

PROCEEDINGS OF THE BOARD OF HEALTH MEETING
Tuesday, May 12, 2015
5:00 PM

Present: J.J. Tibbetts, MD, Audrey Murphy, Susan Paulus Smith, Harold Pfothenauer, Richard Schadewald, Karen Sanchez

Excused: Joe Van Deurzen

Staff Present: Chua Xiong, Rob Gollman, Patti Smeester (note taker), Ann Steinberger

1. Call to Order, Welcome, and Introductions

Audrey called the meeting to order and welcomed new Board Member, Karen Sanchez. Karen indicated she has been a nurse for 18 years and a nurse practitioner for 8 of those. She works at the NEW Community Clinic doing community health for the homeless. Dr. Tibbetts invited her to participate on the board because she advocates for the health of patients as well as for the community.

Board members and Health Director Chua Xiong introduced themselves.

Audrey also introduced Ann Steinberger as the new communicable disease nurse manager.

2. Approval / Modification of the Agenda

MOTION: To approve the agenda as presented. Schadewald/Pfothenauer
MOTION CARRIED

3. Approval of Minutes of March 17, 2015 and April 28, 2015

Two spelling revisions were requested on the minutes of March 17, 2015.

MOTION: To approve the March 17, 2015 minutes as corrected. Schadewald/Pfothenauer
MOTION CARRIED

One revision was requested on the minutes of April 28, 2015.

MOTION: To approve the April 28th, 2015 minutes as corrected. Schadewald/Pfothenauer
MOTION CARRIED

4. Open Session: Discussion and possible action regarding the Shirley Wind Turbines.

Audrey indicated at our last closed session a motion was made as follows:

“To have all the documentation, evidence and testimony used in the October 14, 2014 Board of Health determination of a ‘human health hazard’ of the Shirley Wind Project be compiled into a record and provided to the current health director of Brown County”. Since we made this motion to do so, Audrey believes it is up to this Board to now make sure that our director of the Health Department has all of the information that she needs to move forward on this matter. All Board of Health information was displayed for the Board to see. Audrey explained this was a compilation or at least part of a compilation of the information that has been gathered over a 5 year period. The most important of these binders is the blue binder. Audrey asked Chua to tell us what other documentation she has brought to the meeting. Chua indicated that every meeting that anything has been passed out is in these binders. Chua is looking through the materials and making sure that she is well informed and will be asking Dr. Tibbetts and Audrey for clarification. Chua indicated there are a lot of materials and it will take her time to go through it and ask the appropriate questions and gather facts and do research. Audrey asked Chua to show the Board what is in

each one of the binders. Patti indicated that the binders are all board of health materials. One binder has correspondence. Another is the wind turbine binder. Audrey asked what the correspondence was related to in the binder and Patti indicated it was all Board of Health not just wind turbines. Patti indicated another binder had items related to wind turbines. Dr. Tibbetts indicated it was the first binder the board received. Patti indicated the way she files things is by meeting. If something is handed out at the January meeting it goes under the January tab. The documents will be referenced in the minutes and she can find what she is looking for. She has a binder January to now. Another binder is a binder Chua gathered from Judy as Judy was retiring. Audrey asked Chua if she had the Shirley Wind binder in the beginning. Chua indicated she did not. Chua did not know if she was going to be Health Director and when Judy was sharing things, she was not reviewing at that time. Patti continued another binder was minutes from 2009 through 2011 by meeting. Another binder was letters of support for the Wind Turbine issue. Our new member will need a copy of that. Another binder was minutes from 2012 to 2014.

Audrey asked if there were any comments. Mr. Schadewald indicated Chua is doing due diligence in the organization of materials and we have to give her the time because this is not the only thing she is doing. Chua indicated it was still ongoing as far as information being submitted to her. Audrey recommended starting with the blue Shirley Wind binder as that was the critical one.

Mr. Schadewald asked if we were going to let the public speak. Audrey asked if anyone wished to address the board and there were none.

5. **Closed Session: Notice is hereby given that the governmental body will adjourn into a closed session for discussion with legal counsel, possible action and the strategy to adopt regarding the Shirley Wind Turbines. Closed session is authorized pursuant to Wis. Stat § 19.85 (1)(g), for the purpose of conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is likely to become involved.**

There was no closed session.

Reconvene into Open Session: Discussion and possible action regarding the Shirley Wind Turbines.

6. **Environmental Division update**

Rob Gollman provided a handout to the Board. Rob stated that the lab has a contract with the Green Bay Water Utility to do routine testing of samples for the municipal water system every week. To date we have done 400 and all have been negative for the presence of coliform bacteria. We also do routine testing of our licensed pools and we take samples and test for coliform and e coli bacteria. We had one positive sample which resulted in a pool closure which tested positive for fecal coliform. Rob stated we also submit specimens to the Wisconsin State Lab of Hygiene for rabies testing. Most of the specimens are bats for the wild specimens and cats and dogs occasionally as well if they are showing neurological symptoms.

