

CITY OF ENGLEWOOD

BOARD OF HEALTH REGULAR MEETING

March 14, 2013

1. The regular meeting of the Board of Health, City of Englewood, Bergen County, was called to order at 8:02 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; Lisa Levien; Dr. Earl A. Marsan (arrived 8:15 p.m.); and Ketsia Alerte Sadler.

ALSO PRESENT:

Nelson Xavier Cruz, Director, Health Services/Health Officer/Secretary to the Board; Richard A. Lustgarten, Esq., Board of Health Attorney; and Janet Kast, Confidential Executive Secretary.

Mr. Cruz 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 February 13, 2013 Meeting-Open); 2. A. i. I. (Amended Closed Session Minutes of February 13, 2013 Meeting); 2. A. ii. (Receipts – February , 2013); 2. A. iii. (Bills – February, 2013); 2. A. iv. (Employee Reports – February, 2013); 2. A. v. (Digest of Mail – February, 2013); and 2. A. vi. (Communications, February, 2013).

Mr. Cruz reported that cash receipts for the month of February, 2013 were \$15,112.50. Vouchers/Orders for Payment for February, 2013 were \$3,318.86. Non-budget payments were \$1,666.26. Electronic Death Registration Receipts for the month of February, 2013 totaled \$665.00.

Motion to approve Items 2. A. i. – vi., and 2. A. i. I. (Closed Session Minutes as amended) was made by Ms. Bostick, and seconded by Ms. Davis. Motion was approved 6-0.

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

Mr. Cruz stated that there were three licenses to be approved, as follows: Bagel Hood and Grill, King Pelican Coffee, and Zuccaro, Inc. He said that there had not been any written or verbal objection to the approval of these licenses. Motion to approve the retail licenses for February, 2013 was made by Ms. Bostick, and seconded by Ms. Sadler. Motion was approved 6-0.

2. C. i. Board Liaison Reports
ii. Committee Reports

There were no Board Liaison or Committee Reports for the month of February, 2013.

ORDINANCES

3. 13-01 Revising Sections of “Personnel Practices Manual of the Department of Health, City of Englewood (Revised 2009)” (Public Hearing/Adoption)

Motion to read the ordinance by title only and open the time for public comment was made by Ms. Bostick, and seconded by Ms. Sadler. A roll call vote ensued:

Bertha-Nora Acosta	-	“Yes”	Dr. Earl A. Marsan	-	(late)
JoEllen Bostick	-	“Yes”	Ketsia Alerte Sadler	-	“Yes”
Stephanie Davis	-	“Yes”	Dr. Lisa L. Wisotsky	-	“Yes”
Lisa Levien	-	“Yes”			

Motion was approved 6-0.

Mr. Lustgarten asked Mr. Cruz to read the title of Ordinance 13-01, “An Ordinance Revising Sections of Guidelines for Employees of the Department of Health entitled ‘Personnel Practices Manual of the Department of Health, City of Englewood (Revised 2009).’”

There were no comments or questions from the public. Motion to close the time for public comment was made by Ms. Davis, and seconded by Ms. Sadler. A roll call vote ensued:

Bertha-Nora Acosta	-	“Yes”	Dr. Earl A. Marsan	-	(late)
JoEllen Bostick	-	“Yes”	Ketsia Alerte Sadler	-	“Yes”
Stephanie Davis	-	“Yes”	Dr. Lisa L. Wisotsky	-	“Yes”
Lisa Levien	-	“Yes”			

Motion was approved 6-0.

Mr. Cruz read the Resolution to Adopt Ordinance No. 13-01, entitled “An Ordinance Revising Sections of Guidelines for Employees of the Department of Health Entitled ‘Personnel Practices Manual of the Department of Health, City of Englewood (Revised 2009)’”, which was introduced on February 13, 2013, and published in The Record on February 16, 2013.

