

A special meeting of the Bloomfield Board of Health, as established by public record in the Bloomfield Life and posted on the public bulletin board in the Municipal Building was called to order on March 29, 2007 at 6:32 p.m. in the Mayor's Conference Room in the Law Enforcement Building.

Roll Call by President James McLaughlin showed the following members to be present:

James McLaughlin, President
Gloria Shorter, Vice President
Patricia Barker, Member
Mary K. Stark, Member
Joel Elkins, Member
Councilman Hamilton, Council Liaison

Also present was John M. Barbarula Esq., Board Attorney; Trevor J. Weigle, Director of Health & Human Services; Priscilla Fabregas, Department of Health & Human Services Clerk Typist and the following members of the public:

Terrance MacDonald, Bloomfield Life	Carol Madden, FoBAS Volunteer
Ellen Powley, FoBAS President	Maggie Calahan, FoBAS Volunteer
Dr. George Cameron, FoBAS Veterinarian	Janise McManus
Laura Clifford	Elise Pena
Nelly Reynolds	Julie Cerquiera
Fred Preley	Tony Paladino
Lisa Romano	Jean Chu
Mike Cher	Mary Ann Ellasella
Janis Litreal	Lee Goo

President McLaughlin asked if any member of the public wished to be heard on a matter of public health. Several members of the public spoke concerning the termination of the FoBAS contract. Several provided written comments as well, which is on file with the Secretary to the Board.

The Director informed the Board that an open bidding process was made on the internet for the Board Attorney position. The Director advised that only one bid, from Barbarula Law Office, was submitted. A contract for Legal Services with Barbarula Law Firm was approved on a motion by G. Shorter and second by M. Stark.

Financial Disclosure Statements were handed out to each Board Member. The Director informed the Board that signed copies can be brought to the next meeting or dropped off at the Township Clerks office by April 12, 2007.

Board attorney Mr. John M. Barbarula addressed the Board concerning their statutory powers and authority. Mr. Barbarula highlighted the following:

- The Board in and of itself is a separate entity established by New Jersey statute. The Board has the right and duty to protect the health and welfare of the citizens of the Township of Bloomfield.
- The Board is to determine its budgetary requirements in order to accomplish that function. It is the Board that determines the personnel it wishes to hire to perform its duties and the compensation of those personnel. These determinations are solely within the power and discretion of the Board and cannot be interfered with by any outside entity including the municipal government.
- The only connection that the Township of Bloomfield Mayor and Council have is that they must fund the necessary dollars required for the Board to accomplish its function. The only oversight that the Mayor and Council have is budgetary.
- The Mayor and Council can determine, based on the population of the municipality, the number of members of the Board and they appointment those members.
- The Board has the right to create ordinances, issue contracts for services, determine the hours of employment of its employees and their compensation and the rates of pay.
- In reference to how the board works, although all members are equal voting members, the Board members are not managers of the personal. The Board members elect and appoint a President and Vice President. The President is the liaison between the staff and the Board. The Board gives direction to the department through its actions at meetings.
- Anything a member wishes to have done has to be brought to the board through the President or the Vice-President in the President's absence.

J. Elkins asked the Board Attorney where such authority comes from.

Mr. Barbarula informed the Board that such authority is granted under State Statute and Administrative Code and that Board members should not give employees of the Department assignments directly; such should come from the Department Head who reports to the Board. Board meetings are for coming to a consensus and taking formal action on that consensus.

J. Elkins asked if this was town code or administrative code.

Mr. Barbarula informed the Board that he was referring to State Statute and the hierarchy of the Department and the levels of management that must be observed.

J. Elkins asked for written copy of the appropriate section of the State Statute; Mr. Barbarula agreed to provide a memo.

Mr. Barbarula asked the Board if they had any questions concerning the documents concerning Board autonomy that he prepared previous to the meeting.

Council Liaison Bernard Hamilton stated that the documents should be forwarded to the Mayor and Council for their information. The Liaison stated that the Mayor and Council have a protocol for interacting with departments that requires such requests to go through the Township Administrator. He stated that the Council does not direct staff and individual staff are not to go to Council members to make requests related to their jobs. He emphasized the importance of ethics and integrity for boards, Council members and individual employees.

The Board Attorney stated that the Board may direct that any documents they wish be forwarded to the Council. He also stated that the Council must fund the Board appropriately or the Board may institute legal action to get the necessary funding and that case law has many examples of when this has been done.

J. Elkins asked what would happen if the Board requested a certain level of funding and the Council disagreeing gave a different amount.

The Board Attorney stated that the Board's budget request is a give and take process. The Council has the authority to question individual budget line items. He gave an example using cervical cancer in young women stating that if the Board had cause to initiate a vaccination program because of a dire need that they must request the funding from the Council and if the Council did not provide appropriate funding for the program that the Board may seek legal action to obtain the funding.

The Board President asked the Attorney to explain the closed session process.

The Attorney stated that the Open Public Meetings Act was established to address this issue. He stated that certain items can be discussed in closed however closed session must be recorded in the same manner as the regular session, for example if you transcribe or tape the regular session you must transcribe or tape the closed session. Minutes must be produced however those minutes are not available to the public until the matter has been resolved or concluded. He stated that official action cannot be taken in closed. If official action is to be taken it must be done in the open session with a motion, second, discussion and vote. After the conclusion of the closed session attendees must be invited back in to the regular meeting.