To date our well program has tested 32 samples, three of which tested positive in Brown County. Rob indicated we have tested two outside the county and both tested safe. Rob indicated we are required to do lab proficiency tests throughout the year and we have completed 14 successfully and we have processed 36 medical specimens for testing off site. Mr. Schadewald asked what we charge for testing. Rob indicated \$30.00. Mr. Schadewald asked what is the fee for out of county wells and Rob indicated it is the same price. Mr. Schadewald asked if the \$30 fee meets our costs. Rob indicated it does cover our costs.

Rob also provided complaint data. We received 46 complaints to date about licensed establishments and everyone is followed up by an inspector.

We have had 8 nuisance odor complaints to date which is down significantly. Rob states the Sanimax facility has made strong efforts to correct issues they had at their plant. Audrey asked if the 8 complaints were from the same establishment. Rob indicated 4 were from Sanimax. Rob stated one complaint was called in by the Green Bay Fire Department and it was about a complaint of air quality in an office building. Rob and Marty Adams responded to this after hour's complaint and condemned the office building due to the presence of what he believed was fuel oil that had contaminated ground water and had leaked into the sump pit in the basement of building. There was a very strong odor in this office. After consultation with the EPA and Wisconsin DNR as well as an expert individual at the Bureau of Environmental and Occupation Health in Madison we ordered air sampling done. There was a level of naphthalene. We ordered to ventilate and they hired an environmental firm to do additional air sampling. It was ultimately determined that there was an abandoned leaking underground storage tank on the property which was not abandoned properly. There was an oil burning boiler in this building at one time which no one knew about. This Friday they will dig the parking lot up and take out this underground storage tank and probably removing the contaminated soil. We will go back and do additional sampling. Susan asked if the fire department was called there first. Rob indicated we were the last ones to be contacted. There was a substantial amount of rain and the water flooded into the sump pit and it collected water from around the perimeter of the building that was contaminated with the fuel oil, presumably. There was a layer on top of the water that was about 1" to 1 1/2" inch thick and the fumes were overpowering in the basement.

Rob indicated our two recently hired sanitarians are starting to go out in the field on their own and do some simple inspections. They have been going out with our senior sanitarians and doing inspections with them. Audrey asked if all the vacancies were filled. Rob indicated we were.

Audrey asked the Board if they had any questions. There were none.

7. Correspondence

We received a letter of support from the Town of Sherman. We received a letter from Darrell and Sarah Cappelle dated March 30, 2015 with attachments. Audrey asked the Board members if they received at their respective homes and they had. Chua indicated she received a letter yesterday from Duke Energy and they are submitting some of their research studies and articles. Chua has not had a chance to review as she has just received.

8. Director's Report

Chua handed out the Community Health Assessment Report which was just completed. This is required of the Health Department every three to five years to identify health issues in the community. Chua indicated the assessment is done with health care providers and community partners. They evaluate the issues in Brown County and these are the four issues identified—alcohol misuse, oral health, mental health, and adequate, appropriate and safe nutrition. The hospitals are also required to do an assessment of their community so we have partnered with them and do every three years which is their requirement. Audrey indicated she has in the past participated in these and it is a good cross section of the community. Audrey encouraged the Board to participate if ever invited to participate.

Ann Steinberger said outside of our routine activities we currently have two situations. One is an active case of TB disease. She was an elderly person foreign born who was diagnosed May 4th with TB disease. She was started on treatment. Due to her comorbid disease she has recently passed away. Symptoms began in November 2014 so we will go back with the contact

investigation to September of 2014. There are multiple people who need follow-up in Brown County and other counties in the state and other states. There is no drug resistance at this time.

Ann relayed another situation related to two individuals who are continuously engaging in high risk behaviors. This is our HIV case. We have obtained the medical and other police reports and reviewed with corporation counsel and with our state HIV program and their attorneys. The State has been referred to the District Attorney and Green Bay Police Department. We will be possibly pressing criminal charges. One community member has come forward and spoke with the health department and will be speaking with the detective. The Health Officer, Ann and another CD nurse will most likely go to court and testify. Chua added the reason why it was brought to our attention was that it was community citizens stepping up that they are aware of these men and their exposure and that something needs to be done. They are not going in for treatment and they are practicing risky behavior and we do not want an outbreak of HIV in Brown County. We are pushing to press criminal charges against these individuals.

