marsan	-	“Yes”	Jerald Chambers	-	“Yes”
Dr. Lisa Wisotsky	-	“Yes”	Curtis Caviness	-	“Yes”
Dianna Lachman	-	“Yes”	Lisa Levien	-	“Yes”

Motion was carried.

Mr. Lustgarten continued by reading the title of Ordinance No. 07-04, An Ordinance Establishing the Salaries of the Department of Health of the City of Englewood as of October 15, 2007, and its introduction.

Motion to adopt introduction of the Ordinance was made by Curtis Caviness and seconded by Dianna Lachman.

A roll call vote ensued:

Dr. Earl Marsan	-	“Yes”	Jerald Chambers	-	“Yes”
Dr. Lisa Wisotsky	-	“Yes”	Curtis Caviness	-	“Yes”
Dianna Lachman	-	“Yes”	Lisa Levien	-	“Yes”

Motion was carried.

Mr. Lustgarten stated that it would be appropriate for any Board member or Mr. Cruz to discuss this now, or wait until the public hearing on October 15. Dr. Wisotsky asked if the Director of Health Services and Health Officer were the same person, and there are two positions, how the salary would work. Mr. Cruz answered that the salary range would stay the same, but combining these two positions. It does not mean the person would receive the total salaries of the two positions. Dr. Wisotsky stated that there was a minimum on both, and said that meant that if the same person was Director of Health Services and Health Officer, the minimum salary was \$170,000. Mr. Cruz said that would be revised to reflect that, and that salary would change for a combined position.

Mr. Caviness asked when and who came up with this new salary ordinance, and why it was being done now. Mr. Cruz answered that the current ordinance has a maximum base, with no flexibility to make personnel changes of any kind with the current salary structure. With recruitment, some flexibility may be needed to bring in new talent, but the current salary structure has only one salary you are restricted to.

Mr. Caviness pointed out that it was the maximum that was restricted, and that a hire could be at any salary range under that. Mr. Cruz said the ordinance was written based on when there was a line item budget, that was the salary budgeted, but with no minimum or maximum. Ms. Levien stated that the last Ordinance did not have a range, and the discussion was that there was a problem and it would have to be addressed at the appropriate time. Due to the line item budget, the current Salary Ordinance was done at exactly the salary that people were getting.

Dr. Wisotsky said she remembered Mr. Caviness bringing up that point, of the problem with the salaries, because there were no minimums and maximums. Mr. Caviness agreed, but said that Ordinance No. 06-02, compared to the Ordinance No. 07-04, was substantially different, in that there are positions on this Ordinance that don't even exist. He said there are different titles on this Ordinance that we have not even discussed or voted on, but we are talking about voting on a Salary Ordinance giving salaries to positions that do not exist. Mr. Cruz stated that the positions have existed in the past, and rather than have to go through the process of revising the ordinance repeatedly, he had included all the positions that have been in existence that could possibly be utilized again.

Mr. Caviness said that he understood the rationale, but thought this was an attempt to actually have people get paid, since he had brought this up under the 06-02 Ordinance process. He said the current ordinance lists Director of Health Services/Health Officer; therefore, that salary range does not include only the Director, that it was interesting that the new ordinance has a line item specifically for Director of Health Services. He said it goes back to the original question asked about specific line items and that there was no specific line item for Director of Health. He also said that according to Practice Standards, the Health Officer is the Chief Executive Officer of the local health agency. Mr. Cruz said that this was based on a precedent that's already been established. Mr. Caviness responded that precedent didn't make it right. He said his question was regarding what was legal, and his specific interest was based on the last Salary Ordinance, and described the inter-City struggle when it was pointed out that there was no salary ordinance. Mr. Caviness said now it was proposed to be changed again, and suddenly these things are coming up. He said his understanding of budgeting was, if in fact you have all these positions, then there must be enough money to pay for them at the top salary. Mr. Lustgarten replied that all the positions do not have to be filled. Mr. Caviness said he understood, and that was how it was done all those years, and how money had been saved. He said the Board has a fiduciary responsibility to the people of this town,

and should be looking at these things and making sure that what is done is legal.

