

Bergen County Improvement Authority  
**ONE Bergen County Plaza,  
Hackensack, New Jersey**

**Work Session  
CERTIFIED MINUTES  
March 3, 2011**

Present: Commissioner P. Wilson, L. Visotcky, K. Corcoran, L. D'Arminio, E. Trawinski  
BCIA Staff: R. Garrison, M. Raguseo, J. Montag, B. Losito, G. Velazquez  
General Counsel: J. Shahdanian, Esq.  
Urban Health Institute: P. Breyer

**Meeting Called to Order**

The meeting was called to order at 5:34 p.m. by Chairperson Philip Wilson.

**Proof of Public Meeting Notice Publication**

B. Losito read the Proof of Public Meeting Notice.

**Open to Public** (for matters not on today's agenda)

Chairperson Wilson stated for the record that our By-Laws call for a time limit of seven (7) minutes for making public comment.

Motion was made by Commissioner Corcoran and seconded by Commissioner Trawinski to open the meeting for public comment. Motion carried unanimously.

Chairperson Wilson asked if there were any questions by the public concerning matters not on today's agenda.

Jeff Peck representative from HPAE Union Representative expressed his thanks to the BCIA members who accompanied HPAE staff on yesterday's tour of BRMC facility. He mentioned that BCIA members commented that they found the tour illuminating. Mr. Peck thought it was a very good first step and that the BCIA should visit the hospital often. Other HPAE/BRMC staff members were happy to see BCIA participation.

I hereby certify that these are the minutes of the meeting held on March 3, 2011.

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Bernadette Losito, Assistant Secretary

## **Close to Public**

As there was no other members of the public wishing to be heard, Chairperson Wilson asked for a motion to close the meeting for public comment.

Motion was made by Commissioner Visotcky and seconded by Commissioner Trawinski to close the meeting for public comment. Motion carried unanimously.

Chairperson Wilson advised that Commissioner D'Arminio submitted a letter this afternoon raising the possibility of a conflict of interest with the dual status of our new Executive Director Robert Garrison who is also the Acting Director of the Department of Planning and Economic Development. Commissioner D'Arminio law firm, Price, Meese, Schulman & D'Arminio, has some client matters pending before the County Planning Board and its staff, which Board is part of Department of Planning and Economic Development.

Commissioner Trawinski advised that although he does not feel that there is conflict of interest on his part, as County Administrator, and Mr. Garrison direct supervisor, he would like to recuse himself from this matter.

Commissioner D'Arminio mentioned that he spoke with Mr. Garrison, who advised that he will erect a "wall" around any matters from his firm so that Mr. Garrison has no impact on any firm matters and that Commissioner D'Arminio will in turn erect a "wall" at the BCIA so that Commissioner D'Arminio has no impact on Mr. Garrison's terms and conditions of employment.

Further, Commissioner D'Arminio asked if the other BCIA Commissioners were comfortable with this arrangement and if General Counsel Shahdanian can research/render an advisory opinion whether a conflict exists.

Chairperson Wilson thought we should poll the other Commissioners on this matter. However, until we get an advisory opinion of any conflict, he state the matter is satisfactory to the Commissioners.

Mr. Garrison gave a further overview of his role as Acting Director of the Department of Planning and Economic Development. When an application comes into his office, it is dealt with by a division within the department. Eventually, a joint report, which is the result of seven to nine staff people reviewing the submission. The review team consisting of members of engineering, planning and public works. Mr. Eric Timtak, Director of Planning, has been and will be signing all joint reports so that there is no conflict. We will revisit this procedure to see if there are any other steps which need to be taken.

Chairperson Wilson, Vice-Chairperson Visotcky and Commissioner Corcoran have no problem with any conflict of interest in this matter, pending the advisory opinion of General Counsel Shahdanian.

## **Chairperson's Report**

Chairperson Wilson wanted to open his comments by stating that all Commissioners serve on the BCIA Board without compensation.

