

**HARDING TOWNSHIP
BOARD OF HEALTH
THURSDAY, MARCH 10, 2022**

Meeting Minutes

Dr. Cervone, Chair, called the regular meeting of the Harding Township Board of Health to order on March 10, 2022, at 7:30 p.m., and announced the meeting was called in accordance with the laws of the State of New Jersey.

ROLL CALL:

Secretary Sharp called the following Board of Health members in attendance.

BOH Attendance: Dr. Cervone, Mrs. DiTosto, Dr. Kao, Dr. Lacz (via phone), Mrs. McKittrick, and, Mr. Platt (via phone)

Absent: None

Health Department Attendance: Mrs. Lisa Sharp and Mr. George Byrnes

County of Morris Attendance: Dr. Carlos Perez, Jr., Miss Jessica Freer, and Miss Shelby Meyers

BOH Counsel: Joseph Sordillo, Esq. (via phone)

Public: Dr. Matthew Spelker and Mr. Vince DeNave

OTHER MATTERS AND HEARING PERSONS PRESENT:

Dr. Cervone explained that the Board of Health has several guests present this evening, so the Board would like to hear from them first.

Dr. Matthew Spelker, Superintendent of Harding Township School – commented it is a pleasure to be here again. Dr. Cervone explained that there were some questions from Board members that they would like clarified. Dr. Kao explained that last month before the mask mandate went away, he wanted to have a clear picture of what was going on. Dr. Kao commented now that there are no masks in school, how has it been in cases and compliance? Dr. Spelker explained that the School provides an update at the end of each week, however, the school currently has zero cases. Dr. Kao asked if the cases have been steadily coming down before the mandate went away. Dr. Spelker explained like everyone else in New Jersey, the School peaked in December 2021 and January 2022. The numbers are shared regularly with the School Community and the numbers have gone down dramatically with the School currently at zero.

Dr. Spelker spoke with Dr. Perez twice and for those Board members who are not aware, the Governor sent notice on February 7, 2022, that the mask mandate would be taken off starting March 7, 2022. The Board of Health met that Thursday (February 10, 2022) and Dr. Spelker received a call from Mrs. Sharp around 5:30 pm (at home) to see if Dr. Spelker could attend the Board of Health meeting. Dr. Spelker mentioned he has attended on short notice before, but this particular date he was unavailable but asked what the questions and concerns were. The concern was about the mask mandate and whether the School had made a decision. Dr. Spelker commented that it is interesting that he would be asked to attend the Board of Health meeting before he has spoken to anyone in the District. As mentioned at the January 2022 Board of Health meeting, Dr. Spelker is

available to everyone, especially Dr. Cervone, as Chairman of the Board, with any questions. For those members who are parents at the School, Dr. Spelker is very available and returns emails extremely fast. A few select parents even have Dr. Spelker's cell number as Dr. Kao is aware of.

Dr. Spelker explained he is concerned or confused about why he would be asked to speak at the Board of Health regarding something that a decision had not been made officially with the District and why Dr. Kao did not contact Dr. Spelker directly. Dr. Kao commented he had a concern on a personal basis as he was receiving questions from other parents. Dr. Spelker asked in what capacity were you receiving these questions. Dr. Kao explained as a parent. Dr. Kao mentioned that correspondence that he was receiving regarding health updates through the school, it stated that in correspondence with the local health department. Dr. Spelker asked for clarification; there are many communications that come from the school which some are from me and some from Dr. Donohue. Dr. Spelker asked for clarification that Dr. Kao received communication from Dr. Spelker or Dr. Donohue. Dr. Kao commented from the school. Dr. Kao explained his concern as a member of the Board of Health through the entire pandemic issue, the Board of Health had not heard, except for this past January 2022, much in regards to decisions or issues pertaining to the pandemic. Dr. Spelker commented he would like to see the communication that Dr. Kao is mentioning that says "Local Board of Health". Dr. Kao commented he will forward the information as he received it by way of email. Dr. Kao explained the last communication did state from the Morris County Board of Health. Dr. Spelker did speak with Dr. Perez and the correct terminology and phraseology is the "County Division of Public Health". Dr. Kao asked that going forward that communication from the School use the correct terminology.

Dr. Spelker commented on February 11, 2022, which was the last letter regarding the mask mandate, and again Dr. Spelker reiterated that he was expected to attend the February 10, 2022 Board of Health meeting, that this letter went out on February 11, 2022. Dr. Spelker read the February 11, 2022 letter into the record. A copy of the letter is appended to these minutes.