Mr. Lustgarten said that obviously in the past, there was a laxity in coordination between the language of the salary ordinances, etc., and had no position or point of view or recommendation since he didn't know if the salaries were competitive. He did say, however, that the Salary Ordinance is merely a reflection of the positions that exist in the Department, or anticipated positions. The minimum/maximum is exactly that, and the Board would, by adopting a salary ordinance, hopefully coordinate on paper what exists in reality. He said everything raised were legitimate questions as to whether or not these titles or these salaries are appropriate, and that was up to the Board to discuss.

Mr. Caviness said the Board needed a lot of time to discuss this, and to include in that discussion the providing of services, such as Public Health Nursing and health education. He referred to Ordinance No. 3-04, creating the position of Assistant Health Officer/Program Coordinator, and asked if that position was being split.

Ms. Lachman said she thought the Board needed to discuss this proposal and take it line by line. She wanted input from Mr. Cruz and the rest of the Board, as to what was needed, if they were to try to clean up and make this much more consistent with reality. Mr. Caviness said that, per Practice Standards, that if the Board wants to discuss this, it should be discussed with a licensed Health Officer, and should not be discussed until she is available, or whomever is taking her place.

Mr. Chambers said he would like to see some job descriptions for the titles to make clear what the responsibilities are with all these titles. He also asked what the hierarchy was to be between the Health Officer and the Director of Health Services. Mr. Lustgarten stated that lines of authority are good to show people who they report to, who reports to them, and if there is a conflict, there is a clear line of who makes decisions. But that is separate and apart from a salary ordinance. Mr. Chambers stated that was understood, but the Board needed to know what the line of authority was. Mr. Caviness said they needed to understand what the State mandate was, and what the responsibility of the Health Officer was.

Mr. Lustgarten said the Board had two choices at that point. It could move the introduction tonight, take it up again on October 15, with a Motion to Adopt, and open up a public hearing, or defer it completely until October 15 or a later date, and not introduce it today. Ms. Levien asked Mr. Cruz if delaying this Ordinance would affect the recruiting for the two positions in any way. He answered that it would not, because he planned to use the existing salaries, in the current salary ordinance.

Dr. Wisotsky asked how we knew if these salaries were competitive. Mr. Cruz said he had looked around and asked, and that was just the range. He said there was a potential increase within the confines of the City's current budget, and also that not all the positions listed will be filled. Mr. Cruz stated that in terms of hierarchy, the Acting Health Officer reports to the Director of Health Services. Dr. Wisotsky asked if a Board sub-committee should be considered to review the competitiveness of the salaries and resolve some of these issues. Mr. Caviness didn't think a committee was needed for everything, and from twenty years' experience in the field could say the salaries are not competitive. He said if anything was done, it should be raising the base salaries and the maximum salaries for the type of work being done. He said that the whole Board was needed, and this was something that the retreat was supposed to accomplish.

Mr. Cruz agreed but asked if this wasn't a departure from his comments regarding staying within the budget. Mr. Caviness said it was not, because his suggestion could have saved the money from his

position, which could have been given to the rest of the staff. He said that there are only three directors in the State of New Jersey: Newark, Jersey City, and Englewood, and questioned having a population of 26,000 people with a Director of Health, Health Officer, and Assistant Health Officer. Mr. Cruz said there currently was no Assistant Health Officer, which Mr. Caviness understood, but said he was referring to the salary ordinance.