Motion to adopt Ordinance No. 13-01 was made by Ms. Bostick, and seconded by Ms. Acosta. A roll call vote ensued:

Bertha-Nora Acosta	-	“Yes”	Dr. Earl A. Marsan	-	(late)
JoEllen Bostick	-	“Yes”	Ketsia Alerte Sadler	-	“Yes”
Stephanie Davis	-	“Yes”	Dr. Lisa L. Wisotsky	-	“Yes”
Lisa Levien	-	“Yes”			

Motion was approved 6-0.

OLD BUSINESS

4. 2013 Budget

Mr. Cruz stated that on March 13, 2013, he and the Board of Health presented the proposed 2013 Health Department budget to the City Council for their consideration and adoption, and after a discussion on the budget, a reduction of \$30,000 in the Health Officer’s salary was proposed.

5. Supreme Oil Case

Mr. Lustgarten reported that the Supreme Oil case is currently listed at the Municipal Court for April 10, 2013, but that he had spoken to their attorneys, who advised him that they would have a remediation plan ready in the next 10-14 days.

6. Englewood Board of Health Bylaws (Revision)

The bylaws were not ready for discussion at this meeting, so this item was postponed for another time.

NEW BUSINESS

7. Monthly Public Health Community Impact Report

At the request of the Board at the February 13, 2013 Board of Health meeting, Mr. Cruz drafted a monthly public health community impact report form for the Board's review and approval for use in the submission of a monthly report to the City Council as a snapshot of the various public health activities in Environmental Health, Public Health Nursing, Health Education, and Vital Statistics. He said a sample of the proposed spread sheet was included in the Board's monthly packet.

8. Rabies Clinic

Mr. Cruz reported that the Department's Rabies Clinic was held on February 23, 2013, at the Municipal Court, from 11:00 a.m. to 1:00 p.m. A total of 81 pets were vaccinated against rabies, 16 cats and 65 dogs. On that day, there were a total of 89 pets licensed, 8 cats and 81 dogs. The second and final Rabies Clinic is scheduled for Thursday, April 18, 2013, from 6:00 p.m. to 7:00 p.m., at the Health Department.

9. 2013 Financial Disclosure Statements

Mr. Cruz reported that the 2013 Financial Disclosure Statements must be completed online, and no hard copies will be permitted. The forms will be received by the City Clerk by the end of March, 2013, who will forward them to Mr. Cruz. Mr. Cruz will then forward them to each Board member, who will complete them electronically. Mr. Cruz said that he or the Confidential Executive Secretary will be happy to assist, if that is requested.

10. Food Handler Certification Program

Mr. Cruz stated that all staff of the Environmental Health Unit have been trained and certified as trainers and test proctors for the Food Manager Certification and Food Handler Certification given to the food managers and food handlers of Englewood and non-Englewood retail food establishments. He said at present, the Department plans to hold one class per quarter for a group of twenty students per class. He discussed the proposed fees and anticipated income to be generated by these courses.

11. Department Telephone Log

At the request of Ms. Lisa Levien at the January 10, 2013 Board of Health meeting, Mr. Cruz stated that a Department telephone log had been provided to the Board of all incoming and outgoing phone calls from February 13, 2013 to February 28, 2013. The total number of incoming/outgoing calls was 574; the majority of the calls were in Vital Statistics and Administration. He said the Department is currently tracking and monitoring the incoming/outgoing calls for the month of March, 2013, where they will have a more accurate number of all phone calls. Since the Department was only able to capture data for half of

the month of February, 2013, it is estimated that the Department generates a total of 1,200 incoming/outgoing calls per month, or 14,400 incoming/outgoing calls per year.

Ms. Levien opened discussion on the 2013 budget presentation of the Health Department before the City Council. She stated that several Board members had attended the March 13, 2013 budget presentation and had questions for Mr. Cruz, which they wanted stated and answered for the record, as follows:

1) Why did you include the per capita cost of the Health Department vs. the per capita cost of the Police and Fire Departments when you were specifically instructed by the Board in December and again in January to omit this from your presentation?