9. Process for recruitment of new BOH members

Audrey commented she spoke with Juliana Ruenzel on April 8th and asked her about how Board members are nominated or selected. Juliana's comments were there are no guidelines as to how to select Board members. They can come from anywhere. The County Executive has the final decision with approval from the County Board. Juliana told Audrey more than one name can be submitted. Audrey stated the county executive is Chua's boss not the Board of Health. Chua stated Judy had delegated the task to her based on what the Board of Health had Judy do. Chua just continued on with the delegation with the selection that was there and proceeded with her due diligence as a health officer coming in. Chua stated that when there is a vacancy again it needs to be discussed with the group in open communication and even though Troy is her boss, the Board of Health is in that selection process. Audrey agreed this needed to be collaborated with everyone.

10. All Other Business Authorized by Law

Dr. Tibbetts stated Barbara Vanden Boogart had brought up that Carmen Krogh would be willing to do an education program. Dr. Tibbetts stated she is a pharmacist in Ontario, Canada and has been involved in wind turbines for some time and has significant knowledge about this issue. Dr. Tibbetts questioned whether the Board would be interested in hosting her on Skype at some time. Dr. Tibbetts thinks it would be educational for everybody in the community, including residents of Shirley. Chua stated she would need to talk with Technology Services to set up Skype but as far as the presentation, she does not object to that. Dr. Tibbetts asked to open up discussion so Barb Vanden Boogart can say something.

MOTION: To depart from the regular order of business to hear from interested parties.

Schadewald / Tibbetts

MOTION CARRIED

Barbara Vanden Boogart, 7463 Holy Mor Road, Greenleaf WI. Barbara indicated Carmen Krogh is a prolific writer and very well known, including internationally because she collaborates with researchers around the world. Barbara thinks she is an excellent speaker and knowledgeable about this subject. Barbara thinks it would be highly beneficial to this community to hear about what she understands from a worldwide perspective. Audrey asked if this could be done on Skype. Barbara indicated it could. Audrey indicated we would have to choose a new location. Chua stated we would need a location that has a huge screen and also the capability to skype and is big enough. Dr. Tibbetts indicated Carmen would be willing to give us a presentation but he thinks it is more appropriate to share with the public. Mr. Schadewald is for it and it would be good for the community. Audrey asked about the central library downtown in the auditorium. Chua indicated if we go with the school or something outside we have to think about the cost. Chua indicated we will

have to determine date, time, place, the technology and then work with Carmen to see what potential dates she has available. Mr. Schadewald asked Chua to report back next month. Chua will also talk with Audrey and Dr. Tibbetts as well.

Barbara indicated Carmen is free until early July and is flexible. She is in high demand but very willing to do this.

Audrey indicated this should be a separate meeting. Chua asked to wait until we know the availability of a facility and get Carmen's schedule.

Bill Meindl, 125 W. Mission Road, stated "isn't the Board of Health associating itself too much with the anti-wind turbine crowd and shouldn't the decision of who should be a public speaker at an event that the Board of Health is going to be involved in be determined by the Board and not be coming from one side or the other of this issue?" Karen Sanchez indicated that is her concern as well. She was wondering what her credentials are that the Board needs to bring that speaker streamed from Canada. It seems like a foregone conclusion what you want to hear and that is what it sounds like to me. Karen has already read the materials in the binder. Dr. Tibbetts said to answer questions. We had an open meeting on the 20th of January and there were several "pro-wind" people so this wasn't just a set up with one side or the other. It was open. Bill Meindl suggests reviewing who the potential speakers are that could give good objective information on this issue. Barbara indicated there was a motion at the last meeting for additional information to be given to the board and Director of Health and so as a resident and as a concerned citizen she is included in being able to submit more information. Since Carmen Krogh is an internationally known person and her credentials are within the binder she believes it would be helpful. Karen indicates she has read the binder but it seems like a self-proclaimed expert from what she is reading. She doesn't know if any of these organizations really impact what she looks to for expert evidence based guidance. She indicates it's a stretch from what she is reading here from her credentials. Barbara indicates she deals with actual scientific research. That is what she presents.

Audrey indicated she thinks the new issue is something related to children which we haven't heard a great deal of.

Chua stated the last time there was an open session; we had the coal environmental group coming in so with this presentation by Carmen Krogh, you will not just have the wind. You will have people on different sides coming in to this presentation. Bill Meindl indicated the speaker is coming from one side of the issue. Mr. Schadewald states that we are still asking for anyone on either side for input. Duke Energy sent their materials yesterday. Richard stated we didn't want to say we made a decision and stop looking. We are looking for information from everybody. Information gathering on a constant basis is the process right now. There are always presenters but he doesn't see any problem with the board taking names from the public because that is who we represent.

Bill Meindl disagreed but he understands.

