

**Lehigh Valley Board of Health Meeting Minutes**  
**August 10<sup>th</sup>, 2009**

Meeting called to order by Dr. Lyon at 6:03pm.

Members Present- Judi Maloney, Vicky Kistler, John Reinhart, Bob Black, Carol Kuplen, Halyna Stegura, Ilene Prokup, David Bausch, Dr Eric Gertner and Dr David Lyon

Members Excused – Dr. David Beckwith

Dr Lyon announced to all attendees that the meeting minutes will be tape recorded to have the best possible meeting minutes. Dr Lyon offered the opportunity for public comment as the first item on the agenda. No public comment was made.

Dr Lyon introduced Attorney Michael Gaul as the Board Solicitor. He stated Mr Gaul is a partner at King Spry Law Firm. He then introduced the public health consultant Jerry Barron from the Center for Public Health Practice at the University of Pittsburg. Dr Lyon stated that Mr. Barron will be at all Board meetings from here on during the contracted service time and that Mr. Barron will work with Board members as the consultant as they move forward to discharge their responsibilities under Act 315.

Dr. Lyon reported on the status of locating administrative office space. He stated space was identified at the Fowler Building in South Bethlehem which is part of Northampton Community College. He stated several board members looked at space that was to be made available on the 1<sup>st</sup> floor but now is no longer is available. Dr. Lyon and Mr. Reinhart then visited the same building last week and were shown alternative available space on the 3<sup>rd</sup> floor. They felt the space was very suitable. He stated there are three large rooms encompassing a total of 800 square feet. One room will be for the Health Director, one for the Board Members and the central front room for the entrance/waiting room. Dr. Lyon invited Board members to look at the space and to let him know if they want him to arrange a visit. He reported that the college and their representative Paul Pierpoint are very enthusiastic on developing an ongoing relationship with the Board. He stated that the space is virtually in move in condition, has wireless access and phone service and the college would also provide use of some office furniture desks, chairs, etc. He stated it would only cost a few dollars a square foot for the rent and that it is a very reasonable rate and would also cover the cost of utilities. The offices are located in the front corner of the building on the 3<sup>rd</sup> floor.

Dr. Lyon asked the Board if they would want him to proceed in obtaining this space prior to the September meeting or wait until the September meeting to give Board members time to inspect the space if they choose to and then bring the lease back to full Board in September.

Board member Stegura asked if it is newly renovated space or is it space that will need renovation in the near future. Dr. Lyon stated that the space is recently renovated and very nice. It is carpeted already and will be painted prior to move in date. Dr. Lyon again encouraged Board members to inspect space and said all Board input will be appreciated.

Dr Lyon was asked by another Board member if the three offices would be needed or if two would be sufficient. He replied that all three rooms would be needed. Lease will be signed for one year with a termination provision. Dr. Lyon would seek for approval from Board to enter into a one year lease agreement with a termination provision at a rental of up to \$6.00/square foot with 60 day termination notice. If the rental fee would be more than \$6.00/square foot he would then come back to the Board for their approval.

Board Member Stegura made a motion to enter into a rental agreement for the discussed space and cost for one year with either a 30 or 60 day termination provision. Motion was seconded by Board Member Black. A rental agreement will be prepared by Solicitor Gaul.

Dr. Lyon stated there is a motion for approval and seconded and asked for all in favor to respond. All voting Board members present approved the motion. None opposed.

Dr. Lyon next reported that an ad was placed in the July 12<sup>th</sup> edition of the Morning Call for a Temporary Administrative Assistant to work up to 20 hours per week on a temporary basis with no benefits. Dr Lyon stated that this person will not be an employee of the Board instead they will be an individual with whom the Board contracts for specific service. He stated that more than 250 applications were received. Dr. Lyon reported that he passed on 150 applications to Dr. Gertner for Personnel Committee review and stated that he has another 187 if he needs them. Dr. Lyon stated many applicants were highly qualified and even several that were over qualified. Dr. Gertner was asked as Chair for the Personnel Committee to take on the task of reviewing, vetting and interviewing top applicants. Dr Lyon then asked for a status report from Dr. Gertner. He stated that 187 applicants were received 1<sup>st</sup> two weeks. First round of interviews to be held this week with several members of the Personnel Committee involved and if everything goes well a candidate will be selected and a contract would then be generated. He then said if an office lease would be in place the plan would be to have the Administrative Assistant start employment.

