

MINUTES OF THE **ST. BERNARD PARISH HOSPITAL SERVICE DISTRICT MEETING HELD ON WEDNESDAY, JANUARY 13, 2010 AT SEVEN (7:00) P.M.** IN ST BERNARD PARISH COUNCIL CHAMBERS, LOCATED AT 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA

The Hospital Service District met on Wednesday, January 12, 2010 in the St. Bernard Parish Council Chambers pursuant to notice given to each member and posted in the manner required by law.

The Chairman, Mr. Landry, convened the meeting at 7:12 p.m. and continued with calling the roll.

There were present: Mr. Wayne J. Landry (Chairman), Mr. George Cavnac, Mr. Ron Chapman, Mr. James DiFatta, and Mr. Dysart.

There were absent: None

Also present were: Dr. Brian Bertucci, Advisor to the HSD; Phil Wendling from Hammes Co. and Linda Osborne of FMOL

The Chairman, Mr. Landry delivered the invocation.

On recommendation of the Chairman, Mr. Landry, a moment of silence was observed in prayer for the people of Haiti that had just had an extremely destructive earthquake.

Mr. Chapman led the Pledge of Allegiance.

#1

Agenda Item #13

Without objection the Chairman, Mr. Landry suspended the rules and moved item #13 to item #1 in order to accommodate Jack Stolier, attorney for the HSD, so that he may go over the proposed budget items that would be submitted with the amendment to the CDBG Application.

On motion of Mr. Cavnac, seconded by Mr. DiFatta, it was moved to discuss new business.

Mr. Stolier brought the board up to speed on what he had been working on. Mr. Stolier had explained that he had been working on a budget with the help of the HSD Secretary, Frank Folino, FMOL; and Phil Wendling, Hammes Co. Mr. Stolier explained that Pat Forbes requested a letter signed by Mr. Landry, Chairman, and Mr. Taffaro, Parish President, stating what the HSD is requesting and to show line items (categories) with monetary values.

Discussion ensued

Mr. Landry then said he would like to entertain a motion to amend the agenda to include:

**Motion to authorize the Chairman to execute a letter or amendment to the application that would be signed by Mr. Landry and Mr. Taffaro.**

# Minutes of Hospital Service District Meeting of January 13, 2010

~ 2 ~

On motion of Mr. Cavignac, seconded by Mr. Chapman it was moved to amend the agenda to include the above as an additional action item.

The above and foregoing having been submitted to a vote, the vote thereupon resulted as follows:

**YEAS:** Cavignac, Chapman, DiFatta, Dysart

**NAYS:** NONE

**ABSENT:** NONE

The Chairman, Mr. Landry, cast his vote as **YEA**

And the motion was declared **ADOPTED** on the 13<sup>th</sup> day of January, 2010.

Mr. Landry then wanted to entertain a motion to authorize the Chairman to execute either the letter or the amendment to the current CDBG application include the 1.5 Million as recommended by Pat Forbes.

Mr. Dysart wanted to know if the board would be able to review the amendment or letter prior to it being sent to the state for approval.

Mr. Stolier presented the outline of the budget with the current line items for all board members to review.

Discussion Ensued

On a motion of Mr. DiFatta, seconded by Mr. Chapman it was moved to authorize the Chairman to execute either the letter or the amendment to the current CDBG application.

The above and foregoing having been submitted to a vote, the vote thereupon resulted as follows:

**YEAS:** Cavignac, Chapman, DiFatta, Dysart

**NAYS:** NONE

**ABSENT:** NONE

The Chairman, Mr. Landry, cast his vote as **YEA**

And the motion was declared **ADOPTED** on the 13<sup>th</sup> day of January, 2010.

#2

Agenda Item #1

On motion of Mr. Cavignac, seconded by Mr. Chapman it was moved to approve the minutes of the 12/16/2009 HSD Meeting.

The above and foregoing having been submitted to a vote, the vote thereupon resulted as follows:

# Minutes of Hospital Service District Meeting of January 13, 2010

~ 3 ~

**YEAS:** Cavignac, Chapman, DiFatta, Dysart

**NAYS:** NONE

**ABSENT:** NONE

The Chairman, Mr. Landry, cast his vote as **YEA**

And the motion was declared **ADOPTED** on the 13<sup>th</sup> day of January, 2010.

#3

Agenda Items #2 & #3

On motion of Mr. DiFatta, seconded by Mr. Cavignac it was moved to approve Hammes Co. Invoice#10907A-07 in the amount of \$42,517.87 as recommended by the Finance Workgroup.

Without objection Agenda Item #2 and #3 were combined in global.

Agenda Item #3:

Motion to approve Hammes Co Invoice#10907A-08 in the amount of \$41,530.61 as recommended by the Finance Workgroup.

Mr. Wendling spoke about both invoices and what each represented.