Mr. Schadewald indicates he listens to all sides. Karen Sanchez indicates that for herself, Board of Health and as a nurse she might not necessarily listen to all sides. If the topic was vaccinations, she wouldn't invite somebody who believes that autism is caused by vaccinations because that has been debunked. She would make sure that they had credentials and are recognized by reputable scientific journals here in the United States. Ms. Sanchez indicates she read quite a bit of this and she then looked up more information on Carmen. Ms. Sanchez indicates not every side is necessarily scientifically valid and as a discerning nurse when she is reading medical literature about medications or treatments she doesn't necessarily read everything the same way. She looks and sees how this conclusion came to. Is there any bias? Are there other motives for writing this?

That is her point. Dr. Tibbetts asked if Ms. Sanchez was challenging Carmen's credentials. Karen indicated that it can be a doctor, a pharmacist or anything but that doesn't necessarily mean that your point of view is objective. Dr. Tibbetts said he asked that because she is a co-author of a Sage Journal article. Ms. Sanchez said she did her homework and there are a lot of articles out there and she is a little skeptical of some of it. Audrey states she thinks her work has been peer reviewed. Ms. Sanchez read that and she knows that. There are still issues and she is not criticizing her but the point is every point of view is not necessarily the same.

Mr. Schadewald says he gets that all the time so he understands where she is coming from.

Mr. Acker states he understands the importance of getting speakers that represent both sides. From his viewpoint we certainly want to select speakers that are knowledgeable on the subject matter and not just someone who doesn't spend much time on the issue. From his experience level, when he looks for experienced people he is looking for someone who has written some medical journal documents because they get very thorough review or Sage documents.

Mr. Pfothauer agrees 100% because he is a funeral director and embalmer and he is exposed every single disease that is out there. He must protect himself, the family he is serving, and his staff, and everyone that comes into his funeral home. He wants to know everything about a disease. He can call the health department and because they can't always answer his question so he has to research further. That is why he keeps his credit hours up to know the diseases that are out there, study them and bring that knowledge back to his firm and share with his co-funeral directors so he is on the page that he is on.

William Acker states Carmen Krogh has written some Sage documents and has co-authored with other people so that would certainly put her in that category. He wanted to mention trying to pick people with expertise that we know have gone through quite a thorough review can be difficult especially when you are looking for someone who doesn't believe in the illnesses. He has not seen any Sage documents or medical journal documents representing the side of the issue that there aren't any health problems.

Susan Paulus Smith says we don't have endless resources and if we are going to bring somebody in she questions if it is this the best person that we should bring in. And she does not know. We can't have 20 different speakers coming in constantly. Audrey said we have had meetings in the past 5 years and we have always listened to both sides and people have had the opportunity at all of these meetings which are open to the public at some point and they can address these issues. Audrey said this Board of Health has never said that we were opposed to wind energy in the 5 years. We have only focused on the health impacts of a wind turbine that is cited too close to a dwelling place. The whole issue for this board is that wind turbines have to be cited safely. That is the bottom line. In the state of Wisconsin the statutes says and it is governed by the PSC that "a wind turbine can be located 1,250 feet from a dwelling place." In our studies and conclusions we feel that isn't safe and during these 5 years we have worked professionally and worked methodically and we have held open meetings. We have asked for an epidemiological study to be done by the State Division of Health along with the University of Wisconsin Madison so that it would have credibility. We have submitted affidavits by citizens to the PSC. We have adopted and sent resolutions to the governor's office, to the State Division of Health, to the PSC. All of this has been done methodically and we came to a conclusion last October that this Shirley wind project is a human health hazard from all of the information that we have gathered. There has been a great deal of work done on this issue. Now what we want to do is reinforce and become even more knowledgeable on this issue.

Bill Meindl states just from his point of view in terms of a speaker the Board might want to consider a range of possibilities for the speaker after reviewing their credentials of who might be the best fit for that speaker if this is something that the Board is going to put their stamp of approval on; the best credentialed and the best expert that you are able to obtain to make this presentation rather than just accepting the first proposition that comes along who may be the best person or who may not be. Audrey indicates most of us are familiar with her work. She knows what he is saying and she appreciates his comment.

Barbara wants to say that their organization is not anti-wind. They advocate concerning impacts to those individuals who have been negatively impacted. We don't deal with the economics of it unless invited to speak about that but that is not the focus. They advocate and educate. They are not anti-wind either.

Audrey states that this Board has focused only on health. We have never brought up the economics or any other aspects of the wind industry.

MOTION: To return to the regular order of business Tibbetts/Pfotenhauer
MOTION CARRIED

11. Adjournment / Next Meeting Schedule

MOTION: To adjourn meeting at 6:18 PM
MOTION CARRIED

Sanchez/Pfotenhauer

NEXT MEETING: JULY 28, 2015 at 5:00 PM