The Attorney reviewed with the Board its closed session resolution and discussed several of the types of matters that can be discussed in closed.

The Attorney stated that if a member wants something additional discussed in closed it can be done so with a motion, second, discussion and majority vote and then announced to the public. He added that employment matters cannot be added to the agenda in this fashion because of the Rice Act requiring that employees be notified beforehand of such pending discussion.

P. Barker asked the Attorney if any member can put an item on the agenda at any time.

The Attorney stated that requests for items to be place on the agenda should generally go through the Board President with the exception of an emergency matter. The President establishes what is on the agenda.

P. Barker asked if the President has the right to refuse to put something on the agenda. The Attorney stated that he believes that the President has that authority.

The Attorney stated that while he does not know how things were done in the past his purpose is to assure that procedures are correct going forward. He stated that the Board may ask under *New Business* if any Board member has additional business to discuss.

The following resolution to hold closed session was passed on a motion by G. Shorter and second by M. Stark.

CLOSED SESSION RESOLUTION

WHEREAS, N.J.S.A. 10:4-12 allows for a public body to go into closed session during a public meeting; and

WHEREAS, the Board of Health of the Township of Bloomfield has deemed it necessary to go into closed session to discuss certain matters which are exempted from the public; and

WHEREAS, this meeting of the Board of Health will reconvene immediately following the closed session,

NOW, THEREFORE BE IT RESOLVED, that the Board of Health of the Township of Bloomfield will go into closed session for the following reason(s) as outlined in N.J.S.A. 10:4-12:

	(1) Any matter which, by express provision of Federal law or State statute or rule of court shall be rendered confidential or excluded from the provisions of subsection a. of this section.
	(2) Any matter in which the release of information would impair a right to receive funds from the Government of the United States.
	(3) Any material the disclosure of which constitutes an unwarranted invasion of individual privacy such as any records, data, reports, recommendations, or other personal material of any educational, training, social service, medical, health, custodial, child protection, rehabilitation, legal defense, welfare, housing, relocation, insurance and similar program or institution operated by a public body pertaining to any specific individual admitted to or served by such institution or program, including but not limited to information relative to the individual's personal and family circumstances, and any material pertaining to admission, discharge, treatment, progress or condition of any individual, unless the individual concerned (or, in the case of a minor or incompetent, his guardian) shall request in writing that the same be disclosed publicly.
X	(4) Any collective bargaining agreement, or the terms and conditions which are proposed for inclusion in any collective bargaining agreement, including the negotiation of the terms and conditions thereof with employees or representatives of employees of the public body.
	(5) Any matter involving the purchase, lease or acquisition of real property with public funds, the setting of banking rates or investment of public funds, where it could adversely affect the public interest if discussion of such matters were disclosed.
	(6) Any tactics and techniques utilized in protecting the safety and property of the public, provided that their disclosure could impair such protection. Any investigations of violations or possible violations of the law.
X	(7) Any pending or anticipated litigation or contract negotiation other than in subsection b. (4) herein in which the public body is, or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer.
X	(8) Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of, promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all the individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting.
	(9) Any deliberations of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty

upon the responding party or the suspension or loss of a license or permit belonging to the responding party as a result of an act or omission for which the responding party bears responsibility.

A motion was made by J. Elkins and second b P. Barker to adjourn to closed session at 7:55 p.m.

The public portion of the meeting was reopened at 10:07 p.m.

The Board voted on a motion by P. Barker and second by J. Elkins, and as noted below, to terminate the BOH/FoBAS Management Agreement for animal shelter services effective August 1, 2007

ROLL CALL VOTE

BOARD MEMBERS	YES	NO	ABSTAIN	ABSENT
JAMES MCLAUGHLIN, PRESIDENT	X			
GLORIA SHORTER, VICE PRESIDENT			X	
PATRICIA BARKER, MEMBER	X			
MARY STARK, MEMBER	X			
JOEL ELKINS, MEMBER	X			

The Board voted on a motion by J. Elkins and second by P. Barker, and as noted below, to open discussion with FoBAS on a new contract for managing the shelter.

ROLL CALL VOTE

BOARD MEMBERS	YES	NO	ABSTAIN	ABSENT
JAMES MCLAUGHLIN, PRESIDENT	X			
GLORIA SHORTER, VICE PRESIDENT			X	
PATRICIA BARKER, MEMBER	X			
MARY STARK, MEMBER	X			
JOEL ELKINS, MEMBER	X			

The Board voted on a motion by J. Elkins and second by P. Barker, and as noted below, to form a committee to open discussion with FoBAS on a new contract for managing the shelter. Board members Patricia Barker and Joel Elkins and Board Attorney John Barbarula were appointed to that committee.

ROLL CALL VOTE

BOARD MEMBERS	YES	NO	ABSTAIN	ABSENT
JAMES MCLAUGHLIN, PRESIDENT	X			
GLORIA SHORTER, VICE PRESIDENT		X		

PATRICIA BARKER, MEMBER	X			
MARY STARK, MEMBER	X			
JOEL ELKINS, MEMBER	X			

The meeting was adjourned at 10:10 p.m. on a motion by J. Elkins and second by P. Barker.

Respectfully Submitted,

Trevor J. Weigle, Director
Secretary to the Board