Board Members Bausch and Kuplen asked if the interview process will include reference check and any types of background checks. Dr. Gertner said reference checks are being done by him. He asked if background checks need to be done for this type of short term work. Dr. Lyon stated that criminal checks and drug testing would not be needed at this point. Dr. Gertner reiterated the process and said that the Personnel Committee would identify one person for the position from a small group of top candidates and then they will present to the Board to be voted on as a whole. Board member Kuplen wanted to confirm that reference checks will be done, but no other backgrounds checks will be needed. Dr. Lyon stated that a clause should be in the contract to state that if the individual does not perform as needed they can be terminated. Solicitor Gaul stated such a clause can be put into the contract.

Board member Reinhart made some comments regarding that the timing of hiring the assistant looks as if it will still take some time and he expressed concern that this might delay the ability of Mr. Barron the public health to begin working now. Dr Lyon asked Mr. Barron if this was a concern. Mr. Barron replied that at this moment he does not need help from an assistant at this time and said that in the beginning he will be scheduling his own meetings.

Dr Lyon stated that the next item on the agenda is the provision of legal services. Dr. Lyon reported to Board that they have with the assistance from Northampton County solicitor drafted an agreement to contract with Mr. Gaul's' law firm for the provision of the legal services. The agreement outlines the responsibilities and obligations that were part of the RFP- request for proposal as well as the fee structure. Agreement was put in final form and circulated to all Board members for review. Dr. Lyon would ask for discussion from Board on how they want to proceed with this juncture.

Board member Reinhart remarked that he appreciates this was drawn up by a third party. He look it through and it looks fine, but needs to make notation for the public that King Spry firm fees were the most economical fees offered. He appreciates that fact and made a motion to accept this contract for professional services. Board member Ilene Prokup seconded the motion. Dr Lyon stated that Mr. Gaul and his partners met with the Board at a public meeting and there was no disagreement amongst Board members that King Spry was the best firm on multiple accounts and certainly they were very fair on their fee structure. Mr. Reinhart asked Dr. Lyon to clarify that the legal services contract was drafted by Jill Mancini, Northampton County Solicitor and it was circulated among several Board members and final draft was circulated to all Board members recently.

Dr. Lyon stated that Dr. David Beckwith who is very experienced with contracts of this sort wanted his fellow board members to know that he is very supportive of the final draft and recommends its approval. Dr Lyon stated that Dr. Beckwith is not at the meeting due to being ill and regrets that he could not be present at this meeting.

Dr. Lyon asked if all were in favor of the final draft of contract with King Sprye. All Board members were in favor and no one was opposed.

Dr Lyon then said that Ilene Prokup had asked to talk about ideas for increasing public awareness about public health .Ms. Prokup stated that she has observed that the general public does not understand what a health department does, or what it should or should not do. They do not know what types of services should be offered or what they do not provide. She was thinking of developing a series of newspaper articles to let the public know what a health department is and what are some of the problems/issues that they face. She stated that if the public doesn't understand public health it will be hard to get their support. Dr Gertner stated that since we have a public health consultant we should see what he thinks about her idea to do this. Mr. Barron stated that you do need public support and community support. He said if you can present it in many different ways it would be helpful and these columns then may spur radio and TV spots coverage that will help get the word on public health out to the larger community.

Dr Gertner stated while he agrees with what is being said he feels that we should address education comprehensively and strategically. Vicky Kistler then stated she thought there were to be educational topics discussed at Board meetings in thirty minute clips to educate the Board on different topics and maybe they can mirror each other. John Reinhart said that he felt the consultant should be the one to determine how to go about getting this information out. He then asked if we do not have this service defined in the contract for consultant services. Bob Black said he felt the Board should think this topic process out and encouraged Ms Prokup to proceed

but stated he was strongly opposed with the idea of going through with involving a marketing firm. He asked if there should be an Education sub-committee formed.

Mr. Barron was asked if he has seen marketing plans to do this type of campaign. He said no and then stated that if you went to Allegheny County who has had a health department for fifty years a good percentage of the population still does not know what public health does. He said it would be great to get a marketing business and see if they would volunteer and ask them for ideas on the best way to go about this type of effort. Dr. Lyon stated Board education is important and at least nine Board members need the education but this is a community outreach strategy. Carol Kuplen suggested that there should be a subcommittee to look at educating the public in a comprehensive fashion so that there is a multi strategy process. Then the committee could come back to the Board with an organized plan. The Board was reminded that waiting in the wings is a URL offered to Renewed Lehigh Valley so there is an opportunity to get a Website up and running for public minutes and perhaps to put articles regarding public health on it as well.

Bob Black made a motion to form an Education Committee to present a formal community relation and education strategy and to work with the public health consultant and form a draft on community education and public relations by the September meeting.