The above and foregoing having been submitted to a vote, the vote thereupon resulted as follows:

**YEAS:** Cavignac, Chapman, DiFatta, Dysart

**NAYS:** NONE

**ABSENT:** NONE

The Chairman, Mr. Landry, cast his vote as **YEA**

And the motion was declared **ADOPTED** on the 13<sup>th</sup> day of January, 2010.

#4

Agenda Item #4

On motion of Mr. Dysart, seconded by Mr. Chapman, it was moved to approve Sullivan, Stolier and Resor Invoice #50462 in the amount of \$525.00.

The above and foregoing having been submitted to a vote, the vote thereupon resulted as follows:

# Minutes of Hospital Service District Meeting of January 13, 2010

~ 4 ~

**YEAS:** Cavignac, Chapman, DiFatta, Dysart

**NAYS:** NONE

**ABSENT:** NONE

The Chairman, Mr. Landry, cast his vote as **YEA**

And the motion was declared **ADOPTED** on the 13<sup>th</sup> day of January, 2010.

# 5

Agenda Item #5

On motion of Mr. Cavignac, seconded by Mr. Chapman it was moved to approve The Times Picayune Invoice #91572 in the amount of \$256.99 as recommended by the Finance Workgroup.

The above and foregoing having been submitted to a vote, the vote thereupon resulted as follows:

**YEAS:** Cavignac, Chapman, DiFatta, Dysart

**NAYS:** NONE

**ABSENT:** NONE

The Chairman, Mr. Landry, cast his vote as **YEA**

And the motion was declared **ADOPTED** on the 13<sup>th</sup> day of January, 2010.

#6

Agenda Items #6 & #7

Without objection, Agenda Items #6 & # 7 were combined in global.

On motion of Mr. Cavignac, seconded by Mr. Chapman, it was moved to approve Frilot Invoice #114344 in the amount of ~~\$2330.50~~ \$2418.50 and Invoice # 114678 in the amount of \$612.50 as recommended by the Finance Workgroup.

Mr. DiFatta said the reason the invoice amount was changed is because there was an item on Frilot's Invoice that was in question. Mr. DiFatta stated that if any member of the board had questions pertaining to the legal teams involved, they should direct the questions to the Chairman in order to consolidate the questions and save on costs.

The above and foregoing having been submitted to a vote, the vote thereupon resulted as follows:

**YEAS:** Cavignac, Chapman, DiFatta, Dysart

**NAYS:** NONE

# Minutes of Hospital Service District Meeting of January 13, 2010

~ 5 ~

**ABSENT:** NONE

The Chairman, Mr. Landry, cast his vote as **YEA**

And the motion was declared **ADOPTED** on the 13<sup>th</sup> day of January, 2010.

#7

Agenda Item #8

Without objection, Agenda Items #8 & #9 were combined in global

On motion of Mr. Cavignac, seconded by Mr. Chapman it was moved to approve Environ Invoice #269899 in the amount of \$1250.00 and Invoice #273242 in the amount of \$3125.00.

The above and foregoing having been submitted to a vote, the vote thereupon resulted as follows:

**YEAS:** Cavignac, Chapman, DiFatta, Dysart

**NAYS:** NONE

**ABSENT:** NONE

The Chairman, Mr. Landry, cast his vote as **YEA**

And the motion was declared **ADOPTED** on the 13<sup>th</sup> day of January, 2010.

#8

Agenda Item #10

On motion of Mr. Dysart, seconded by Mr. Chapman it was moved to accept the donation of the Airport Tract Property and execute the servitude agreement.

Mr. Dysart stated that at the last meeting there was discussion about the Prince of Peace property and there was some indication that there would be an answer tonight as to whether or not the property would or would not be available, so in turn, Mr. Dysart placed the item back on the agenda.

Mr. Chapman wanted an update regarding the Prince of Peace property.

Mr. Landry responded that the week before Archbishop Aymond was on retreat and this week, he was in Washington and would not be returning until the end of the week. Mr. Landry said he did speak with the Archbishop late yesterday and requested that Mr. Landry place in writing and email exactly what the HSD was requesting and the Archdiocese will forward the email to Archbishop Aymond in Washington and he would get back with Mr. Landry. Mr. Landry told the Archbishop that he would need to know something by next week, and if he the Archdiocese could not give him an answer, he would have to decline anything offered by the Archdiocese at that point.

# Minutes of Hospital Service District Meeting of January 13, 2010

~ 6 ~

Mr. DiFatta responded that he realizes there are a lot of issues and components to this particular donation of Prince of Peace and was glad that the HSD was getting to a definitive timeline.

Mr. DiFatta requested that we hold off on voting this item until the next meeting.

Mr. Landry responded that he did not want to stop the negotiation process with Meraux Foundation and he was in favor of continuing to move forward.

Mr. Dysart responded that he realized that there were documents that have gone back and forth with the Meraux Foundation and wanted to know if anything had been resolved.

