

PROCEEDINGS OF THE BOARD OF HEALTH MEETING
Tuesday, September 11, 2012
5:00 PM

Present: Joe VanDeurzen, Audrey Murphy, J. Tibbetts, MD, Harold Pfothenhauer

Excused: Don Murray, Patricia Bacelis-Leon

Staff Present: Judy Friederichs, Dale Schmit, John Paul, Nicci Beeck, Chrystal Woller, Craig Kratcha

Guests Present: Juliana Ruenzel, Corporation Counsel; Penny LePine, UWGB Student; Kalyn Moesch, UWGB Student; Angela Hartel, UWGB Student; Shannon Hartel, UWGB Student

1. CALL TO ORDER AND INTRODUCTIONS

Staff and guests introduced themselves.

Audrey asked everyone to observe a moment of silence to remember the lives that were lost on 9-11-01 and the first responders who risked their lives and responded so beautifully.

2. APPROVAL / MODIFICATION OF THE AGENDA

Addition of agenda item #4a,

To approve the agenda as modified: Pfothenhauer / Van Deurzen

MOTION CARRIED

3. APPROVAL OF MINUTES OF July 17, 2012

To approve the minutes: Tibbetts / Pfothenhauer

MOTION CARRIED

4. DISCUSSION REGARDING ODOR ORDINANCE: INTERPRETATION RELATED TO STAFF ABILITY TO FILE COMPLAINT WHEN ODOR DETECTED INDEPENDENT OF CITIZEN COMPLAINT

4a. REDUCE THE NUMBER OF VERIFIABLE COMPLAINTS IN THE NUISANCE ORDINANCE FROM 3 TO 1

Juliana Ruenzel said that she has reviewed the ordinance and recommends that the number of verifiable complaints needed to issue a citation to a business should not be reduced to just one. She said that a judge would look at a number of factors when deciding such a case including whether the facility operated before the entities complaining moved there, whether the facility is located in an industrial area, how many complaints are involved and whether the company could reasonably fix the problem. She feels that one complaint does not constitute a public nuisance. She asked the group what the goal of looking at the ordinance is – do they want to shut down a company or encourage them to fix the problem.

Dale stated that complaints are coming from further away from Sanimax than before because of the raised stack height. Their current stack height is 130 feet – in contrast, JBS' stack height is 150 feet. He indicated that the two facilities have communicated a lot and have studied various conditions to determine the ideal stack height.

Dr. Tibbetts stated that it is not fair to compare the different packing / processing facilities in the county since they do different types of processing – Sanimax tends to get product from places like JBS for rendering.

Audrey stated that the goal is not to shut down a business but to educate and work with the business to achieve the desired result.

Joe asked if the improvements at Sanimax are completed. Dale said that they were completed in July at which time the DNR did a stack test over a 2 week period from mid-July to August. Sanimax reported that there were some complaints during the test – including during the testing of a product that was supposed to reduce odor emitted from the stacks but actually made it worse. John did not have information on how many complaints have been made since that testing was completed.

Audrey asked if a sanitarian could file a complaint based on his/her own observation. Juliana stated that one person could not act as both a witness and an expert.

MOTION: Accept Corporation Counsel's recommendation and not change the ordinance from three verifiable complaints to one.

Van Deurzen / no second

Dr. Tibbetts suggested that the board compromise and change the ordinance to two verifiable complaints. He stated that the companies

located on Larsen road are really suffering from these odors. He stated that he has lived in the area for over 40 years and this is the worst it's ever been. He estimates that there is an odor at least 40% of the time – and 30-40% of those odors are so strong that you would not want to be outside of your home. He believes that more people would complain but they feel that it has become an apathy thing. People know that if they complain, the odor will be gone by the time someone is able to respond.

Audrey said that representatives from Sanimax have addressed the board two or three times and have reported that they have spent between \$2 and \$3 million trying to address the problem.

Dale said that he has spoken with some of the city and county elected officials who tell him the same thing. People are now apathetic because they don't feel that anything will be done if they complain.

Joe asked if complaints have increased since the construction started on highway 41. Dale said that increased complaints have been more due to construction at Sanimax than the highway construction. Joe said that the vegetation that has been cut down during the highway construction used to provide a barrier to the odor traveling to the neighboring areas. He feels that the state should be held responsible for replacing those trees.

Juliana said that the attempt could be made to make the change from three to two verifiable complaints, but she is not confident that it will be approved by the Board of Supervisors. She stated that depending on the financial status of the company, it may be worth it to them to pay a fine and just continue operating as usual. Dr. Tibbetts said that Dale has indicated that, although the money may not be an issue, the company does not like to get fined and would really like to be a good neighbor to the businesses in the surrounding area.

MOTION: To recommend a change to the nuisance ordinance (Chapter 38 of the Brown County Code entitled, "Public Health Nuisance") from three verifiable odor complaints to two.

Tibbetts / Murphy

Judy reminded the board that an ordinance change must go through the County Board process.

Yea: Murphy, Tibbetts, Pfothenauer

Nay: Van Deurzen

MOTION CARRIED

5. DISCUSSION REGARDING DEVELOPMENT OF LOW FREQUENCY NOISE ORDINANCE

Judy distributed copies of the section of the Calumet County nuisance ordinance regarding Low Frequency Noise. She has tried to contact the Health Officer from Calumet County to ask about her experience with this ordinance but has not gotten a response. She stated that this ordinance was written specifically for wind turbines.

