



Benjamin Kalinkowitz <benjamin.kalinkowitz@gmail.com>

What's with the official email

9 messages

Benjamin Kalinkowitz <benjamin.kalinkowitz@gmail.com>

Mon, May 11, 2020 at 12:58 PM

To: Marilyn Bernstein <marilynnb0317@yahoo.com>, Wayne Brown <edobrown@verizon.net>

Hi Marilyn and Wayne,

I'm confused about the email that was sent to mayor and council. This was not something that was brought up at the last meeting and to my understanding, actions in "the name of the board" are supposed to be discussed and voted on.

Ben

Benjamin Kalinkowitz <benjamin.kalinkowitz@gmail.com>

Mon, May 11, 2020 at 12:59 PM

To: Arati Kreibich <akreibich@glenrocknj.net>

[Quoted text hidden]

WAYNE BROWN <edobrown@verizon.net>

Mon, May 11, 2020 at 1:03 PM

To: Benjamin Kalinkowitz <benjamin.kalinkowitz@gmail.com>, Marilyn Bernstein <marilynnb0317@yahoo.com>

Ben

I'm confused by your email.

What action are you referring at the last meeting that was taken by the board?

The memo updating the Mayor and Council under the conditions we are operating under and have previously taken.

Regards

Wayne

[Quoted text hidden]

Benjamin Kalinkowitz <benjamin.kalinkowitz@gmail.com>

Mon, May 11, 2020 at 2:52 PM

To: WAYNE BROWN <edobrown@verizon.net>

Cc: Marilyn Bernstein <marilynnb0317@yahoo.com>

Bcc: Arati Kreibich <akreibich@glenrocknj.net>

I'm surprised you are asking borough businesses to comply with a rule that has not been passed by the board and has certainly not been passed by the elected mayor and council (assumed passage of an ordinance is not the same as passage of an ordinance).

I'm concerned that unilateral action outside of the process, the board runs the risk of being that "unelected official making rules," you warn us about.

Ben

[Quoted text hidden]

WAYNE BROWN <edobrown@verizon.net>

Mon, May 11, 2020 at 3:00 PM

To: Benjamin Kalinkowitz <benjamin.kalinkowitz@gmail.com>, Marilyn Bernstein <marilynnb0317@yahoo.com>

Cc: Mark Sapienza <mark@marksapienza.com>

Ben

I'm concerned you are more concerned about the lack of a political decision in town as opposed to protecting the public health and safety in Glen Rock.

The Board of Health did it's job in November by voting the language through although you were not on the board or part of the thoughtful process that went into the decision.

In this case, the BOH thoughtfully did the work they were appointed to do and I question your motives to think we were not acting in the best interest of the general public

Regards

Wayne

[Quoted text hidden]

Benjamin Kalinkowitz <benjamin.kalinkowitz@gmail.com>

Mon, May 11, 2020 at 4:09 PM

To: WAYNE BROWN <edobrown@verizon.net>

Cc: Inderpreet Sachar <i_sachar@yahoo.com>, Marilyn Bernstein <marilynnb0317@yahoo.com>, Mark Sapienza <mark@marksapienza.com>, Stefania Tattoli <stefaniatattoli@gmail.com>

Bcc: Arati Kreibich <akreibich@glenrocknj.net>

Wayne,

There is no doubt in my mind that the BOH did due diligence back in November, when It thoughtfully came up with a rule for pest control. Had there been by-laws in place then there would be no question as to the process to move forward.

In every meeting you insist this is an advisory board. If that is so, then you have done your job and advised, now you must wait for the elected officials, who will now do their own due diligence. Unilaterally encouraging public officials to enforce an ordinance that has not been enacted does NOT look out for the health and well being of Glen Rock.

Had we spent the last few months finalizing the by-laws as an independent board then this would not be an issue, because you could have passed this ordinance months ago.

We have rules and democratic norms for a reason, and it saddens me that you interpret my desire for a board of health, to have and follow the authority granted to it by the elected officials, as something other than looking out for the health and welfare of the citizen of Glen Rock.

All the best

Ben

[Quoted text hidden]

WAYNE BROWN <edobrown@verizon.net>

Mon, May 11, 2020 at 7:01 PM

To: Benjamin Kalinkowitz <benjamin.kalinkowitz@gmail.com>

Cc: Inderpreet Sachar <i_sachar@yahoo.com>, Marilyn Bernstein <marilynnb0317@yahoo.com>, Mark Sapienza <mark@marksapienza.com>, Stefania Tattoli <stefaniatattoli@gmail.com>

Ben

It is unfortunate that you misunderstand and misrepresent today's memo contents in your recent email response.