Dr. Lyon did not want to set up a deadline. He wanted to amend motion to create committee with high priority to develop such a plan – nothing would constrain Ilene from moving forward with her idea. Dr Gertner stated it is a good idea and commends her for offering to write the articles on public health, but strongly opposes going with a marketing firm or an individual because he looked at the person to be hired as consultant as the one to tell us how to get information out to the public. If we do not have services defined in consultant contract we should do so and make it a part of his responsibilities. Dr. Lyon stated there is language in proposal from University of Pittsburg on community outreach, education, and working with community groups to ensure groundwork of support that we will need. Our RFP and agreement will include language along these lines and the Board will also see that agreement. Judi Maloney commented on when moving forward on education committee plans she hopes that when the media outlet choices are made that consideration is taken to include the special populations in the community and the cultures we share in the Lehigh Valley and that the media suggestion made is excellent however may not include some of those who most greatly need public health services.

Dr Gertner restated motion that Board assign an Education Committee to work with consultant to draft a plan. Ms Stegura said she does like a timeline and does recommend October for date to present the education plan to board. She stated a timeline helps to keep work on track. Bob black seconded this motion. Dr. Lyon called for volunteers to serve on committee. Bob Black said he would chair the group. Vicky Kistler, Judi Maloney, Ilene Prokup and Dr Gertner agreed to serve on the group. All meetings should be in public area and public notice must be given.

Dr Lyon then turned the session to Mr Gaul for an update on his legal work. Attorney Gaul said he met with Dr. Lyons this week and he has assignments and he understands the consultant agreement needs to be drafted and he will email it to Dr.Lyon. He asked Board members that if they want better clarity on the public health consultant contract to please again review the original RFP and proposal draft agreement and if unsatisfied with the contract for services to

email specific items to let Dr. Lyon. and Dr. Lyon would get them to him for inclusion into the contract. He stated that the payment schedule needs to be resolved in the contract.

Dr. Lyons stated that they also discussed developing a set of by-laws and looking to him for help to set them.

A member asked if Act 315 sets term limits for Board members. Dr. Lyon informed Board that in specific areas he has communicated with Department of Health in Harrisburg. He said he spoke with their solicitor and she concurred with the interpretation that Act 315 in almost all instances talks about established health departments and since this doesn't apply to this Board he asked if everyone remains on the Board until we are an established Health Department. Dr. Lyon will look into this and find out if there is a rotating term of 2,3 or 4 years and he will report this to Board members. He was under the assumption they were all told of their term as he was when he came onto the Board. He concurred that we do need to know what each members designated term is. He stated he did not think Act 315 says anything about succeeding one self to another term, but if it doesn't say anything this could then be part of the By-Laws. Dr. Lyon stated he will look into this as well.

John Reinhart then commented on the agreement for consultant. He said he felt there needs to be two formal evaluations of the consultant and the team. One evaluation can be done half way during the period and one at the end. He asked how we will determine if our consultants are accomplishing their goals and said there should be something in writing for a formal evaluation process that we agree upon. He wants this so that the public know that they have met the expectations that we have of them. They will need to know that they will be evaluated formally at least two times and this needs to be stated in agreement.

Attorney Gaul stated the current agreement draft is for six months. Board member stated evaluation can be done at three months and then at end of six months. Mr. Reinhart said there needs to be some kind of understanding in the agreement stating this. He said if we are not satisfied then there is a formal process that will be stated and in place and define what the dissatisfaction is. If the consultant has a set of expectations to deliver and if they can't do it because of something we neglected to state there needs to be an opportunity to discuss these things. Dr. Lyon stated that he has not had a chance to review the agreement that Mr. Gaul drafted nor has any member of the Board.

Mr. Reinhart stated there should be a schedule for the consultant and he should be available to us on a regular office hour basis. This should be defined in the formal contract so that people in the Community and Board know when they can get a hold of him.

Mr. Gaul stated it is not noted in agreement if they will live in the Lehigh Valley area for certain amount of time or just be made available by phone for a certain amount of time. It says in proposal that he will be available sixty percent of time toward this but does not state where, or if by phone or in Pittsburg. Board will need to let him know if they want something specific put in agreement. Mr. Reinhart stated it needs to be defined as much as possible given the distance so that he doesn't have to call anywhere else. He then doesn't have to later face criticism that they can't get a hold of him. Dr. Lyon stated that when he met with prospective applicant he made a

point that he doesn't want someone in a distant City and that he wants visibility and availability in the Lehigh Valley and he is sure that Mr. Barron understood this. Dr. Lyon supports Mr. Reinhart's request that there be language incorporated into agreement so there is no misunderstanding later. He stated that Mr. Barron has now secured living quarters in the Lehigh Valley and that he will be highly visible and not just by phone. He said the RFP and the proposal were kind of vague and broad if there is anything that someone wanted included to listed please let him know. Dr. Lyon asked Mr. Barron if he had an idea as to his schedule of hours. He replied he will be in the Valley three days a week – 95% of time it will be true actually three to four days a week, preferably Tuesday, Wednesday and Thursdays.

