

MONTVILLE TOWNSHIP BOARD OF HEALTH
REGULAR MEETING MINUTES
September 13, 2021 at 7:30 pm

Members Present

Dr. Arnold Pallay
Ms. Betty Bowers
Dr. Sunil Shah
Dr. Nisha Jani

Members Absent:

Mr. Charles Perry
Dr. Sachin Shah
Dr. Steven Tuckman

Others Present:

Michael Hodges, Interim Health Officer
Amanda Rizzo, BOH Secretary
David Pennella, Esq., BOH Attorney
Dr. Matthew Kayne, Committeeman
Russ Lipari, Liaison
John Fazio, Member of the Public
Karen Cortellino, Member of the Public

Call to Order and Roll Call

With a quorum present, Dr. Pallay called the meeting to order at 7:35pm.

As required by the Open Public Meetings Act (a.k.a. “Sunshine Law”), adequate notice of this meeting was provided. The notice specified the meeting was to be held at 7:30 p.m., in the Health Department at the Montville Township Municipal Building, 195 Changebridge Road. Legal notice of this meeting was emailed to The Daily Record Newspaper, posted on the public bulletin board in the lobby of the Municipal Building, posted with the agenda on the Montville Township website at www.montvillenj.org, filed with the Montville Township Clerk.

Dr. Pallay took a roll call of members present.

Approval of Minutes

MOTION: A motion was made by Ms. Bowers, to approve the Regular Minutes of the Board of Health Regular Meeting held on August 9, 2021. Seconded by Dr. Sunil Shah.

Dr. Pallay took a roll call of members present. Ms. Bowers and Dr. Sunil Shah voted yes. Dr. Pallay and Dr. Jani abstained. Motion carries.

Public Comments

Dr. Pallay opened the meeting to public comments from any citizen wishing to speak before the Montville Township Board of Health.

Dr. Pallay asked if there were any questions or comments for items on the agenda.

There were no questions or comments.

Unfinished Business

Dr. Pally asked if any Board Members had any unfinished business to conduct.

Ms. Bowers asked if anything further was heard regarding the New Jersey law on public nurses visiting post-partum patients.

Mr. Hodges stated that he had been monitoring all of the regular channels and that he had not seen anything new.

Ms. Bowers asked about the revision to the Commissary Agreement, specifically “day of service preparation.” Ms. Bowers feels that this revision was necessary as she assumes most food will be prepared prior to the day of the event.

Mr. Hodges stated that Montville Township requires a vendor to have a food license, their most recent inspection report, as well as written signature that they are complying with Chapter 24 food safety requirements preparation, storage, etc. In essence these vendors are as safe as any other restaurant or retail food establishment in New Jersey. Sandra Muller, our inspector who handles these matters is very thorough with the application procedure and inspection.

It was noted that the Resolution regarding food licensing and commissary agreement was already passed, however Mr. Hodges would discuss with Ms. Bowers her concerns offline. Ms. Bowers was satisfied with that response.

Unfinished business has been completed.

Reports

Dr. Pally indicated that we will discuss the Health Officer Reports, Monthly Activity and COVID-19 Reports.

Mr. Hodges asked if there were any questions on the reports that were provided in advance.

Ms. Bowers had the following questions that were sent by email:

1. If we had a case of whooping cough (pertussis), what was the age of the patient?
2. Had the person been in touch with an infant?
3. Were they informed about isolation?
4. Was the person vaccinated against pertussis?

Mr. Hodges stated that it was not an actual case. There is a reason why that case might have been diagnosed improperly but it is not a case by definition considered a case of pertussis. More information was not available without violating privacy rights of the patient. This case will be reclassified in next report, if appropriate.

Dr. Pallay stated in some cases for the purposes of coding, a doctor's office may be proactive in entering a case when diagnosing. When the result comes back and it is different, it may still appear on datasets even if it is not a case. Not saying that this is what happened, but it could be the reason.

Dr. Pallay asked Mr. Hodges to hit on a few key points from the reports and any other information he would like to touch upon at this time.