To clarify, since you weren't present in November, the board never mandated or asked enforcement from our elected officials regarding the language passed. That is not even remotely accurate as to how the Board conducted its legislative business

In an advisory fashion, we advanced the proposed ordinance via the process that culminates with approval by council.

Lisa Nassor, our county health inspector was encouraged to inform as a courtesy to the several businesses effected that lacked a preventative pest control program that they understand that this language had been passed by the board and was pending.

Regarding our board status, I appreciate your endorsement that under my leadership, I conducted Board business in an advisory fashion which has been the prevailing understanding until this recent ordinance adoption became an issue and raised solely by our council liaison.

Unfortunately, to unilaterally enact by-laws that you describe as the solution to be autonomous is not a decision that should be undertaken first without overall clarification and consensus should there be options. The Board has also raised the question regarding a separate code book which does not exist if we were acting as an autonomous board

Since the beginning of the year, discussions with the town manager, town attorney and with our council liaison have also not advanced a definitive answer. As you know, I personally took the added measure to attend a public work session with council and Mayor in February with state code book in hand to raise the options the town has based on the State law. There was a commitment to get an answer which remains, although I applaud those council members that saw the ordinance was important enough to act on immediately in February.

I consider the time since November adequate for due diligence for Mayor and Council response. The May Council meeting is this week and all parties have been clearly aware of the Boards request.

I encourage everyone to add their voice and urge a response from those council members whom you know to make us an effective Board

Regards
Wayne

[Quoted text hidden]

Benjamin Kalinkowitz <benjamin.kalinkowitz@gmail.com>

Mon, May 11, 2020 at 9:43 PM

To: WAYNE BROWN <edobrown@verizon.net>

Cc: Inderpreet Sachar <i_sachar@yahoo.com>, Marilyn Bernstein <marilynnb0317@yahoo.com>, Mark Sapienza <mark@marksapienza.com>, Stefania Tattoli <stefaniatattoli@gmail.com>

In the interim, we have urged our Bergen county inspector to inform all establishments to comply with the approved language of the ordinance in anticipation of local governmental approval.

Thank you for your attention to this matter and your continued support of the Glen Rock Board of Health

Wayne,

I think you have misread my email.

To clarify:

1) Your letter to the council TODAY stated that, "we have urged our Bergen county inspector to inform all establishments to comply with the approved language of the ordinance in anticipation of local governmental approval."

That is not as you claim now: "encouraged to inform as a courtesy to the several businesses effected that lacked a preventative pest control program that they understand that this language had been passed by the board and was pending. "

I have also attached the types of boards as discussed by NJBHA. The process you are describing for how this board of health operates does not fall into any of the criteria set out by NJBHA. In short if the board is advisory, there is no legislative agenda.

1. Autonomous Board

- Appointed by the Mayor/Governing Body.
- Makes policy decisions regarding purposes, functions, goals and activities.
- Selects, employs and evaluates the Health Officer, who reports to the Board and is responsible to it.
- Passes ordinances.
- Establishes a budget based on recommendations of the Health Officer and available funds as allocated by the Governing Body.

2. Advisory Board

- Appointed by the Mayor/Governing Body.
- Primarily gives advice and makes recommendations on Public Health matters to the governing body, which serves as the Board of Health.
- The Advisory Board does not appoint the Health Department staff. However, the Health Officer works with the members of the Advisory Board to assist in the development of policy and program recommendations.
- Cannot pass ordinances.

3. Governing Body

- The governing body serves as the local Board of Health, under the Faulkner Act. Certain municipalities are allowed to use this option.
- The governing body must go out of session as the municipal government, and go back into session as the local Board of Health. All Sunshine Law requirements remain the same. Powers and authority are the same as the Autonomous Board above.

I have not endorsed your position on the status of the board I am merely pointing out the discrepancy between your position and your actions. Your stated position of how things worked is contradictory and frankly ludicrous. You expect The BOH to have ordinances passed while maintaining a position as "advisory." It is additionally confusing to state that you have received no guidance from elected officials while simultaneously stating this only became an issue when the council liaison (an elected official) advised you of the board's status.

Ben

[Quoted text hidden]

Benjamin Kalinkowitz <benjamin.kalinkowitz@gmail.com>
To: Arati Kreibich <akreibich@glenrocknj.net>

Mon, May 11, 2020 at 9:43 PM

----- Forwarded message -----

From: **Benjamin Kalinkowitz** <benjamin.kalinkowitz@gmail.com>

[Quoted text hidden]

[Quoted text hidden]