Dr. Spelker clarified for anyone who has any questions; the Board of Education does not run the School. The Board of Education ensures that Schools are run well and how they do that is by hiring Dr. Spelker. Dr. Spelker in turn hires other people who do not run the school. Dr. Spelker finds it interesting that you, the Board of Health, should have input on how the Board of Education and how the school is run. Dr. Spelker said and apologized if anyone was confused by any letter or email that went out that indiscriminately said we were taking our orders from the Board of Health. Dr. Spelker stated he assures the Board of Health that it is not and this was explained at a previous Board of Health meeting. Dr. Kao commented he was not trying to be confrontational. Dr. Spelker, in his opinion, explained he believes Dr. Kao was frustrated that he had not heard anything regarding the mask mandate. Dr. Spelker explained his thought process; there are many people to speak with, including Dr. Perez, as well as the BOE Attorney and President. Dr. Spelker reiterated that he has informed Dr. Cervone that he is available if the Board of Health required any input. Dr. Spelker is not sure why he was being called to a meeting to reveal what the School is doing about mask mandates by Dr. Kao two hours before the Board of Health meeting.

Dr. Kao commented that he believes Dr. Spelker is coming in to this meeting with misconceptions. Dr. Spelker commented that is why he is here to clear this up. Dr. Kao's stated his intention was not to say why you are making your choice, Dr. Kao was asking what possibly your thought processes were. We were not asking what you were going to do, that was not Dr. Kao's intention. Dr. Spelker asked when you say "we" who are you referring to. Dr. Kao commented himself. A further discussion ensued regarding the terminology of correspondence from the School between Dr. Kao and Dr. Spelker. Dr. Spelker mentioned an email or phone call could have been sent directly to Dr. Spelker with Dr. Kao's specific concerns, but to have it done at a public meeting is what Dr. Kao thought was appropriate. Dr. Spelker mentioned the School has been corresponding with the School Community for two years and if this was a problem or concern, it could have been handled quickly and then corrected immediately. In Dr. Spelker's job, he commented, he gets criticized publicly all the time but gets apologized to privately, not publicly. Dr. Kao commented this was not a criticism of what your

actions were or questioning of how Dr. Spelker handled the mask mandates. A further discussion ensued. Dr. Spelker explained as a parent of the School, if Dr. Kao had contacted Dr. Spelker directly, he would have informed you that when a decision is made, Dr. Kao will hear the decision as everyone else in the School community will.

Mrs. DiTosto thanked Dr. Spelker for attending tonight's meeting. Mrs. DiTosto commented if the Local Board of Health was referenced in a communication, it is a miscommunication that would need to be cleared up in public. Mrs. DiTosto mentioned not everyone is as careful as Dr. Spelker is and sometimes mistakes in references happen. In Madison, they do say that they adhere to the Local Board of Health. Dr. Perez is aware that Mrs. DiTosto has called his office on multiple occasions saying; is it the Madison Local Board of Health making decisions about COVID because that is what the school was saying and Dr. Perez in return informed Mrs. DiTosto of the actual facts which is something else. Mrs. DiTosto explained that the Madison High School has not been correct in its communication, not saying this is Harding, it is Madison. It is important if there is miscommunication or misrepresentation in using the Local Board of Health, that if a Board of Health members asks for your attendance that you do attend to clear any misrepresentation. Mrs. DiTosto commented that we thank you for attending this evening and clearing this up. Dr. Spelker responded he has no problem with this and that it is cleared up, however, from his point of view I see Dr. Kao as a representative of the local Board of Health. A further discussion ensued with regard to the confusion of local Board of Health and Morris County Board of Health. Dr. Spelker responded with he sees two points that have come up; one has been fixed and the second is when the Board of Health asks for Dr. Spelker to attend a meeting to inform the Board regarding mask mandates, this is what Dr. Spelker was informed. Dr. Spelker informed the Board of Health that no this is not the way it works, I speak to Dr. Perez and make decisions regarding the School, two different points. Dr. Spelker apologized if there was any confusion but in two years, this confusion or misrepresentation was never brought up and as soon as it was mentioned it was taken care of. Dr. Spelker mentioned when any member of the Board of Health receives comments regarding the School, please send them directly to my attention, as Dr. Spelker is happy to respond.

Mrs. McKittrick commented one thing that might be misleading is in the absence of emergencies, the Morris County, Dr. Perez, Jr., is Harding's licensed Health Officer as the one who has the ultimate authority even for other types of emergencies that do not fall under the Emergency Powers. Mrs. McKittrick asked if Madison contracts with Morris County or do they have their own health administrator. Dr. Perez, Jr., responded Madison contracts with Bloomfield Township. Mrs. McKittrick explained for this (Harding) local Board of Health, the detailed of the agreement and who is ultimately responsible for everything is Dr. Perez, Jr.

