

CITY OF ENGLEWOOD
BOARD OF HEALTH REGULAR MEETING

July 10, 2013

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

MEMBERS PRESENT:

Dr. Lisa L. Wisotsky, President; JoEllen Bostick, Vice President; Bertha-Nora Acosta; Stephanie Davis; and Lisa Levien.

ALSO PRESENT:

Deborah L. Baldwin, Administrative Assistant/Office Manager/Registrar, Acting Secretary to the Board; Richard A. Lustgarten, Esq., Board of Health Attorney; and Janet Hart, Confidential Executive Secretary.

ABSENT/with apology:

Dr. Earl A. Marsan, Ketsia Alerte Sadler, and Nelson Xavier Cruz, Director, Health Services/Health Officer.

Ms. Baldwin read the Open Public Meetings Statement. All stood to recite the Pledge of Allegiance.

2.A. Motion to approve Items 2. A. i. (Minutes of June 12, 2013 Meeting (Open/as amended, and Closed); 2. A. ii. (Receipts – June, 2013); 2. A. iii. (Bills – June, 2013); 2. A. iv. (Employee Reports – June, 2013); 2. A. v. (Digest of Mail – June, 2013); and 2. A. vi. (Communications – June, 2013).

Ms. Baldwin stated that there was one correction to the June, 2013 Minutes, under “New Business,” item 6., Health Department File Server. Mr. Cruz originally reported that the Department file server would be replaced by a “cloud approach,” and she said that had been corrected in the Minutes to be approved.

Ms. Baldwin reported that receipts for the month of June, 2013 totaled \$18,642.50; the total bills on the budget were \$2,948.77. Non-budget items were \$2,020.65; and Electronic Death Registration Receipts for the month were \$562.00.

Motion to approve Items 2. A. i. – vi. was made by Ms. Bostick and seconded by Ms. Davis. A discussion ensued regarding a paragraph in the June 2013 Monthly Report of the Director/Health Officer. The Board considered it inappropriate and asked if it could be redacted.

Motion to approve Items 2. A. i. (Minutes of June 12, 2013 Meeting (Open/as amended, and Closed), 2. A. ii. (Receipts – June, 2013); 2. A. iii. (Bills – June, 2013); 2. A. v. (Digest of Mail – June, 2013); and 2. A. vi. (Communications – June, 2013) was made by Ms. Bostick, and seconded by Ms. Davis. Motion was approved 5-0. Mr. Lustgarten stated that they would return to the discussion of the Monthly Reports at a later time.

2. B. Motion to approve Retail Licenses – June, 2013

There were nine retail licenses to be approved. Ms. Baldwin stated there were three food markets: Balamari Tearoom L.L., Main Event Caterers, and RM Gourmet Company; four restaurants: Basil Indian Cuisine, Inglemoor Center, Rose's of Englewood, and Tani Sushi & Asian Grill; and two establishments with vending machines: Englewood Hospital and Medical Center and Main Event Caterers. She stated there had not been any written or verbal objections to date to the approval of these licenses.

Motion to approve item 2. B. - Retail Licenses – June, 2013, was made by Ms. Bostick, and seconded by Ms. Acosta. Motion was approved 5-0.

2. C. i. Board Liaison Reports

Ms. Davis reported that she had called Dr. Carlisle, Superintendent of the Englewood Public School District, to discuss cooling centers, but he was on vacation until the following week. In his absence, she spoke to Mr. Mike Hunken, Director of Facilities, EPSD. He told her that Quarles School is currently undergoing lead abatement, so that location is out of the question. There is still the matter of liability, insurance costs, and management of the cooling centers. The staffing of the centers also needs to be discussed.

Dr. Wisotsky suggested a meeting between the City Administration, Health Department, and Englewood Public School District.

2. C. ii. Committee Reports

There were no committee reports for the month of June, 2013.

2. D. Motion to approve Minutes of May 30, 2013 Special Meeting

Motion to approve item 2. D. was made by Ms. Levien, and seconded by Ms. Bostick. Motion was approved 5-0.

Mr. Lustgarten requested the Board return to item 2. A. iv. (Employee Reports – June, 2013). Motion to approve the Employee Reports for June, 2013, with the exception of the report of the Director/Health Officer, and to accept the report of the Director/Health Officer for June, 2013, but not approve it as submitted, was made by Ms. Bostick, and seconded by Ms. Acosta. Motion was approved 5-0.

