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(Approved working notes)

**BOARD OF HEALTH
MEETING OF MARCH 18, 2010
NEWINGTON TOWN HALL, CONFERENCE ROOM 3**

I. CALL TO ORDER AND ATTENDANCE

Chairman Kevin Borrup called the Thursday, March 18, 2010 meeting of the Central Connecticut Health District Board of Health to order at 6:36 p.m. in Conference Room 3 of the Newington Town Hall, Newington, Connecticut.

Present: Kevin Borrup, Chairperson
Pat Checko, Vice Chairperson
Grant Golub
Dianne Doot
Nancy Klatt
Judith Sartucci
Amanda Hurwitz
Carolyn Wysocki
Art Yoaps
Ray Jarema
Paul Hutcheon, M.P.H., R.S. Director of Health

Excused:

Staff:

Quorum

II. PUBLIC FORUM

None.

III. REVIEW AND REORDER OF AGENDA

A MOTION was made by Pat Checko to add to the agenda under New Business a discussion about support of legislation regarding smoking cessation for Medicaid clients and to move the CIRMA presentation up on the agenda. Seconded by Grant Golub. MOTION CARRIED UNANIMOUSLY.

A MOTION was made by Carolyn Wysocki to add the indoor air quality situation at McGee School to

the agenda under the Health Director's report item b. Seconded by Pat Checko. MOTION CARRIED UNANIMOUSLY.

A MOTION was made by Judy Sartucci to add under New Business a discussion of the State Public Health Laboratory. Seconded by Pat Checko. MOTION CARRIED UNANIMOUSLY.

X. NEW BUSINESS

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a. Insurance Presentation

Mr. Bruce Clinger, Vice President of Claims and Ms. Corinne Watterworth a Litigation Specialist both with CIRMA (Connecticut Interlocal Risk Management Agency) were present to give an overview of Director's and Officer's Insurance Coverage that the District currently has through CIRMA.

Mr. Clinger said the District has two types of policies. The first is General Liability, which covers bodily injury and property damage that arise out of an "occurrence". An "occurrence" is an accident including continuous and repeated exposure to the same general harmful conditions. An example would be an accident where someone trips and falls on the District's property. The other policy is a Public Official's Liability Policy. This covers wrongful acts. A wrongful act is an actual or alleged error or omission, misstatement, active neglect or a breach of duty including misfeasance, malfeasance or nonfeasance.

Pat asked a question about an employee being injured in an accident on the Town's property and who would be responsible. Mr. Clinger said there is probably language in the terms of the lease as to interior and exterior repairs and maintenance and responsibility thereof. Normally the District would only be liable for accidents within the space they are leasing. Mr. Clinger recommended that the lease be specific as to who is responsible in and out of the building.

Grant had a question about whether or not the District could be sued by a customer of a restaurant in the District if they had been served something harmful. Mr. Clinger said really anybody could be sued for anything but yes, that would be covered under their current insurance although it is usually the restaurant that is sued.

Judy asked a question about the possibility of the District being involved in a lengthy lawsuit with large fines. Mr. Clinger said the District is covered for all claims but if it were something before a regulatory board other than CHRO there would not be coverage for that.

Carolyn asked if the District were sued would CIRMA represent them or would they have to get their own attorney. Mr. Clinger said CIRMA is their insurance agent and whenever the District gets a summons or compliant, call them immediately. They would assign defense counsel when needed. Carolyn asked about coverage for volunteers at clinics. Mr. Clinger said the policy covers volunteers except for physicians providing medical services. The insurance would also include retired nurses who volunteer.

(Amanda leaves at 7:09 p.m.)

Judy asked if CIRMA does any kind of preventative work with Boards as far as Risk Management. Mr. Clinger said their primary goal is to help their members minimize their frequency and severity of lawsuits.

(Amanda returns at 7:11 p.m.)

CIRMA does provide Risk Control Training classes for all members. The Board can also request a representative to talk to them or staff about specific topics of interest. There is a defensive driving program that Mr. Clinger recommended for the staff. Judy asked if there was ever a need for a Board to have any additional insurance. Mr. Clinger said he wasn't aware of any other insurance that covers anything that's not seeking monetary damage, but he would check. Board members are considered "named insureds". Mr. Clinger also suggested that any contracts or lease agreements be sent to CIRMA first to be reviewed.

A MOTION was made by Ray Jarema to recess the meeting to go back to the Public Hearing. Seconded by Carolyn Wysocki. MOTION CARRIED UNANIMOUSLY.

The Board briefly recessed and returned to session at 7:17 p.m.