Dr. Cervone commented that all Board members are acutely aware that this Board does not have jurisdiction for any of those decisions that Dr. Perez, Jr., does and that Dr. Spelker does not report to the Board of Health. Dr. Cervone explained he would like to apologize to Dr. Spelker if he thought he was being brought to the Board this evening in an impunity fashion. It was not what the Board intended. Dr. Spelker responded he did not feel that way Dr. Spelker just wanted to be clear that if Dr. Spelker misspoke or miswrote something it was not intentional. Dr. Cervone and the Board of Health members thanked Dr. Spelker for his time in attending the Board meeting this evening. Dr. Kao stated as a parent he thanks Dr. Spelker for doing a great job. *Let the record show that Dr. Spelker left the meeting at 8:05 pm.*

OTHER:

Mrs. Sharp reported at last month's meeting one of the Board members asked about the new member of the Board of Health and when that person would be starting. Mrs. Sharp explained since this question was asked she asked Mr. DeNave if he would attend the March BOH meeting to be introduced to the Board before starting as the newest member in April. Mr. DeNave accepted with pleasure. Mrs. Sharp explained that the Township Committee will appoint Mr. DeNave at their March

meeting and he will be start with the Board of Health at the April 14, 2022 meeting. Mrs. Sharp introduced Mr. DeNave to the members of the Board of Health.

Mr. DeNave -- reported he is the Assistant Administrator for Harding Township and has been with the Township since October 2022. Mr. DeNave commented that when he was approached to join the Board of Health, he responded yes as some believed I was qualified to assist the Board and I hope that is the case. Mr. DeNave explained he is a professional engineer and is familiar with subsurface disposal systems and probably know some of the professionals that come in front of the Board from being a professional engineer myself. Mr. DeNave still has his engineer's license, he has been an Administrator, a Zoning Officer, and a Public Works Director. Mr. DeNave commented that he is familiar with Municipal Government and is looking forward to being on the Board. Mr. DeNave explained with the new organization chart that just came out, I will be working directly with Mr. Byrnes. Mr. Byrnes will report directly to me.

Mrs. DiTosto asked sitting here on the Board of Health are you representing with your vote the Township of Harding or the Administration. Mr. DeNave responded that he does not see this as a political thing. Mrs. DiTosto understands that he is a regular member with a vote so when Mr. DeNave votes will he be wearing his hat as the Assistant Administrator to Harding. Mr. DeNave responded, no, he is wearing his hat as his years of experience and will be sitting there like yourselves, evaluating the applications. Mr. DeNave does not plan on speaking with anyone in the Administration about the applications. Mrs. DiTosto asked if Mr. DeNave was a resident of Harding. Mr. DeNave responded he is not a Harding Township resident. Mrs. McKIttrick explained that the Township Committee changed the Ordinance so a person could join the Board as a non-resident and as an employee of the Township. Mr. DeNave responded he is not familiar with the law, he was asked to do this. A discussion ensued regarding the new ordinance.

Mr. DeNave commented when the Board gets to know me, you will see I have no political agenda. Mr. DeNave explained he is more than capable of making his own decisions with regards to an application and will apply his engineering hat when it comes to any Board application. Mr. DeNave explained he will be happy to assist Mr. Byrnes with any application in any way he can. As far as it comes to voting, Mr. DeNave is completely independent. Dr. Cervone asked Mr. Sordillo, Board of Health Attorney, if there is any conflict with this. Mr. Sordillo explained the Ordinance and mentioned the Ordinance is silent on this and it is left to the designation of the Municipality and the Township Committee has made this point so Mr. DeNave will be allowed to sit on the Board of Health as a Member with voting rights. Mr. Platt commented that he voted no on the change to the Ordinance.

A comment was made regarding the Health Department's septic ordinance that was changed. Mrs. McKIttrick explained for Mr. DeNave, that several years ago, the Board of Health changed the Township Health Ordinance for septic's to be more in line with the State, except for a few property line issues. Mr. DeNave commented he is not familiar with the issue but will brush up on the Ordinance. The Board of Health thanked Mr. DeNave for coming. Mr. DeNave asked if he could stay for the remainder of the meeting. Dr. Cervone and the Board members responded with yes.

MINUTES OF FEBRUARY 10, 2022:

Dr. Cervone asked if there were any questions with regard to the February 10, 2022 minutes. Upon a motion made by Dr. Kao, seconded by Mrs. McKittrick, Mrs. DiTosto abstained, and with votes of all ayes, none opposed, the minutes for the February 10, 2022 meeting were accepted.

BOH RESOLUTION #07-2022 – Resolution to Approve Health Department Personnel Salaries for 2022

Dr. Cervone asked if there were any questions with regard to BOH Resolution #07-2022 pertaining to the Health Department personnel salaries. With no comments, a motion was made by Mrs. McKittrick, seconded by Mrs. DiTosto, and with a roll call vote of all ayes, none opposed, the BOH Resolution #07-2022 was accepted.