Mr. Cruz answered that the per capita cost is very important, and that the Health Department is considered an emergency responder with the Fire and Police Departments. He said that people are looking at cost, and he thinks the Health Department does a very effective job of containing those costs that should not be overlooked.

2) Why did you include shared services in your presentation when, according to the previous meeting, it was no longer an issue on the table and had no place in the budget presentation, and you had received no directive from the Board to make that a part of your presentation?

Mr. Cruz answered that in speaking to the Board President before the presentation, she had not gotten any feedback from the City Manager, so he felt that it was still on the table. He felt it was an issue for the Department of Health, and that going to shared services was detrimental. He presented some of the reasons why he thought it was detrimental, given the fact that Englewood would have a Health Officer from another town, who is actually working four days a week, and would only be available eight to twelve hours a week. He said the issue of shared services was not finalized, as far as he was concerned. He said that maybe it had been finalized after the March 13 budget presentation.

3) When the Board asked you specifically to keep your presentation to under ten minutes, why was your presentation significantly longer than that?

Mr. Cruz answered that he wanted to focus on some of the accomplishments of the various units of the Department, and he thought he needed to drive home the comparison of what the Department achieved between 2012 and 2011, bringing up specific examples, such as what happened during Hurricane Sandy. He said many of those achievements are taken for granted by members of the City Council, as well as the public, who are not fully engaged or aware of exactly what the Health Department is involved in on a day-to-day basis.

4) For two years, the Board of Health has been stressing that all four wards in Englewood have been using the Health Department in equal amounts, but for different reasons. Why did you claim that wards three and four were the significant users of the Department's services?

Mr. Cruz answered that most of the wards use the Department's services, but the primary users of the vast majority of the services are wards three and four, and the data support that.

5) What is the meaning of your closing statement that the City has been targeting your position for the last seven years because you are Hispanic?

Mr. Cruz answered that he did not say “seven” years, and said he wanted to clarify that. He said it had been for the last couple of years, since Mr. Dacey became the City Manager. He said the main push had been to outsource the Department’s services to the County or shared services, and there had been several unofficial conversations regarding the City Manager’s desire to go in that direction. Mr. Cruz stated that, as most of the Board members will recall, they had looked into the possibility of shared services with Leonia and Teaneck, when Teaneck’s Health Officer had left his position. He said that as a result of shared services discussions, his salary was requested to be reduced by \$30,000. He said he didn’t think any other Department Director in the City was taking a salary reduction across the board, as well as the City Manager. He asked why he was being singled out. He said the terms he was offered to renew his contract were to accept this salary reduction. He asked what the basis was and said that it is without cause. Is it to save \$30,000 out of a \$60,000,000 budget? He said he does not understand that.

6) Why did you not distinguish this as your personal position as opposed to a position adopted by the Board of Health in your presentation?

Mr. Cruz answered that he felt he was not given the opportunity to discuss that with the City Manager, because the discussion of that “deal” was actually carried out by the Board of Health President and him, and he found out at the completion of that deal. He said he did not have an opportunity to comment until after it was completed. He said he was not able to be a part of that process; he was excluded.

PUBLIC COMMENT

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

Dr. Richard Pierson, 60 Lincoln Street

Dr. Pierson stated that he has been involved with the Health Department for over 30 years, and he feels that it has earned a very high score under Mr. Cruz’s leadership, but that there has not been recognition of that. He attended the March 13, 2013 budget presentation and was disappointed in the tone of the meeting, and felt the positive changes made by the Department in the last 30 years should have been mentioned, and wished there had been more of the warm testimony by the Englewood residents who spoke at the February Board of Health meeting.

Motion to close the time for public comment was made by Ms. Davis, and seconded by Ms. Sadler. Motion was approved 7-0.

There being no further business, a motion to adjourn was made by Ms. Levien, and seconded by Ms. Sadler. All members voted “aye,” in favor. Motion was carried.

The meeting ended at 8:45 p.m.

Respectfully submitted,

Nelson Xavier Cruz
Secretary to the Board
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