Mr. Chambers wanted a clear-cut understanding of the role and duties of the Health Officer and the Director of Health Services. Mr. Caviness asked about a letter sent to the Board President and all Board members from Paula Jenkins requesting that information, and if she had been provided with an answer to that letter. Ms. Levien said that Mrs. Jenkins had sent her a letter, but that she could not answer her. Mr. Chambers asked Ms. Levien who she deferred it to, since it was her responsibility to seek the answers, with legal consultation if necessary. Mr. Lustgarten said there was an existing line of authority in the Personnel Practices Manual, in Section 101-3C, Declaration of General Policy, Section C, "the administration and supervision of personnel are matters best handled on an administrative level, rather than by the Board directly." He said a policy is in place that gives the Director wide discretion in all personnel matters, subject to the final authority of the Board, and therefore, says the Board is not to micro-manage. The Director is the person who deals with personnel, but the Board can be part of the process as a final authority. Mr. Chambers asked about an employee with an issue or grievance with the Director, and shouldn't the Director be superceded and their grievance needs go to the Board. Mr. Lustgarten referred to a general grievance policy for the City of Englewood, and Mr. Chambers said that policy was a problem.

Mr. Chambers read from Practice Standards, under management and leadership, 8:52-5.2. He asked if the Board's personnel doctrine might be conflicting with the Practice Standards promulgated by the State. Mr. Lustgarten did not believe so and read it to mean that the Health Officer deals with the substantive matters of the Health Department, and the Director of Health Services runs the Department. Mr. Caviness asked if he was interpreting Practice Standards that way. Mr. Lustgarten said no, but when read together, the Director of Health Services has greater responsibility than the Health Officer. The Director of Health Services has budget responsibility, personnel oversight, etc., and the Health Officer has specific responsibilities substantively relating to health issues, set forth as read, and the two are not mutually exclusive.

Mr. Caviness said that was understandable, but according to the law, the Chief Executive Officer of the local health agency is the Health Officer, and handed Mr. Lustgarten the copy of Practice Standards to read himself. Mr. Chambers felt that something in writing from the State, to clarify who the Chief Executive Officer is, was needed. Ms. Levien said the Board should deal with the Ordinance, and call a vote on the reading of this, following what were all very valid questions.

Motion to introduce the Ordinance as presented, which would set up a public hearing on October 15, 2007 with a secondary hearing, after proper publication, was made by Mr. Caviness, and seconded by Dianna Lachman. A roll call vote ensued:

Dr. Earl Marsan	-	"Yes"	Jerald Chambers	-	"No"
Dr. Lisa Wisotsky	-	"No"	Curtis Caviness	-	"No"
Dianna Lachman	-	"Abstain"	Lisa Levien	-	"Yes"

Motion was not carried. - Ordinance not introduced.

13. Resolution R07-09 CDBG 2007-08 for Nutrition Ed. Prgm. (\$9,500)

Mr. Cruz read Resolution R07-09, in its entirety. Dianna Lachman made a Motion to adopt the resolution, and was seconded by Jerald Chambers. A roll call vote ensued:

Dr. Earl Marsan	-	“Yes”	Jerald Chambers	-	“Yes”
Dr. Lisa Wisotsky	-	“Yes”	Curtis Caviness	-	“No”
Dianna Lachman	-	“Yes”	Lisa Levien	-	“Yes”

Motion was carried.

14. Staff resignations

Mr. Cruz reported that in July and August there were two staff resignations. Specifically, Ms. Nancy Savinovich submitted her resignation to relocate to Florida. The second person, Ms. Dana Kenning, the Reach and Teach Youth Health Educator, decided to resign to accept a position as a Health Educator for the town of Demarest, after receiving a Health Educator license.

Ms. Levien asked Mr. Cruz if he had sent letters of commendation to both thanking them for their services. Mr. Cruz answered that he had not written to them, but did conduct exit interviews and thanked them. He said he also asked for feedback regarding the direction of the programs and included them in the interview process of candidates to fill their positions.