IV. COMMUNICATIONS

The Connecticut Cancer Partnership has some funding that is specifically for the Healthy Eating, Active Living component of their Plan. They are hoping to put out an RFP for that shortly. This would be a 2-year program where the community would take on a wellness partnership to change policies in their community.

Board members received invites to the Volunteer Reception in April. An article from the Berlin Citizen about the Central Connecticut Health District was passed around along with copies of the NALBOH Newsbrief. Paul noted the article in the packet titled, "Health District Targets Asthma to Reduce School Absenteeism".

(Art leaves at 7:26 p.m.)

V. REVIEW AND APPROVAL OF MINUTES AND WORKING NOTES (January 21, 2010 & February 18, 2010)

A MOTION was made by Pat Checko to accept the amendments to the working notes of January 21, 2010 as recommended by the Chair based upon Judy's memo. Seconded by Dr. Grant Golub. Seven were in favor (Borrup, Jarema, Doot, Klatt, Hurwitz, Checko, Golub), 2 opposed (Wysocki, Sartucci), MOTION CARRIED (Art Yoaps was not present for this vote.)

(Art returns at 7:29 p.m.)

A MOTION was made by Dr. Grant Golub to approve the two amendments from Carolyn, one on Page 2 Section IV adding "Carolyn said" at the beginning of the first sentence and adding "startup" before "grant" in the same sentence. Also under X b. Wood smoke add, "Carolyn presented that" before the beginning sentence. Seconded by Dianne Doot. MOTION CARRIED UNANIMOUSLY.

A MOTION was made by Pat to accept the working notes of January 21, 2010 as amended. Seconded by Ray Jarema. 9 were in favor (Borrup, Checko, Wysocki, Doot, Yoaps, Jarema, Hurwitz, Klatt, Golub), 1 opposed (Sartucci). MOTION CARRIED.

A MOTION was made by Amanda Hurwitz to accept the minutes of the February 18, 2010 meeting as presented. Seconded by Ray Jarema. MOTION CARRIED UNANIMOUSLY.

A MOTION was made by Nancy Klatt to approve the working notes of February 18, 2010 as amended. Seconded by Dr. Grant Golub. 9 were in favor (Borrup, Wysocki, Doot, Golub, Hurwitz, Sartucci, Yoaps, Jarema, Checko), 1 abstention (Jarema), MOTION CARRIED.

VI. REVIEW AND APPROVAL OF FINANCIAL REPORT (February 2010)

Carolyn had a question about how the \$935.85 on line item 6300 was spent. Paul said he would find out.

A MOTION was made by Pat Checko to approve the February 2010 Financial Report. Seconded by Nancy Klatt. MOTION CARRIED UNANIMOUSLY.

VII. COMMITTEE REPORTS

a. Finance (Proposed FY 10/11 Budget)

A MOTION was made by Pat Checko to adopt the FY 10/11 Budget as recommended by the Finance Committee. Seconded by Amanda Hurwitz. Kevin thanked Paul and the Board for keeping the per capita rate the same for the 6th year in a row without degradation in the services or function of the District. Carolyn said she is still opposing the budget because it is a deficit budget with \$55,000 being taken out of the Reserve Account. 9 were in favor (Borrup, Checko, Doot, Klatt, Yoaps, Jarema, Sartucci, Hurwitz, Golub), 1 opposed (Wysocki), MOTION CARRIED.

b. Governance

Judy said the Governance Committee has been working on the Bylaws and have received a response back from the Attorney. Board members received copies of the proposed revisions and the letter from the Attorney.

Kevin suggested voting on each proposed amendment separately. He said he is not for the amendment to Article VII. He feels strongly that everyone should participate in meetings but there may be times when it is better to only have committee members participating. He would rather not change the Bylaws to limit either of these options but leave the decision up to the Board.

After reviewing the proposed amendments the Attorney had no problems with suggested changes except for the electronic polling of members. He suggested taking out any section codifying any polling by the Board.

A MOTION was made by Amanda Hurwitz to approve amending the Bylaws Article III, Section 3 as presented. Seconded by Dr. Grant Golub. MOTION CARRIED UNANIMOUSLY.

A MOTION was made by Amanda Hurwitz to approve amending the Bylaws, Article VI, Section 7 as presented. Seconded by Art Yoaps. MOTION CARRIED UNANIMOUSLY.