Mr. Lustgarten referred to the May 2013 report of the Director/Health Officer, in which he stated twice that his end date with the Department would be August 1, 2013. He said the current contract was for three years, with a clear beginning date, but no end date had been used in the contract. Mr. Lustgarten said he discussed this with the Board President, and for clarity, he wrote Mr. Cruz a letter stating the following:

“Dear Mr. Cruz,

The Board President has requested that I send you a letter concerning your termination date. Your three-year contract of employment with the Englewood Board of Health was effective as of July 25, 2010. Consequently, the contract will expire at midnight on July 24, 2013. You should use this date with respect to any personnel forms that need to be filed with the City, the State Pension Board, etc. If you have any questions, kindly call me at your convenience.”

Copies of this letter were sent to the Board, which were received on June 5, 2013. Mr. Lustgarten stated that since then, he had not received any communication from the Director/Health Officer with questions or indicating that he differed with the end date. He stated, for the record, that he agreed with the Board

that the August 1, 2013 end date mentioned in the May, 2013 report was inaccurate, and the accurate date is July 24, 2013.

Mr. Lustgarten also stated that in addition to the discrepancy in end dates in the Director/Health Officer's monthly reports, there were personal statements made against the Board President in the monthly report for June, 2013. It was his legal opinion that those types of statements were inappropriate in an employee's report, in which an employee is to report the mechanisms and the workings of the Health Department for the previous month. He said a motion in opposition to those personal comments had been drafted.

Board Vice President JoEllen Bostick read the motion, as follows:

"In the Board of Health reports for June, 2013, the current Health Officer has included in his report certain negative comments relating to the Board President. I move that the comments are inappropriate in such a monthly report, that the members of the Board disagree with the substance of them, and that the comments in no way should reflect on the Board President's integrity, individually, professionally, and as a member of the Board. I further move that the Health Officer be and he is hereby requested to redact that part of his June, 2013 report that reflects a personal attack on the Board President, and if he refuses to do so, that a copy of this motion be attached to the next consecutive page of his report and shall be included in the official documents of the Board as a complete rebuttal of his comments concerning her and as a complete rejection of them."

Ms. Davis seconded the motion.

Mr. Lustgarten stated that if the Director/Health Officer was willing to redact that portion of the monthly report, then that report can be re-submitted to the Board, which could then approve it, rather than merely accepting it. If he chose not to redact it, then a copy of this motion would be attached to the report on the following page, so that anyone reading it in the future would know that the Board did not agree with his comments. Mr. Lustgarten said in that case, the Board could again vote to accept the report, but not approve it.

A roll call vote ensued:

Bertha-Nora Acosta	-	"Yes"	Dr. Earl A. Marsan	-	Absent
JoEllen Bostick	-	"Yes"	Ketsia Alerte Sadler	-	Absent
Stephanie Davis	-	"Yes"	Dr. Lisa L. Wisotsky	-	"Yes"
Lisa Levien	-	"Yes"			

Motion was approved, 5-0.

RESOLUTIONS

3. Resolution R13-09 Appointment of Director/Health Officer

Motion to remove item #3, Resolution R13-09, Appointment of Director/Health Officer from the July 10, 2013 meeting agenda was made by Ms. Bostick, and seconded by Ms. Davis. Motion was approved 5-0.

OLD BUSINESS

4. Status of Youth Health Educator Search

Ms. Baldwin reported that a candidate for the Youth Health Educator position had been selected, and the pre-employment process is in progress. It is anticipated that she will be able to start work on July 29, 2013.

5. Status of Director/Health Officer Search

Dr. Wisotsky reported that a candidate for the Director/Health Officer position had been selected, and the pre-employment process is in progress. She said a date for a special meeting of the Board would have to be decided on in order to appoint the new Director/Health Officer and also the new Youth Health Educator. There was a consensus of the Board to do a Public Notice cancelling the scheduled special meeting of the Board on July 17, 2013, and schedule a special meeting of the Board on Thursday, July 25, 2013.

6. Englewood Family Health Festival

The Board discussed the Englewood Family Health Festival coming up in the Fall. Ms. Baldwin felt that holding it outdoors so late in the Fall was difficult due to weather issues, and said she had contacted Englewood Hospital and Medical Center regarding collaborating on the festival at the hospital. They were in agreement, but not available on October 4, 2013, the date previously selected by the Board. They are available on October 18 and October 25.