Dr. Lyon informed Board that he and Mr. Barron had spoken earlier on and his expectation is that he should present at every Board meeting and report at every meeting and also submit a written report on a monthly basis.

Judi Maloney asked to clarify the process for the contract for approving the public health consultant and whether a meeting needs to be held to publicly vote on the contract. Dr. Lyon stated the Board needs to decide if they should wait for another month or call for a special meeting. Halyna Stegura stated she would like to see a draft of contract and is in favor of holding a special meeting so that this does not get delayed.

Board was encouraged that once they review the draft that they should send any comments to Michael. Dr. Lyon suggested any other comments from Board should be sent to him by Wednesday. He would like a meeting to be held by the following week if at all possible. Statement was made that the Red Cross has a room reserved for Board for Tuesday August 25th at 4pm. Dr. Lyon said once he had confirmation of meeting date and time he would ask Ross Marcus to place the public notice. Mr. Barron stated that once the agreement is signed he will be up the following week for three days. He said he is eager to get started and is looking on being here Monday, Tuesday and Wednesday when he has to present at Board meetings.

A member stated that one of the greatest challenges is how to handle the Bethlehem and Allentown Health Bureau and see how to handle putting them together. Mr. Barron said he will look at it between now and March and then come to Board with a recommendation. It was discussed that one of his responsibilities would be to present to both County legislatures and to the Bethlehem City Council and Allentown City Council before they go to Harrisburg. Mr. Barron stated he is aware that both Cities do not want a diminution of services. It was stated this is an extremely challenging situation because everyone needs to keep eyes on the political realm in both counties. Mr. Reinhart said we have people that are skeptical that this could be pulled off financially and there is the issue of a November election and the impact new leaders could have on all of this. He said we have to recognize the political realities and that there is a need for a commitment from County officials in next three months so that we may move forward.

Mr. Barron said that they could tell us to come back next year. He suggested that we could reprioritize and not develop the code now and put more effort into funding options first.

The Act 315/12 allocation amount for this bi county effort is not known as of yet because the State has not passed their budget. We do not know if the State is going to allocate a large enough amount of money for Act 315/12. Dr. Lyon stated we are very tight on time and one thing we can do tonight is not delay this consultant agreement for another two months. Judi Maloney informed Board that the process once up and running for annual Act 315/12 reimbursement is to submit a program plan by March 30<sup>th</sup> and then when approved payments are sent quarterly. Mr. Barron added that state reimbursement for when you are first starting up is for the months you were in operation in the prior year

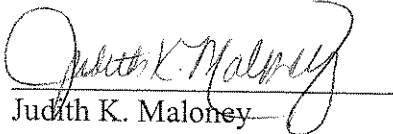
Another member asked Mr. Barron if it would be appropriate for him to do a little work without having a contract in place assuming, we meet August 25<sup>th</sup> to have contract signed. He then asked if he would be able to come to the August special meeting with a time line for this whole process, funding sources and how it will work. Dr. Lyon informed Board that the only funding source currently is the grant Two Rivers and Poole Trust has offered us for one million dollars. He said we will need to rely on these funds for early operational stage until state monies start coming in. It's the only source of funds currently in place. Mr. Barron stated that it is very clear in Act 315 on what needs to be done for establishing a Health Department and what the State wants to see in the submitted plan.

Vicky Kistler stated that the townships and municipalities that do have a Health Officer need to be given time to make a decision on whether they opt in or out. Even though all the work is being done in September and October when new officials come in November they will have to be educated and they may have a totally different viewpoint.

Dr. Lyon commented that the State wants to see a plan in place for when the private foundation monies are exhausted and that we should have a plan in place to support the Health Department subsequent to the exhaustion of the grant monies. Mr. Barron stated that once we are established and certified by the State we will be eligible to receive funding on a per capita basis but we must meet all Act 315 requirements.

Meeting adjourned at 8:09pm.

Respectfully submitted:

  
Judith K. Maloney

9/14/09