A MOTION was made by Dr. Grant Golub to approve amending the Bylaws, Article VII adding Section 3 as presented. Seconded by Judy Sartucci. Kevin again stated that he preferred not to add this to the Bylaws and to instead leave it flexible. Pat agreed that it wasn't necessary to put this in the Bylaws. Judy does not want Board members excluded from making comments and she is afraid that may happen if something isn't expressly stated in the Bylaws. Carolyn said she would like to see this added because things may change in the future and Committees might become larger. Pat suggested adding it to the Board Member Handbook. 4 were in favor (Golub, Sartucci, Klatt, Wysocki), 5 opposed (Doot, Borrup, Yoaps, Checko,

Jarema), 1 abstention (Hurwitz), MOTION FAILED.

Kevin suggested that the Governance Committee take up this issue as a policy instead of a Bylaw.

A MOTION was made by Pat Checko to approve amending the Bylaws, Article VII, Section 9 as presented. Seconded by Carolyn Wysocki. MOTION CARRIED UNANIMOUSLY.

c. Human Resources

Dianne said the Human Resource Committee met and began the process of Paul's annual review. They plan on using the same form as last year. The National Tier 3 Directorial Level Core Competencies are still in draft form. When that is out of draft form the Committee will again look at changing the form. The Committee will meet in April to write a first draft of Paul's 2009/2010 evaluation. The first draft will be in the packet for May's Board meeting and Board members can respond to comments and fill out the evaluation form for the May Board meeting. A revised evaluation will be presented in June and hopefully the Board can vote on it at that time.

The Human Resource Committee is also developing a new performance review evaluation form for staff to use to evaluate the Director of Health. Copies of the Personnel Policies and Policy Letters were passed around to be reviewed. Some work was done on the Staff Code of Ethics to bring them in line with the new Staff Conflict of Interest Policy. The Committee is also reviewing staff salary ranges and will be presenting recommendations for changes and looking at Paul's employment agreement that hasn't been reviewed since April 2005.

d. Special Committees

Capital Improvement – This Committee met in January and discussed the centralization/decentralization of offices and decided that things were best left as they are for now. They feel that the District is on target as far as how the money is allocated for office equipment.

Carolyn said there are opportunities now because of the real estate market and suggested having a presentation from a real estate agent. She feels the District should still investigate having their own office while still maintaining office hours in each of the Town Halls.

Pat recommended inviting representatives from Health Districts that have their own offices and representatives from ones that share space to get pros and cons from them.

Judy said they may first want to consider if the District has adequate office and storage space to meet its current and changing needs.

Dianne said the Board created these special committees to come up with recommendations and Board members should respect the advice that they give. Any issue can be revisited in the future.

Carolyn agreed with Pat's idea about talking to other Health Districts about their office situations and recommended speaking with other District's Board members as well.

Art made a point that once the District vacates the Town offices they won't be able to change their minds and

come back.

Judy said there are different options available because of the economy and the additional revenue the District has coming in this year. She also asked where the District is going as far as the Digital Health Department.

Kevin asked the Chair of the Capital Improvement Committee if he wanted to continue to look at this issue. Ray said he did not. He agreed with Dianne that they already gave their recommendation. If the Board wants to pursue this issue at another level, that's another matter. Kevin said it would take a motion of the Board and a reconstitution of that Committee to pursue further action on this issue. He said he was not going to reconstitute the Committee.

Pat wanted to know if this was a final report of the Committee or if it was a recommendation of the Committee. If it were a recommendation then that would affect Board policy. Ray said this was a report from the Committee.

Carolyn said when they look at accreditation, one of the things considered is whether or not the work environment is adequate.

The Board discussed the Capitol Improvement Plan presented by the Committee. Money is set aside every year in the Equipment line item in the budget and has been more than enough to replace equipment as needed.

Pat suggested having a Capitol Improvement category in the budget that specifically addressed things like computers/furniture. Finance will look at that for the next budget.

Carolyn wondered if the Capitol Improvement Committee would make a recommendation that the Board should be adding funds to the Capitol Account. Dianne said they were not recommending that any additional monies be added to that account. Pat said instead of putting money into that account they are using that money to enable the District to maintain their per capita rate.

Kevin accepted the Capital Improvement report and dissolved the Committee.

Community Assessment – No report.

Contingency Planning – The Committee met in March and decided that given the unpredictability of our present economic environment, there were many unknown and unpredictable factors involved in creating a Contingency Plan. They presented a final report and asked that the Commission be dissolved.

Kevin dissolved the Contingency Planning Committee.

Program Evaluation – The Committee will be looking at and evaluating the Block Grant to examine the options and decide if they would like to choose an option different than what the District is currently doing. They will also be looking at some of the built in evaluation components of grants.

VIII. OLD BUSINESS

a. Proposed Bylaw amendment

Already covered under Governance.