7. County Wellness Program

Ms. Acosta reported that this program is run by Bergen County through an agency. People with special needs or live alone who want to be contacted every day for safety reasons register for the program and are called every day. If no one answers the phone, they are called a second time. If no one answers the second phone call, an emergency contact person calls them. If there is still no answer, Social Services is called, who contact the Police. Ms. Acosta stated that there are approximately 14 people participating in this program. She said the County publicizes this program widely at fairs and other events.

8. Walk-in Patients – Public Health Nursing

Ms. Baldwin referred the Board to the report that the Public Health Nurse had prepared regarding walk-in patients. Ms. Baldwin said she had spoken to the Public Health Nurse and conveyed to her that she thought the Board was interested in the types of walk-in services provided, but the Public Health Nurse said she did not have those numbers itemized anywhere. Ms. Baldwin recommended that she keep track of that information, whether they were coming for immunizations, blood pressure readings, or whatever service they were coming to the Department for.

Ms. Levien stated that she would like to know if the Department is meeting the people's needs, and if not, what we could do to accomplish that.

NEW BUSINESS

9. Cooling/Heating Centers

(This item was discussed previously.)

10. Englewood Municipal Alliance

Ms. Baldwin reported that Ms. Gallagher in the City Administration office, had turned over the oversight of the Municipal Alliance grant to the Health Department for the 2014 grant period, which runs from July, 2014 to June, 2015. She said the Health Educators have been working on the grant, and that Ms. Lynne Algrant is the City Council liaison for the Englewood Alliance. Ms. Baldwin and the Health Educators have attended several meetings recently on the Alliance, and there will be a mandatory meeting in September which they must also attend.

11. Date of Next Board Meeting

The next Board of Health meeting will be on Thursday, July 25, 2013, unless there is a delay in the pre-employment process for the Director/Health Officer. The next regularly scheduled meeting is on Wednesday, September 11, 2013.

12. Other Business

There was a consensus of the Board to participate with the Englewood Public Library with a wellness table and to support the concept of a weight reduction program for library members and City employees.

Ms. Levien asked if the Health Department banner is being used on a regular schedule, and also if we could obtain access to it to outline the letters in a darker color so they can be read more easily.

Dr. Wisotsky reported that Dr. Robert Adair had been appointed by Resolution to be the City Physician for the year 2013. She said that, unfortunately, the Department only recently became aware that Dr. Adair had not accepted the appointment. The Department needs a physician for the flu clinics and for standing orders for the Public Health Nurse to immunize adults. Dr. Wisotsky said the City has contacted Englewood Hospital and Medical Center requesting their assistance in this matter.

Ms. Baldwin stated that while we are waiting for Englewood Hospital's response, the Public Health Nurse has been referring patients elsewhere for their immunizations. She said the Department had been given a directive by City Administration that Englewood Hospital would be providing these services, and that we could not proceed until we hear from them.

Mr. Lustgarten suggested to the Board that certain administrative matters must continue between now and the time that the new Health Officer starts employment, and there may be times when things must be done rather expeditiously. He said if the current Health Officer is either unavailable to do them or has a busy agenda and does not have the time to do them, he would recommend that the Board take a consensus to authorize Ms. Baldwin to take all reasonable and necessary actions for the efficient operation of the Department, which would include, but are not limited to, contacting members of the City administration, as appropriate, and any third parties, as appropriate, all for the efficient operation of the Department.

It was the consensus of the Board that Ms. Deborah Baldwin should do what is reasonable and necessary to run the Department in the absence of those things being done until the new Health Officer gets on board.

PUBLIC COMMENT

Motion to open the time for public comment was made by Ms. Davis, and seconded by Ms. Levien. Motion was approved 5-0.

There were no members of the public present at this time. Motion to close the time for public comment was made by Ms. Davis, and seconded by Ms. Levien. Motion was approved 5-0.

ADJOURN

Motion to adjourn was made by Ms. Davis, and seconded by Ms. Acosta. Motion was approved 5-0. The meeting ended at 9:30 p.m.

Respectfully submitted,

Deborah L. Baldwin
Acting Secretary to the Board
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