Ms. Levien asked what the procedure was for the Board to issue such a letter. Mr. Caviness stated that there was no procedure, and that he had asked, since his appointment to the Board, why the Board didn't conduct exit interviews. He stated that if the Board approves the hiring, it should know why people are leaving, which isn't always what they write in their letters. Mr. Caviness also stated that according to the personnel manual, the Director handles personnel, so the answer would be that the Director writes the letter. Ms. Levien asked Mr. Cruz to write a letter to each employee and include the Board's thanks for a job well done. When Mr. Caviness said his name should not be included on anything, Ms. Levien made a motion that "the Board" be included. Dianna Lachman seconded the motion. A roll call vote ensued:

Dr. Earl Marsan	-	(Was out of the room)	Jerald Chambers	-	“No”
Dr. Lisa Wisotsky	-	“Yes”	Curtis Caviness	-	“No”
Dianna Lachman	-	“Yes”	Lisa Levien	-	“Yes”

Motion carried.

Mr. Chambers asked if the Board or the Personnel Committee received a copy of the exit interviews. Ms. Levien asked that it be determined how this was handled previously. Mr. Caviness asked if they had a Health Educator in Demarest. There was no response.

Ms. Levien indicated that numbers 15 and 16 would be deferred for closed session.

17. Rescheduling of Board of Health Meetings

Ms. Levien stated a need to change the schedule of meetings, since a number of people had a problem

with Monday night, and asked for a poll to see what night was good. Mr. Caviness said there would never be full agreement on that, since everybody has certain dates and issues, and Monday has been the standard day and considered when they decided to come on the Board. Ms. Levien said that some seem to have other considerations every Monday night, and might not be available for six or seven months. Discussion deferred.

A motion was made to open the Public Session by Curtis Caviness and seconded by Lisa Levien. A roll call vote ensued:

Dr. Earl Marsan	-	(was out of the room)	Jerald Chambers	-	“Yes”
Dr. Lisa Wisotsky	-	(was out of the room)	Curtis Caviness	-	“Yes”
Dianna Lachman	-	“Yes”	Lisa Levien	-	“Yes”

Motion was carried.

Public Session

Ms. Ann Dermansky

Ms. Ann Dermansky addressed Mr. Cruz and congratulated his grasp of what was going on after such a short time, and welcomed him to town. She said to Mr. Caviness that she was glad to hear talk about fiscal responsibility, but said if he really wanted to talk about fiscal responsibility, there was absolutely no legal reason to have a hearing that cost an unconscionable amount of money. When Mr. Caviness interjected, Mr. Lustgarten intervened in the ensuing debate, and reminded all that the public session is a legal requirement; otherwise, the Board would not be in compliance with the law. The Board members have the right to respond, but it needs to be on an orderly basis; otherwise, the Minutes will not reflect that the Board complied with the State mandate to allow the public to speak on any issue they want.

Ms. Dermansky thanked Mr. Lustgarten, and said members of the public should be allowed to speak without being harassed. Mr. Chambers asked to respond. He said it has been repeated that the hearing was a waste of public money and City money. He said there is a process, State mandated, that was required to be given to Ms. Cherry, and were it not for that, the Board would have voted to keep her or fire her.

Ms. Dermansky suggested that the Board of Health do as the City Council does during a Public Session, when it is time for the public to speak. She said the Board should sit and listen, just as the public listens to them as they go through their deliberations.

Ms. Frances Honig, 127 Lake St.

Ms. Honig welcomed Mr. Cruz, and hoped this year would be a healthy, good, fruitful one. She said everyone there was basically working for the health of the people of the City, and hoped everyone would support him, and work together.

Ms. Cornelia Rogers

Ms. Rogers said she was confused about the Initial Organizational Assessment and Needs/Concerns discussed. She referred to a statement made that “you could always consult with some other licensed Health Officer in another town.” She asked how you do that, as related to the personnel here, when someone in another town is not familiar with Englewood’s personnel. Ms. Levien answered that if your Health Officer is away on vacation, and a matter of Public Health concerns comes up that needs the determination of a Health Officer, you are permitted to consult with another town or with the County. Ms. Rogers said she was talking about a personnel matter, and the reorganizing of personnel, and asked how you can legally make personnel decisions with consultation from another town, as she thought she understood Mr. Cruz could make personnel decisions based on help from another town. Ms. Levien said that wasn’t the issue, and agreed it was confusing.