Mr. Hodges mentioned that in talking with the Public Health Nurse regarding the COVID-19 cases that it appears that a number of the recent cases have been due to traveling outside of New Jersey and returning.

Mr. Hodges mentioned that the Township has secured a \$25,000 vaccine supplemental grant. Starting tomorrow, a new consultant, a retired Sussex County Health Officer, is coming in at the State's expense, and will manage that grant for the department.

Mr. Hodges reports that Administration has interviewed some Health Officer candidates, and it is their goal to have the Board of Health interview the candidates at their next regular meeting.

Dr. Pallay recommends meeting the candidates prior to next meeting and having an ad hoc meeting. This is a pressing issue to get a full time Health Officer in place and we should not delay. Ms. Bowers and Dr. Jani agree. Dr. Pallay would like to see if we can do it virtually as it is a lot easier to get all the parties together. Dr. Pallay recommends doing it the best way possible in the most expedient time. Dr. Sunil Shah commented that he would like to meet with the Health Officer in person as the Board will be working with them for some time.

Attorney Pennella advised that this would have to be a public meeting even though the public can be excluded from discussion because it is personnel. Pennella advised of procedure for hiring. Because three or more people would be meeting it fulfills the meaning of a public meeting. The public would have to be noticed, even it were virtual. The public would have to have the opportunity to be able to participate. When you get here you would have to pass a resolution to go into Executive Session for purpose of discussing personnel. You would then convene into the back room, interview the candidates and then comeback and close the meeting.

Ms. Bowers mentioned that about a year ago there was some discussion as to who does the evaluation on Health Officers.

Attorney Pennella advised that Montville Township is a Civil Service Township which means that they have to follow the Civil Service rules with regard to any employment. Mr. Canning, the Township Administrator is the head for the Township being designated as the Civil Service person. He would initiate and conduct the initial request for hire as he did with Aimee Puluso, the prior Health Officer.

Ms. Bowers stated that her question was that once someone is in a job who does the actual performance evaluation of that person.

Mr. Pennella said that the Board of Health acts in that capacity, overseeing the Health Officer. The Board as a whole can conduct a review if they desire to do so. There should be guidelines and instructions in place as to what the Health Officers duties and responsibilities are to this Board. The review would be whether or not the Health Officer administered the goals in an appropriate fashion. If they did not, then the Board has to provide constructive feedback as a whole, not as an individual person. Deficiencies should be stated and how they can be rectified. The employee then has an idea of the direction the Board wants to take.

Ms. Bowers understands all of that but questioned if this Board of Health has ever acted in that capacity.

Attorney Pennella stated he does not believe so.

Ms. Bowers said that since it came up about a year ago, she believes that in this term when someone is hired as a Health Officer that it should be implemented.

Attorney Pennella stated that an evaluation can be done as long as the Board acts as a whole, reasonably and not punitively, with regard to the guidance of a Health Officer with their duties are and performance.

Dr. Jani asked if there was anything in writing that currently exists that could be used going forward?

Mr. Pennella stated that he and the Township Attorney Fred Semrau had sent out a memo that speaks of the duties of the Health Officer and its relationship to the Board of Health. It also includes a general overview of the laws involved. Hopefully that would be somewhat instructive.

Ms. Bowers stated that we all received the Memo it just never got discussed or brought to the surface.

Dr. Pallay recommended that we proceed with the process of hiring and upon doing so the Board memorialize the Minutes. He would like to recommend a process of what the annual review shall be and effectuate that going forward. It could be a quick 1-2-3 review but it needs to be done. Ms. Bowers added that it needs to be done and clarify when, who and how. We must do a Resolution to this effect at the next meeting.

Dr. Sunil Shah commented that last time we did the hiring for Health Officer, there were three candidates. He stated that the Board unanimously decided to hire Aimee Puluso because she met all expectations. The Board then made a recommendation to Mr. Canning and the Township Committee that this is the person we would like to hire. Administration and the Township Committee did all the contractual negotiations. There were a total of three candidates interviewed.