Audrey stated that the current noise ordinance does not address infrasound. In addition to creating an ordinance, the department would also need equipment and training in order to enforce it. The board would need guidance from a sound expert to help write the ordinance. Dr. Tibbetts said that Richard James assisted Calumet County and would be a good resource. Dr. Tibbetts referenced a study done in Green Bay at the Ehrfurth residence – people who have been experiencing symptoms in response to a cold storage plant near their home.

Dr. Tibbetts distributed copies of a study regarding infrasound from wind turbines. Audrey told meeting attendees that there are three families who have had to abandon their homes in the vicinity of the Shirley Wind Farm due to symptoms apparently caused by infrasound generated by the wind turbines.

Juliana said that an ordinance can be enforceable as long as the department has the proper equipment, staff trained to use it and regular calibration so that valid measurements can be relied upon. She said further that for at least the first couple of court cases, you would need to bring in an expert to testify.

Dr. Tibbetts recommended contacting Richard James for a cost estimate for creating an ordinance.

Craig Kratcha said that, according to state statute and the Public Service Commission's administrative rules, communities cannot develop rules that are more restrictive than PSC128. Dr. Tibbetts said that this is true but that, if an ordinance were in place it could preclude new facilities from being sited within a specified distance from an inhabited dwelling. Craig said that the county may still be hamstrung if the county code were more restrictive than the PSC's rules. Dr. Tibbetts suggested making an ordinance for infrasound from all sources – not just specifically to wind turbines. Craig said that Shirley Wind seems to be saying that there would have to be an ordinance specifically for wind turbines in order to regulate their infrasound.

Joe suggested that the board should communicate with municipalities and recommend that they address this issue in their zoning rules.

Audrey recommended that the board put this issue on hold until they decide what should be done.

MOTION: To send a letter to municipalities to include the study provided by Dr. Tibbetts and documentation from the families who have abandoned their homes. The letter would encourage municipalities to consider the health effects of wind turbines when reviewing their zoning rules.

Van Deurzen / Pfothenauer

MOTION CARRIED

6. PRESENTATION OF LIFECOURSE MODEL: NICCI BEECK (HEALTH EDUCATOR, BCHD)

Nicci presented information regarding the Lifecourse Framework – which will be the department’s message to community partners regarding the maternal-child health services that are provided. This is part of a federal grant for maternal-child health and is geared toward prevention. Staff are working closely with the United Way to assure that there is no duplication of effort.

7. ODOR COMPLAINTS

See item #4.

8. CORRESPONDENCE RECEIVED

None

9. DIRECTOR’S REPORT

Judy said that the Executive’s budget proposal is due to be released on Monday. She said that she has not heard that any changes to the department proposal are planned.

CD Report: From January – August, 110 confirmed or probably cases of pertussis have been reported. During the same time frame in 2011 there were 31 similar reports. The largest number of cases reported were in people 19 years of age and older. The state is encouraging adults to get a Tdap booster. Dr. Tibbetts commented that Wisconsin leads the nation in cases of pertussis reported.

The Rifampin-resistant TB case is compliant and doing well with treatment. There is an 18-month-old associated with that case that is also doing well with treatment.

The multi-drug resistant case that started treatment in March has been released from isolation. This person also has Hepatitis C so there have been many adjustments to the prescribed medications to reduce the complications involving the liver.

A 5-month-old who is a contact to another active case will begin prophylactic treatment.

We have had one report of salmonella associated with the cantaloupe outbreak at the end of June.

There have been no reports of the swine flu variant associated with county fairs.

Seven birds have tested positive for West Nile Virus. No more birds will be tested since the disease has been identified in the area. There have been 1 confirmed and 12 probable cases of WNV in humans in the state – all in the southern part of the state.

We have one nurse vacancy as of August 10th. The Request to Fill that position has been approved by Human Resources.

The director of the De Pere Health Department has resigned, effective September 20th. She will be taking a position with Outagamie County. De Pere is expecting to appoint an interim director.

Kewaunee County has contacted Judy regarding the possibility of contracting with Brown County for Public Health Preparedness services. Marinette County has also contacted Judy regarding contracting for childhood lead poisoning services in their community. They only have about one case per year so it is difficult to keep up with the training necessary for staff to do follow-up.

We will be launching the performance evaluation program for staff. The county is promoting annual evaluation of all staff including administrative employees, who have been evaluated annually in the past. Judy will be introducing the program to staff at a meeting tomorrow.

Judy distributed copies of the 2013 Preparedness calendar. Printing was funded through the Local Preparedness program. September is Preparedness Month.

Chrystal reported that the state Division of Public Health has notified us that, as of October 1st, we can no longer serve children under the age of 19 who have private insurance that covers vaccine. We will have to refer those children to their primary care physician. We can serve any child under 19 who is enrolled or eligible for Badgercare, are uninsured or are underinsured. A child is considered underinsured if their insurance has a cap on vaccine and they have reached that cap; or if they have insurance that does not cover vaccine. A high deductible does not qualify as underinsured. Chrystal believes that this will be the gap in people getting their children vaccinated – those with a high deductible may choose not to have their children vaccinated.

The exceptions to these new rules are pertussis-containing vaccines, which can be provided to anyone because of the pertussis outbreak; and influenza vaccine for children for 2012 only.

Judy reported that her medical leave starts September 20th and she estimates that she will be gone for about a month. Chua will be filling in for her while she is gone.

10. ALL OTHER BUSINESS AUTHORIZED BY LAW

None.

11. ADJOURNMENT / NEXT MEETING NOVEMBER 13, 2012

MOTION: To adjourn at 7:00 PM Van Deurzen / Pfothenauer

MOTION CARRIED