### **Executive Director's Report**

Executive Director Garrison wanted to thank everyone for their warm welcome to him in his new role at the BCIA. He has found the staff very dedicated and has found the minutes, which contained the upcoming year suggested plan for the BCIA very helpful. He looks forward to working with all of you in the future.

Mr. Garrison wanted to highlight some points such as that yesterday, he and his staff were able to tour the hospital with HPAE representative as well as with Susan and Tom. We are going compare notes and have further discussions with the participants. Freeholder Felice and the Freeholder Board will soon be taking a tour of the hospital as well.

In addition, Mr. Garrison also advised that yesterday he and members of his staff as well as Wolfgang Albrecht toured the Bergen Equestrian Center. He advised that the County Executive as well as elected and other officials will also soon tour the facility. There are a lot of good things at the site as well as items that need additional attention. However, he advised that he will reserve comment until more information has been gathered and discussed.

Mr. Garrison also highlighted some other actions he would like to see taken, such as updating the by-laws as well as working more closely with the Commissioners on pertinent matters by forming subcommittees that deal with specific issues. He wanted the public and elected and other officials to know that we are trying to better deal with the day to day as well as the ancillary items which fall under the responsibility of the BCIA.

Mr. Garrison also advised that Mauro Raguseo is looking into coordinating as a cost saving issue the BCIA website with the County's website. We are also investigating whether we can possibly make our website more interactive so that we may incorporate some of the comments Freeholder Felice offered at prior meetings to improve the transparency of the workings of the BCIA.

### **Chairperson's Report (continued)**

Chairperson Wilson advised that Mr. Orlando had announced at the December COB meeting that the hospital was to layoff employees and that these layoffs would have no impact on direct care. In our oversight role, we inquired as to what titles, not necessarily the names of specific employees, would be eliminated. Similar to our repeated unfulfilled requests for the BRMC budget, we were not given the information we had requested even though contractually we were entitled to this information prior to any change in staffing. When we ultimately received the list, Mr. Orlando's explanation was not exactly truthful as there were layoffs of direct care positions. When the list was received, it was marked "privileged" which was a way of giving the BCIA a list which we could not share its content. Chairperson Wilson informed Mr. Orlando that this behavior is unacceptable. Further, Chairperson Wilson noted that Dr. Breyer review also confirmed that the layoff resulted in a diminution of 132 hours of direct care per day.

Dr. Breyer confirmed Chairperson Wilson's explanation. He also mentioned that the BCIA is to be notified prior to any suggested reduction. The onus should not be on us to prove that something is wrong. The BRMC Manager is to both give us oral and written notice as well as detailed explanations of any staff reductions.

Mr. Joseph Orlando advised that our report is detailed enough to warrant an oral and written report from BRMC and he looks forward to satisfying our request.

Commissioner Trawinski advised that he did not think we were going far enough—the County's focus is on patient care. BRMC Manager violating and repeatedly ignoring our requests for information and explanation evidences disregard for patient care. By contract, the BCIA is to receive prior to any staffing change evidence of the reason for reduction in staffing. Commissioner Trawinski asserted that we will give BRMC Manager a short period of time to comply with our request while reinstating the 132 hours per day that Dr. Breyer mentioned in his report. If the Manager does not comply within this period, the BCIA should institute legal proceedings to have the Manager fulfill its contract. This administration will not tolerate the diminution of patient care in violation of your contract. It may have slid over the past 8 years. It may have happened before you were here, but it is a new day and a new sheriff in town. Mr. Trawinski asserted that he has only one focus on behalf of himself and the County Executive and that is patient care. Commissioner Trawinski advised that at the appropriate time, he will present this matter as a motion before the BCIA.

Mr. Orlando advised that due to the complexity of this matter, he will have the response to us by the next BCIA Public Meeting. Commissioner Trawinski advised that he find this time frame unacceptable and the hospital's response should not take that length of time. Vice Chairperson Visotcky offered and Commissioner Trawinski affirmed that a one week deadline would be imposed.

Mr. Orlando advised that BRMC does take patient care very seriously and that a response will be compiled and submitted.

### **Hospital Report**

Mrs. Mendelowitz did not verbally render her report this evening, but submitted it to the BCIA in writing.