The discussion regarding hiring concluded.

Dr. Pallay started discussion regarding breakthrough cases of COVID-19 and asked if there was a way to keep a separate log of the breakthrough cases of vaccinated individuals. He has seen many cases of double-vaccinated cases. This database would be extremely helpful to him. Dr. Pallay asked if anyone had any

comments. He mentioned that it is interesting to see that those who have comorbidities are having much milder cases due to vaccination.

Dr. Jani said that's a great point, there is a true purpose for these numbers, even though it is small numbers for the Township right now, it is good to know the population that is being affected. Knowing whether the cases are mostly among the vaccinated or unvaccinated helps with initiatives to see that we are taking steps and to be sure they are the correct steps. It is my understanding that the CDRSS system through the State would have whether or not the person is vaccinated or not vaccinated. It is merely a query to obtain this information.

Mr. Hodges agreed that it is a just a query, but he is not sure if he can provide that information just yet. It has been back and forth from the State as to what information can be made public. He will look into this further.

Dr. Pallay asked if the Board was interested in requesting this particular COVID-19 data.

Dr. Jani made a Motion, seconded by Ms. Bowers for a request of "COVID cases stratified by vaccination status." All in favor. Motion passed.

Dr. Pallay requested that the Health Officer provide data on breakthrough cases and keep a separate categorization either currently moving forward or retroactive as far back as feasible; and provide this data by next meeting or sooner.

Dr. Pallay asked if there were any comments from the public.

John Fazio, 7 Walnut Dr.

Mr. Fazio would like to get a sense of what the Board does. He is trying to get involved and thinks that the Board is doing great things by asking for more information. The data interests him. Without good data and numbers, it leaves people in the dark. He is interested in the breakthrough COVID-19 cases and the cases of vaccinated and unvaccinated. In his opinion, it is a real disservice to the public that the State is not releasing the data, and he is happy the Board is asking for it. There really shouldn't be a reason why the State is not releasing this information unless the State is trying to hide how the vaccine is operating or how the disease is spreading.

Dr. Pallay thanked him for his commentary. Dr. Pallay added that he would like to promote the fact that individuals who are vaccinated and who are experiencing break through cases are demonstrating to have a much lesser cases of mortality and morbidity. The vaccine may have some drop off in efficacy perhaps but the most important reason why we receive the vaccine is to prevent death or ICU admissions. That data is important because the more we know, the more valuable is it is to everyone.

Dr. Pallay asked if there was anything more to report on the Health Officer's report.

Mr. Hodges had nothing more to report.

New Business

Dr. Pallay read the title of the “Non-Public Schools Nursing Contract”

Attorney Pennella reported that no Resolution was provided and so therefore with the Board’s permission and approval he would like to dictate one for the Minutes.

The Board unanimously approved Attorney Pennella to dictate Resolution

The Resolution was dictated as follows:

This is a Resolution of the Montville Township Board of Health entering into an agreement with the Montville Township Board of Education for the provision of Nursing Services.

Whereas, the Department which is the Board of Health, has been approved by the Commissioner of Education for the provision of Nursing Services; and

Whereas, the Board of Education is required to provide nursing services to its students, even non-public school students pursuant to Chapter 226; and

Whereas, the Board of Education has determined that services under Chapter 226 can best be provided by contracting with the Department of Health for the Township of Montville.

Now therefore be it agreed by the Board of Health of the Township of Montville, that the Board of Health will provide nursing services of a qualified public nurse to pupils enrolled fulltime in the Trinity Christian School of Montville, Apple Montessori School of Towaco, The Craig School of Montville, all of which are non-public schools located within Montville Township.

Be it further resolved that the Board of Education will pay the Board of Health the overall sum of \$21,392 for these services, and that the Board President, Vice President and Secretary hereby authorize to execute an Agreement to such an effect.

MOTION: A motion was made by Ms. Bowers, to pass and approve the above Resolution. Seconded by Dr. Dr. Jani. All in favor. Motion passed.

