

The regular meeting of the Board of Health was held in the Board of Health Building on Wednesday, June 23, 2004 at 7:30 p.m. Dennis Twyford called the meeting to order, and Estelle Klein led the salute to the flag.

THIS MEETING WAS HELD IN ACCORDANCE WITH THE OPEN PUBLIC MEETING ACT, NJSA 10:4-1 ET. SEQ. ANNUAL NOTICE HAVING BEEN FORWARDED TO THE NEW JERSEY HERALD, THE NEWS LEADER AND POSTED ON THE BULLETIN BOARD MAINTAINED IN THE MUNICIPAL BUILDING FOR PUBLIC NOTICES.

ROLL CALL:

PRESENT: Dennis Twyford, Mariano Gianni, Rob Bond, and James Vanderhoof. Council person, Estelle Klein was also present.

ABSENT: Thomas Forbes and Melinda Conti.

MINUTES OF THE PREVIOUS MEETING: Mariano made a motion to approve the May minutes, seconded by Jim. All in favor.

MEETING OPEN TO PUBLIC:

1. Estelle Klein said there are two things that she would like to see addressed tonight. One is the Board remain autonomous. Dennis explained one of the issues that Estelle is talking about is the termination of Jill Lange by our Administrator. The question that has arisen, does the Administrator have the authority to hire or fire a BOH employee. Some of the documentation that Estelle has from Trenton from 1996, states that the Board is responsible for hiring and firing of personnel. Dennis read an email he sent to Steve Ward, Administrator, asking Steve to research the authority of hiring and firing of a BOH employee. Steve's response was, he discussed the matter with the Borough Attorney and he had an opportunity to review the matter. According to Steve's response, the attorney made the determination that the Borough Administrator is the appointing authority for the municipality, including those employees in the Health Dept. Dennis asked the members to read correspondence received from Richard Stein, Borough Attorney, stating it does not seem to read that way in the cover letter from the attorney.

Carl explained that Jill Lange, former Pound Keeper for Hopatcong appealed to civil service and her appeal cannot be heard. She is not a civil service employee. She is not under Title 11, civil service regulations. Estelle said in our code, it states the Board hires and fires. Jim added the only thing we could not get involved in were salaries. Estelle agreed the only thing we could not do was funding. She added, Trenton has the Hopatcong Board of Health as an autonomous Board. Estelle then read a letter written by Stanley Dorfman from the Department of Personnel. The letter states that the Board hires and fires its own employees.

Carl said that back in 1996, Frank Bastone came into his office with a milk crate full of our personnel records. I asked what would you like me to do with those and he said, you are now in charge because that is what your Board wants. Carl said, to be honest I did not want that responsibility. If you are dealing with civil service and something was not filed correctly, someone could perhaps lose either a promotion or worse, lose their job. This puts people over other people, veterans or residency. That is what they put here.

Carl said that his opinion is Mr. Ward is the personnel director for the Borough. I think he would consult with the Department Head here involving an employee and perhaps you people as the Board and you would then give him the feedback that he would need to make that reasonable decision on that particular employee. That is my opinion. I pled for Jill; I did not want her to lose her job. It was his decision. He did consult with the labor attorney. He did this on his own.

Dennis said that since Jill does not fall under civil service, she did not get her hearing. As a non civil servant, she was still not given a hearing. Either way there is a discrepancy. She should be afforded a hearing by this Board and she was not given that. On that technicality alone, Mr. Ward is not entirely correct.

Rob made a motion to seek input from our attorney, the interpretation of 26:3-27, that talks about a non civil servant employee and any other relevant state statutes. Seconded by Jim. Roll call, all in favor.

2. Richard Robinson: Estelle said she asked Jill to ask Mr. Robinson to attend the meeting. Whether Jill got in touch with him or not, she did not know. Estelle said, why don't we put this behind us. The man is on disability; he is never going to have the money. Hasn't he been punished enough.

Dennis said that Estelle and himself discussed this and the suggestion is Mr. Robinson come before the Board and state his case to us with the understanding that the Board is not looking to inflict any hardships on anyone. We have to look at what are we going to get out of this and is it worth continuing this.

Rob said he thought our position was we would let the judge make those decisions.

Carl said we would issue the summons because he did not pay. The full amount would be requested. We get him in and then we get a trial date. No one ever goes to trial. It is always pled out. They would arrange to make payments. They find out what he could reasonably pay. It may only be \$25.00 a week. That is what they do. No one gets away without paying. So far, a summons has not been issued.

Rob made a motion for Dennis and Estelle to make a personal visit to Richard Robinson and ask him to attend our next meeting to resolve this, seconded by Jim. All in favor.

HEALTH OFFICER REPORT

1. Rob asked about #4. Alfred Way, VOC contaminated water. Carl explained the Governing Body extended the water main without knowing if they were going to be reimbursed. When they applied for the money, it was gone. It was revisited and still no money. A year or so went by and I got a hold of Tony Ciallella of DEP and he asked that I send the packet and the Borough will be reimbursed \$ 26, 000. Estelle congratulated Carl and said he worked very hard on that. Carl added the Governing Body should be applauded on this also.

BOROUGH NURSE REPORT

HEALTH EDUCATOR

REGISTRAR REPORT

ANIMAL CONTROL: *Hopatcong/Stanhope*. Carl clarified the missing dog bite from last month's report. It has been added to this months report. It was a timing issue, that is all.

ALL REPORTS: Rob made a motion to accept all reports, seconded by Mariano.

CORRESPONDENCE:

1. Carl said he received a bill from our attorney for something that was not authorized by us for him to research or give an opinion on. Carl wrote the attorney and stated unless we authorize you to give a legal opinion, we will not be responsible for professional service that we may be billed for. The attorney called and talked with Carl and apologized and said he would talk with the people in his firm and it would not happen this way again. There was also a letter to confirm the phone call and an adjusted bill.
2. Mayor Hodson joined the meeting and complimented Carl on his success for the reimbursement on the Alfred Way water extension. Carl again thanked Mayor and Council.

OLD BUSINESS:

1. Closed Session: Dennis read a statement from the New Jersey Department of Law and Public Safety, stating Closed Session minutes shall be promptly available to the public. The statement was dated 1998. Rob asked, how much energy do we want to spend on this. No one has challenged this as of yet. It is an interesting discussion. Carl said, while you are on that subject, we do not have a lot of money left in the fund. Estelle said she would ask Richard Stein, Borough Attorney.
2. Rob asked about the procedure Carl said he would put together for future Rabies Clinics. Carl said it was not completed, but he will have for our next meeting.
3. Rob also asked if anyone talked with Lorraine Stark about Sunshine Laws and emails. He said it would be interesting to know if the Council has any unwritten rules in terms of use of email. Estelle said she would ask Richard Stein about this.
4. Carl said the new Health Officer, Phil Morlock, would be starting on July 6th.

NEW BUSINESS: None.

Jim made a motion to adjourn, seconded by Rob. Meeting adjourned at 8:45 pm.

Respectfully Submitted,
Rosemarie Mitchell