Ms. Rogers said they had mentioned Mrs. Jenkins’ correspondence and that Ms. Levien could not answer her. Ms. Levien said she could not address that, since it was a personnel issue. Ms. Rogers said again that Ms. Levien had said she didn’t respond, and asked if her position as President wouldn’t require just a simple response, regardless of the contents, to acknowledge out of courtesy. Ms. Levien disagreed.

Ms. Adriene Lewis

Ms. Lewis stated that she knew that Ms. Jenkins wrote to Ms. Levien because she had seen it. She said that the letter requested, before Mr. Cruz becomes Director, some answers clarified, and later Mr. Cruz responded and told her, in the future, to go through him. Ms. Lewis said again that the request was made to Ms. Levien before he was Director, and that she did not get back to her. She questioned why Ms. Levien couldn’t have written to her and said she couldn’t answer her.

Mr. Carter Jackson

Mr. Jackson asked if the Board had an Affirmative Action Officer, because there are a lot of people that would like jobs in this city, and if they are denied, there is a process. Mr. Lustgarten responded that the Personnel Practices Manual addresses this: “The Board is committed to a personnel policy with personal merit and commitment to the Department. Additionally, the Board is committed to the principles of equal opportunity regardless of race, age, sex, religion, national origin, and political group or affiliation, and it is further committed to the principle of affirmative action where necessary and proper to perpetuate this policy.”

Mr. Jackson said he asked if there was an Affirmative Action Officer, not a policy. Mr. Chambers said there is no Affirmative Action Officer, and to have something written in policy means nothing if there is no enforcement of it. Mr. Lustgarten said the section does specifically say, “the Director shall be responsible for the establishment of employee recruitment and hiring procedures, most likely to conform with the policy of this Code, and to bring to the Department the highest quality personnel available.” While it does not say Affirmative Action Officer, the general language is usually associated with an Affirmative Action Officer. Ms. Levien asked Mr. Jackson if there was an Affirmative Action Officer in the City of Englewood. He answered affirmatively. Mr. Jackson stated that he had met Mr. Cruz at National Night Out, and that there were very few people there from any ward other than the fourth ward. He said we need to know the practice of all of the agencies in town, and since this is an autonomous

body, we definitely need to know the hiring practices here. He asked how or where the Board advertised positions.

Mr. Cruz said he could elaborate on the two most recent positions, Health Educator and Reach and Teach Youth Health Educator, which were posted at various colleges. Mr. Jackson asked if he had tried Englewood, and said there are a lot of people who are unemployed in Englewood that have the qualifications. Mr. Cruz said that his first preference in hiring would be Englewood, and if he couldn't find a "qualified" person for a particular position, he would then go outside. Mr. Jackson asked that he not do what the Board did with him when they went outside.

Mr. Cruz asked to respond to that, and said if he looked at the staff, there are only three individuals from Englewood, and in the City, there are other people who live outside. He said there is no residency requirement, that he was aware of, but the preference would be to get someone from the town. Mr. Jackson replied that it would be nice to get someone from this city, and that there are qualified Health Officers in this town.

Mr. Aaron Wilson, 165 Central Avenue

Mr. Wilson stated that Mr. Cruz was on staff for about two weeks and made a key decision to demote one employee, and he wanted to know what he saw in the new person that made her qualifications so much overriding the old person? Ms. Levien told Mr. Wilson that, having been on the Board, he knew that couldn't be discussed now.