MONTHLY REPORT FOR FEBRUARY 2022:

Dr. Cervone asked if there were any questions regarding the monthly Health Department report for February 2022.

Mrs. Sharp reported to the Board that the Atlantic Health COVID-19 clinic held on March 1, 2022, had about 15 people in attendance. The clinic was run very similar to our Flu Clinic and went very well.

Dr. Cervone asked if there were any further comments. With no further comments, Dr. Cervone asked for a motion to accept the February 2022 monthly Health Department report. Upon a motion made by Mrs. DiTosto, seconded by Mrs. McKittrick, and with a vote of all ayes, none opposed, the monthly Health Department report for February 2022 was accepted.

COUNTY OF MORRIS MONTHLY REPORT OF ACTIVITIES FOR THE TOWNSHIP OF HARDING – JANUARY 2022:

Dr. Cervone asked if there were any comments or questions with regard to the Morris County Monthly Report.

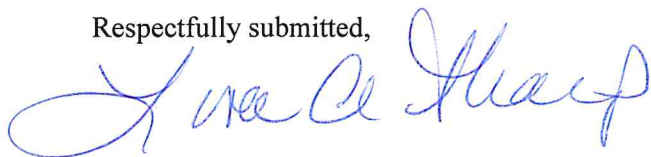
Miss Freer reported that the Public Health Nurse conducted a school audit for Deep Roots and the Harding Township School. The audits are still in process. Miss Freer explained that a pre-operational inspection of the Classic Café was conducted and a satisfactory rating was issued. Mr. Byrnes reported that the Classic Café has opened.

With no further comments, a motion was made to accept the February 2022 Monthly County of Morris report by Mrs. DiTosto, seconded by Dr. Lacz, and with a vote of all ayes, none opposed the monthly Morris County report for February 2022 was accepted.

ADJOURNEMENT:

Dr. Cervone and the members of the Board of Health thanked Dr. Perez, Jr., for attending this evening. With no further comments, a motion was made by Mrs. McKittrick, seconded by Dr. Lacz, and with a vote of all ayes, none opposed, the meeting adjourned at 8:35 pm.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Lisa A. Sharp". The signature is fluid and cursive, with the first name "Lisa" being more prominent.

Lisa A. Sharp
Secretary, Board of Health

HARDING TOWNSHIP SCHOOL

Matthew A. Spelker, Ed.D.
Superintendent of Schools

Beverly Vlietstra
Interim School Business Administrator



Mary Donohue, Ed.D.
Principal/Director of Curriculum

Christopher Magno
Director of Special Services

February 11, 2022

Re: Masks Optional Effective 3/7/22

Dear HTS Community:

On Monday, February 7th, Governor Murphy announced that Executive Order 251, the mandate for masks in all New Jersey Schools, will expire on Monday, March 7th. At that point, the decision as to whether to continue requiring masks for students, staff, and visitors will be left to the sole discretion of local school districts. After discussion with our County Board of Health and other careful consideration, I have made the decision to make masks **optional** for all students, staff, and visitors effective Monday, March 7th.¹

All students, staff, and visitors should be respectful of each individual's choice to wear, or not wear, a mask. We will not tolerate anyone being singled out or mistreated based upon their decision in this regard.

I am pleased to announce that, effective Monday, February 14th HTS community members will no longer be asked to fill out a daily health check form and temperature checks will no longer be taken at the beginning of the school day.

Over the coming weeks and months, we will continue to closely monitor the guidance from the C.D.C., local, county, and State Health officials and the New Jersey Department of Education to ensure that we continue to implement best practices for the health, safety, and well-being of our Harding Township School District community. Of course, we reserve the right to tailor the guidelines to meet the needs of our school district, including implementing stricter health measures, if the circumstances warrant it, but we truly hope this will not be necessary.

I would like to once again thank the Harding Township School community for your continued support and understanding over these past twenty-three months; we have been

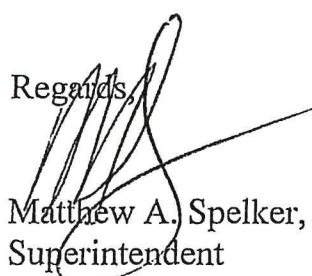
¹ Note: By Federal Order, masks are still required on school busses.

more successful than most at keeping our students in school. I ask that you continue to follow our district guidelines and protocols in order to keep all of our school community members safe in the weeks and months to come. We should be mindful that, if we become too complacent, we could end up back where we started. None of us wants to see that happen.

Lastly, our safety protocols and safety management practices will continue to be guided by all officially issued HTS plans, State statutes, regulations, and BOE policies that were previously explained and/or presented to the parent community by myself.

Please stay safe. As always, if you have any questions or concerns, do not hesitate to email me directly.

Regards,



Matthew A. Spelker, Ed.D.
Superintendent
Harding Township School