Mr. Landry responded with the suggestion that the board appoint two of its members to go before the Meraux Foundation and negotiate the terms of the donation and easement agreements because it seemed the HSD and MF were at an impasse on mutually agreeing on the terms and conditions.

Mr. Dysart stated that he did not feel there was an impasse, and maybe the board should take a vote as to whether there is an impasse and vote on what the impasse is.

Mr. Landry stated that the HSD body voted for the changes that were submitted to the MF, and Mr. Landry felt that the honoring what the majority wanted should be acknowledged.

Mr. Cavnac agreed that negotiating principle to principle would probably be the best process to continue to make the process go forward.

On motion of Mr. Cavnac, seconded by Mr. DiFatta it was moved to appoint himself and another member to negotiate one on one with the MF.

Dr. Bertucci concurred with the motion.

Mr. DiFatta stated that he was disappointed that the 5 points of concern regarding the servitude/easement that the majority of the board voted on as "sticking points" and were submitted to the MF were valid, and it seemed that the MF was not willing to negotiate at all on those issues. Mr. DiFatta went further and said that he was concerned that what HSD was paying for [the access road] will ultimately be controlled by another entity. Mr. DiFatta is for anything that will minimize costs, and maybe MF would be willing to move the hospital to front St. Bernard Hwy.

Mr. Dysart brought up an act of donation [Dr. Meraux Blvd.] that MF gave to the Police Jury of St. Bernard in 1975, and made the point that this situation and that situation were very similar, and no problems resulted from it.

Mr. Chapman stated that he did not want to talk to MF about relocating the hospital on the parcel of land.

# Minutes of Hospital Service District Meeting of January 13, 2010

~ 7 ~

On substitute motion of Mr. Chapman, seconded by Mr. Cavignac it was moved to authorize Mr. DiFatta and Mr. Cavignac meet with the MF principle to principle to come to a settlement that the board voted on previously and report back to the board as quickly as possible.

The above and foregoing having been submitted to a vote, the vote thereupon resulted as follows:

**YEAS:** Cavignac, Chapman, DiFatta, Dysart

**NAYS:** NONE

**ABSENT:** NONE

The Chairman, Mr. Landry, cast his vote as **YEA**

And the motion was declared **ADOPTED** on the 13<sup>th</sup> day of January, 2010.

#9

Agenda Item #11

On motion of Mr. Cavignac, seconded by Mr. DiFatta it was moved to authorize the Chairman to direct legal work to the proper attorney.

Mr. Dysart stated directing legal work should come from the board, not solely the Chairman.

On a substitute motion Mr. Cavignac, seconded by Mr. Chapman it was moved to allow Mr. Stoler to continue working on the CDBG application amendment and all pending work related to it.

Mr. Chapman wanted clarity as to whether or not this was to allow the Chairman to assign all subsequent work to any attorney that he deems worthy. Mr. Chapman is opposed to that without board approval.

Mr. DiFatta responded that he was not in favor of just using Mr. Stoler, but to also utilize the other attorneys for the expertise they bring to the project. Mr. DiFatta asked that Mr. Cavignac stick to his original substitute motion.

Mr. Dysart wanted to add some additional language to the substitute motion to include a cap or a budget on the amount that Mr. Stoler could spend in relation to this particular assignment

Mr. Landry stated that the amended language to the substitute motion would be:

**Motion to authorize Jack Stoler Firm to do all the work in connection with the CDBG application and/or letter as requested by Pat Forbes.**

Mr. DiFatta stated he was not in favor of a cap.

Mr. Chapman wanted to confirm that Mr. Stoler was working on the state approved rate.

Mr. Landry confirmed that was correct.

# Minutes of Hospital Service District Meeting of January 13, 2010

~ 8 ~

Mr. Dysart said in the future we should attempt to receive a budget from any attorney or firm the HSD contracts.

The above and foregoing having been submitted to a vote, the vote thereupon resulted as follows:

**YEAS:** Cavignac, Chapman, DiFatta, Dysart

**NAYS:** NONE

**ABSENT:** NONE

The Chairman, Mr. Landry, cast his vote as **YEA**

And the motion was declared **ADOPTED** on the 13<sup>th</sup> day of January, 2010.

#10

Agenda Item #12

No Action Necessary

#11

Agenda Item #13

On motion of Mr. DiFatta, seconded by Mr. Chapman, it was moved to discuss new business.

Mr. DiFatta wanted all the board members to review the summary recap sheet on the HSD's current balance sitting in our checking account.

There being no further business for discussion, the Chairman, Mr. Landry declared the meeting adjourned at 8:46p.m.p.m. on the 13<sup>th</sup> day of January, 2010.

*Gretchen H. Henry*

Gretchen H. Henry  
Recording Secretary

*Wayne J. Landry*

Wayne J. Landry  
Chairman