Mr. Wilson said in regard to Mr. Jackson's comments, it seemed to him that if Mr. Cruz was being given carte blanche authority to make decisions to do whatever he wanted with regard to employees, he wanted to know how Mr. Cruz would react, and what the Board would do, if Mr. Cruz fails the Health Officer exam, or if he does not have the opportunity to take the exam, if there were any contingency plans in place. Ms. Levien said they couldn't answer that now, but advised Mr. Wilson that they have many contingency plans. Mr. Wilson also welcomed Mr. Cruz to the town, but said from what he had seen so far, it was just regurgitation of things that had been happening all along, and hoped that the Board had made the best decision on hiring Mr. Cruz to lead this Titanic on its cruise. (No pun intended).

Ms. Levien thanked everyone for coming and called for a Motion to close the Public Session. Motion to close the Public Session was made by Dianna Lachman, and seconded by Lisa Levien. All members present voted "aye" in favor. Motion was carried.

17. Rescheduling of Board of Health Meetings (resumed)

Ms. Levien said the meetings of the Board of Health needed to be rescheduled for the next six or seven months, and asked if Wednesday night was agreeable with everyone. Dr. Wisotsky stated any night but Thursday night was fine. Dr. Marsan said he could juggle his schedule with advance notice. Ms. Levien asked Mr. Cruz if his courses were on Mondays and Tuesdays, which he confirmed. Discussion ensued as to whether it should be the first, second, or third Wednesday of the month. Mr. Lustgarten reminded the Board that public notice was required since the annual notice had already been given, and stated that the publication could be ad hoc, if the dates were set month to month. Dr. Wisotsky and Ms. Levien agreed that the dates for the remainder of the year should be chosen, and the first Wednesday of each month was considered.

Motion to amend the monthly meeting dates for the Board of Health of the City of Englewood to October 3, November 7, and December 5, 2007, from the dates previously set, was made by Dianna Lachman and seconded by Dr. Lisa Wisotsky. A roll call vote ensued:

Dr. Earl Marsan	-	“Yes”	Jerald Chambers	-	“No”
Dr. Lisa Wisotsky	-	“Yes”	Curtis Caviness	-	“No”
Dianna Lachman	-	“Yes”	Lisa Levien	-	“Yes”

Motion was carried.

Mr. Lustgarten read the Closed Session Resolution as follows: Be it resolved by the Board of Health of the City of Englewood that it intends to discuss items of personnel in closed session. Be it further resolved that the summary of the discussion shall be disclosed on or before October 3, 2007. Be it resolved that the Board of Health of the City of Englewood discussed items of personnel in a closed session, disclosure of which shall be made on or before October 3, 2007. The Open Public Meetings Act permits the Board to go into closed session to discuss items of personnel.

A motion to approve the Resolution was made by Lisa Levien, and seconded by Dr. Lisa Wisotsky. A roll call vote ensued:

Dr. Earl Marsan	-	“Yes”	Jerald Chambers	-	“Yes”
Dr. Lisa Wisotsky	-	“Yes”	Curtis Caviness	-	“Yes”
Dianna Lachman	-	“Yes”	Lisa Levien	-	“Yes”

Motion was carried.

(Closed session)

15. By consensus of the Board, recommendation of Suzie Jean-Louis to position of Health Educator was approved.
16. Mr. Cruz recommended that Enock Moochi be removed from probationary status. By consensus of the Board, the recommendation was approved.

Mr. Caviness stated that his position was compliance with Practice Standards, and the fact that we do not currently have a Health Officer. He said decisions are being made that according to his reading of the Practice Standards, are not being made with the consultation of a licensed Health Officer. Mr. Caviness said that when someone comes in, and is here for a week or two, and demotes and takes money away from a valued employee of over 30 years, that it was a travesty, and he thought it was part of the special interests that were discussed.

Dr. Wisotsky asked what special interests they were referring to. Mr. Chambers asked if they really wanted to know what special interests. Mr. Caviness said the political wrap-up of Englewood. Mr. Chambers said he thought they needed to be careful not to expose themselves to potential litigation, but the fact that Mr. Cruz made these evaluations in a matter of weeks, without input from supervisors or the Health Officer, was beyond comprehension. He said the Board needed to be extremely careful because it was opening the Board for big litigation, called “whistle blower.”