Mrs. Mendelowitz' report included the following:

### **Updates:**

- Pastoral Care – Father John Quill has replaced Fr. Sebastian, as the Catholic chaplain. Fr. Quill has started on a part-time basis and will be on site full-time as of March 9.

### **Regulatory compliance:**

- LTC – February 15 – The Ombudsman visited as follow up to an incident that we reported. There were no findings on exit and a written report will follow.
- LTC – On February 25 – a water main break on campus required a shut down to the hospital that affected all buildings, with the exception of Buildings 12 & 14. We implemented our emergency procedures, and buildings 5 & 6 and one unit in building 8, which house LTC residents were completely without water for the duration of the shutdown, which lasted approximately 5 hours. This was a reportable event to the Dept. of Health.
- BHS – January 28 - we received written confirmation from the Division of Mental Health on the re-designation of AG & BG as STCF (Short Term Care Facility) units. The re-designation survey took place in August of 2010.

### **Compliance Report**

Mr. Tomkins was not in attendance.

### **Urban Heath Report**

Dr. Breyer had no further report.

Freeholder Liaison Felice asked Mr. Orlando to include in his report medical error by employees with patient care, infection rates and morbidity. This analysis to depict the period prior to and post staffing cuts.

Mr. Orlando spoke about the “core measure” report of the hospital. Further, he advised that just two years ago BRMC “core measure” was rated one of the worst in the State of New Jersey and now has improved to be reported as one of the 5 best hospitals in the State. Mr. Orlando will give us a complete explanation of “core measure”

### **Deputy Executive Director’s Report**

Mr. Raguseo echoed Mr. Garrison’s comments with respect to yesterday’s tour of the hospital. In addition, Mr. Raguseo gave an overview of the hospital related resolutions to be adopted at tonight’s meeting. More specifically, the award of contract to King Mechanical Installations for Building 11 Sprinkler Project and the rejection of bids for the purpose of negotiation (bids were over the budgeted project amount) for Buildings 6 and 8 Sprinkler Installation.

Mr. Raguseo introduced Mr. Michael Formanek of RSC Architects, who gave an explanation of the need for a change order on tonight’s agenda for BRMC Vault #3. Mr. Formanek advised that Feeder #6 was to be pulled through an existing conduit. The conduit, circa 1956, had penetrations and obstructions. The contractor tried several times to get the wires through to no avail. We asked the contractor to put a scope/camera through the remaining conduit to see exactly what was causing the obstruction. The contactor put together a proposal to put a new conduit line right next to the old line for a distance of 140 linear feet of underground conduit. General Counsel Shahdanian asked Mr. Formanek to confirm, as he did, that this situation was

unforeseen. Commissioner Corcoran asked whether another line could be run through this conduit for future repairs. Mr. Formanek mentioned that the size of the conduit pipe would have to be increased for such use; however, he does not recommend this because this is a dedicated feeder line and in close proximity to the vault. Also, the entire length of the project is 3000 linear feet.

Mr. Orlando asked for detailed information regarding what the hospital needs to do to satisfy the BCIA's request concerning the recent layoffs. Chairperson Wilson advised that the BCIA has requested an explanation as to how you can make reductions without reducing patient care.

### **General Counsel's Comments**

General Counsel Shahdanian made no comments.

### **Action Items:**

- General Counsel Shahdanian to research/render a advisory opinion whether conflict of interest exists with Commissioner D'Arminio status on the BCIA Board considering that BCIA's Executive Director Robert Garrison is also the Acting Director of the Department of Planning and Economic Development and that Commissioner D'Arminio's firm has client matters before the County Planning Board. .
- Mr. Orlando to provide a report of medical error by employees with patient care, infection rates and morbidity. This analysis to depict the period prior to and post staffing cuts.
- Mr. Orlando will provide a detailed explanation of "core measures."

### **Adjournment**

There being no further business, motion was made by Commissioner Visotcky and seconded by Commissioner D'Arminio to close the Work Session at 6:17 p.m. Motion was carried unanimously.