Dr. Pallay read the title of article under New Business: “NJDOH Provision of Additional mRNA Vaccine Dose for Immunocompromised” and asked Mr. Hodges to discuss.

Mr. Hodges stated this is just some information he wanted to provide to the Board. A number of people have been getting the third dose (booster) vaccine if they are immunocompromised or a situation that would put them in that category. This is already being provided at locations that provide vaccinations. Since the mega site clinics have closed, some individuals are finding difficulty finding a location to get that third dose. We are hoping with the supplemental vaccine funding grant that our health department will be able to give the vaccination.

Ms. Bowers wanted to know if this would be vaccinations at the Health Department or at people's homes.

Mr. Hodges stated it would be at the Health Department as well as other locations within the Township.

Ms. Bowers asked if it would be at people's homes.

Mr. Hodges stated if that if it is a need, we are certainly open to that. However, Morris County already provides a service for homebound individuals.

Dr. Sunil Shah asked if it makes a difference which booster shot you get. He stated that he is getting many questions regarding this.

Dr. Pallay stated that it absolutely does and that the current advice and recommendation is to stay with the vaccine you originally received (Pfizer or Moderna).

Correspondence

There was no correspondence to report.

Dr. Pallay asked if there were any additional comments from the Board.

There were no questions or comments from the Board.

Dr. Pallay asked if there were any additional comments from the public.

John Fazio, 7 Walnut Dr.

Mr. Fazio asked if the Board of Health has any oversight over the Township schools COVID protocols.

Mr. Hodges stated that the guidance comes from the State of New Jersey Health Department website in coordination with the Department of Education. Each Board of Education has to put a policy together called "The Road Back" and there is a guidance document that comes from the State, and so therefore the school has to make sure that they are at least as restrictive as that guidance document. As far as anything extra that would be something to discuss with the Board of Education. It could be that they felt a need to put up this Plexiglas shield. It doesn't fall under our jurisdiction regarding mitigation standards and how the classrooms are set up.

Mr. Fazio had questions and comments regarding Executive Order 252, Vaccine and COVID-19 testing requirements for teachers. The State is mandating the testing of unvaccinated people. This is concerning as it may drive up the data with more cases in the unvaccinated. We are essentially losing the data by not testing everyone from asymptomatic spread perspective which is a big concern to him. Why are we not testing everyone if we know that COVID can be spread asymptotically? Does the Board have any influence on the Township to start testing everyone including the vaccinated? That actually would go above and beyond the executive order.

Dr. Pallay stated it is not our role as a Board of Health to be the influencers. It is our role to be a Department that provides recommendations and certain oversight to the Township in certain areas.

Mr. Hodges stated that the school system is an autonomous board. He did speak with the Superintendent and she welcomes residents to come to the Board of Education meetings and voice their concerns.

Mr. Fazio asked if the Board could you give a brief summary about the \$25,000 supplemental grant for vaccines.

Mr. Hodges said the focus of this grant is to increase vaccination rates in the community especially among individuals who may be considered part of the vulnerable population or for those with whom it is hard for them to get vaccination because of their work schedule by providing those vaccines at off hours and in different locations. Additionally, part of this grant is to get a new vaccine refrigerator which will not just be for COVID vaccines but for other vaccines as well.

Karen Cortellino, 19 Jarombek Dr.

Dr. Cortellino stated that she is a member of the Board of Education in Montville Township, but tonight she is speaking personally to thank the Board of Health. It is her understanding that the Superintendent and the former Health Officer as well as Mr. Hodges have worked together very closely and collaboratively and she certainly appreciates that and all of their input. There should be no misperception that The Board of Education did not seek guidance from the Board of Health as that wouldn't be fair to the Superintendent who she knows consulted and discussed cases and various things with the Board of Health. So in closing, she just wanted to express thanks.

Adjournment

Dr. Pallay asked if there was any further business to come before the Board.

There was no further business.

MOTION: There being no further business to come before the Board, a motion was made by Ms. Bowers to adjourn the meeting. Seconded by Dr. Sunil Shah.

The meeting was adjourned at 8:37 pm.