Ms. Lachman asked if Mr. Cruz could tell them the basis of that evaluation, or what his needs were, that would give them more information. Mr. Caviness said his preface was to Practice Standards and the law, not with what Mr. Cruz said, and that he had a problem with Board members making decisions who didn't even have an orientation. He asked Mr. Cruz how he made decisions that have an impact on people's lives on what they had done in a week. Following much heated discussion, Mr. Lustgarten interrupted, and told Mr. Caviness he was out of order and had just violated the Open Public Meetings Act. Mr. Caviness responded that they always violated it. Mr. Lustgarten said he was keeping the Board in compliance, and had not given an opinion on policy calls, but had given options. He said that talk about Mr. Cruz is Personnel, and that is a closed session item. When you are talking about policies and procedures, and characterize the action that he took, that is a Personnel issue.

Mr. Caviness said he would re-phrase it, and said any person who comes into any organization, and demotes a person that's been there for 30 years and takes money out, is a travesty. Dr. Wisotsky asked if, based on their prior conversation, the Director of Health has the right to make Personnel changes, and does not need to consult a Health Officer to make personnel changes, based on documents that Mr. Caviness referred to. Mr. Chambers said the question was, what was the procedure for evaluation, reporting to the Board or the Personnel Committee before someone is demoted, and their salary reduced, especially a 30-year employee, an employee who testified, and had been Grand Juried. He restated that the employee is protected by the Whistle Blower Act, and decisions can not be made arbitrarily, even if the Director felt justified in them. Mr. Chambers said it seemed odd that nothing was reported to the Board, and didn't think that the evaluation process was sufficient enough to make that decision.

Ms. Lachman said that, if he would let Mr. Cruz answer, she had asked him that question. Mr. Chambers said he was talking about the Board as a body, that is supposed to make certain decisions, and they must make sure that Mr. Cruz is following procedures. Ms. Lachman said she had asked a valid question about the standards used. Mr. Chambers said but the Board needs to know what standards he is supposed to use, standards that are mandated by the State.

Dr. Wisotsky said she was concerned when she read what some of the local newspapers were saying about the subpoena of the Director of Health of Englewood, and the questions that they were asking, about whether there was a connection with the Board of Health prior to his being hired, what his objectives were on taking the position, and whether there was a relationship with politicians. She said she thought it was important, as the Attorney for the Board, for Mr. Lustgarten to meet with the head of the Attorney General's office, for a face-to-face meeting. Mr. Lustgarten said he could request a meeting with Ms. Malliet, the Assistant U.S. Attorney who is handling the case, but doubted that Chris Christie would meet him. He said as far as he was concerned, the questions that they were asking were because you can't assume that they are privy to the recruitment process, and someone probably said check it out. He said he was convinced that someone made a call to them, mentioned that since the person doesn't have the certification, there must be some other connection. The U.S. Attorney's Office evaluates this, after already looking into a situation here and decides to call him down and ask him those questions. Mr. Lustgarten said his opinion was that this is the end of it as far as Mr. Cruz is concerned. Mr. Chambers continued that in order to have Mr. Cruz answer on the criteria that he used, it would have to be in closed session. Mr. Caviness said he personally didn't want Mr. Cruz to answer that question because, in his opinion, they were opening themselves to a whistle blower suit, if they listened and agreed to what he was doing.

Mr. Caviness again said he was talking about what he felt strongly about and Practice Standards, but as for special interest groups, and connecting the dots, he said to look carefully at all of the subpoenas that were issued to this office. Mr. Chambers didn't believe that Chris Christie has done too many frivolous things.

Dr. Marsan made a Motion to Adjourn, seconded by Dianna Lachman. A roll call vote ensued: All members voted "aye," in favor. Motion was carried.

The meeting officially adjourned at 11:25 p.m.

Respectfully submitted,

Nelson Xavier Cruz
Secretary to the Board
/jk