IX. HEALTH DIRECTOR'S REPORT

a. Salon ventilation

There is a situation with the Salon Ordinance and Paul is recommending that it be amended. Right now there is a requirement that if you change ownership you have to comply with ventilation requirements for the building code. But Paul said the interpretation of this building code has changed. If you build a new nail salon today you cannot have a re-circulating air handling system. You must have supplied heat, supplied air conditioning and all exhausted air must go directly to the outside. For all of the existing businesses no one has that and they would have to close businesses down for change of ownership. Paul is looking for direction from the Board as to how to handle this. There are three businesses waiting for a decision right now. Paul is recommending that the District only require establishments to meet the CT Building Code requirements when the CT Building Code requires them to do so, either for new construction, or a change in use group. The Board agreed to have Paul write up an amendment to the code and not to enforce the current Ordinance pending the change.

b. McGee School

Paul said McGee School had an indoor air problem when vapors got into the school during a roof repair project. The school was evacuated and air tested. The school was allowed to reopen the next day and when teachers arrived they smelled something and school was cancelled. Fuss and O'Neill came in and performed a full battery of tests. They prepared a report and there was a public forum last night. The report concluded that the school was safe to open. McGee School has a long history of indoor air quality complaints. The HVAC system has been labeled as inadequate and there is not enough fresh air getting into the school. The Town has appropriated about \$7,000,000 to replace the entire HVAC system. As far as immediate corrective action the school plans to run the HVAC system all night.

Carolyn reported that in talking with many of the teachers and staff many of the children had trouble breathing and rashes due to this incident. She said there are no standards for air quality in schools. She is concerned about the health of the children who are continually being exposed. She is disappointed that the report didn't offer any alternatives only stating that this school is safe.

Paul said the District is preparing a survey for the parents to find out more information about the affects on the children. Paul will be checking with the school nurses to see if there are any clusters of incidents. There are concerns about high levels of carbon dioxide and of mold. Paul is looking into what products are being used to clean the schools and identify the green products.

Carolyn said Wethersfield and Rocky Hill still have not done the Tools for Schools program and she is asking that a Board member go before the Board of Education to encourage them to get involved with Tools for Schools to help to prevent this in those towns. Kevin said this is not on the agenda at this time.

Carolyn wanted to know if the Board gets notices of the CADH membership meetings. Kevin said only Paul is a member.

X. NEW BUSINESS

a. Insurance presentation

This presentation was moved up on the agenda.

b. Dental grant application

A MOTION was made by Pat Checko to approve the Dental Grant Application. Seconded by Amanda Hurwitz. MOTION CARRIED UNANIMOUSLY. (Ray Jarema did not vote; he had stepped out of the meeting.)

c. Lead Contract \$13,224

A MOTION was made by Pat Checko to authorize Paul to sign the Lead Contract in the amount of \$13,224. Seconded by Amanda Hurwitz. Paul said they would show that money as covering portions of the salaries of the 4 Sanitariums, the Chief Sanitarian and the Health Director. **MOTION CARRIED UNANIMOUSLY.**

d. Smoking cessation – Medicaid

Pat, as Chairman of MATCH, asked the Board to allow the Central Connecticut Health District to sign on in support of a letter from MATCH supporting smoking cessation funding for Medicaid clients. Connecticut is one of four states that does not cover any smoking cessation treatments for Medicaid's clients.

Pat recused herself for the discussion citing a conflict of interest and left the room.

A MOTION was made by Judy Sartucci to sign on to support passage of HB5411: An Act Concerning Medicaid. Seconded by Amanda Hurwitz. MOTION CARRIED UNANIMOUSLY. (Pat Checko did not vote as she had recused herself for this issue.)

Pat returned to the room and resumed her seat.

e. State Public Health Lab

Judy informed the Board that there is a proposal for the State Public Health Lab to be moved to Rocky Hill. As a Board and Health Department they benefit tremendously from what the State Laboratory does and she suggested that the District have some presence at the Informational Forum being held on Tuesday March 23rd at Rocky Hill High School at 7:00 p.m. Paul said he would be moderating the forum and was concerned that it may look as if he was biased if his "employers" (the Board members) spoke in favor of this. Carolyn agreed with Paul. Nancy felt that the Health District is participating by having Paul moderate and this would result in a great deal of visibility for the District.

XI. OTHER

None.

A MOTION was made by Amanda Hurwitz to adjourn. Seconded by Dr. Grant Golub. MOTION CARRIED UNANIMOUSLY.

Meeting adjourned at 9:45 p.m.

Respectfully submitted,

Paul Hutcheon, M.P.H., R.S. Director of Health