

PROCEEDINGS OF THE BOARD OF HEALTH MEETING
Tuesday, October 13, 2009
5:30 PM

Present: Audrey Murphy, Joe Van Deurzen, Harold Pfothenhauer, J. Tibbetts, MD, Don Murray

Absent: Mary Scray

Staff Present: Judy Friederichs, John Paul, John Luetscher (Corporation Counsel)

Guest Present: Becky Schoeneck (UWGB Nursing Student)

1. CALL TO ORDER, INTRODUCTIONS & BOARD STATUS UPDATE

Judy said that she had approached the executive director of the Hmong center several times but he had not heard from anyone who was interested. Audrey said that the board has been trying to fill a vacant position for some time. The board has made a concerted effort to recruit members with diverse backgrounds to represent the community but has had trouble keeping people when they are found. Audrey asked that board members provide suggestions of anyone who might be interested.

Dr. Tibbetts said that he is exasperated that such an effort has been made to represent diversity on the board but it just hasn't worked. Judy suggested that members of these communities tend to be very active and/or are working several jobs or odd shifts. She said that she has also been told that language may also be a barrier to participating in meetings.

Juli reported that both Harold and Audrey's terms expire on December 31st and will need to be renewed if they are willing.

2. APPROVAL / MODIFICATION OF THE AGENDA

MOTION: To approve the agenda. Van Deurzen / Pfothenhauer

MOTION CARRIED

3. APPROVAL OF MINUTES OF AUGUST 12, 2009

MOTION: To approve the minutes as presented.

Van Deurzen / Pfothenhauer

Audrey said that the minutes stated that the department will receive \$64,000 in funding for H1N1 preparation and asked if we had received that money. Judy said that the department had not yet received the funding but that the award had been increased since the last meeting. The funding in three phases will total almost \$360,000 for the H1N1 vaccination and response program. The Department of Administration has advised Judy to wait and submit the total amount when it comes through from the state. Judy said that a letter from Dr. Seth Foldy from the state Department of Health was sent to county executives, county board chairpersons and boards of health asking for flexibility in responding to this new funding. Any related spending since the end of July can be expensed to this contract.

4. ODOR ORDINANCE / ODOR COMPLAINT STATUS AND DISCUSSION

Audrey stated that the ordinance was last reviewed on October 8, 2007.

John said that a complaint came in from the Belson Company regarding odor coming from Sanimax. Their concern was that the odor from Sanimax was causing distress for their employees. They asked how the Health Department could help them with this problem.

Audrey said that John Luetscher had stated that the Health Department does not have jurisdiction over one company complaining about another company. She asked John to explain this position and stated that she didn't understand why a company should be treated differently from an individual making a complaint.

John L. said that, although businesses can ordinarily make complaints, the problem is that municipalities have authority to regulate "public nuisances" vs. "private nuisances" which would apply to neighbors, etc. This type of a problem supports a lawsuit between the two property owners. Municipalities are not allowed to intervene in disputes between individual property owners. A nuisance would have to annoy or harass a large number of property owners in an area. In this instance, the dispute is between two businesses in an industrial park which looks a lot like two adjoining property owners. Because of that, John's opinion is that this issue ought to be resolved in court between the two property owners.

John L. further stated the ordinance states that the Health Department could cite a business for a violation only after verifiable complaints were made by three separate property owners. Three employees from Belson complaining would still all represent just one property.

Finally, John L. said that he feels that there is room for reasonable people to disagree with his interpretation of the ordinance.

Audrey asked if the Health Department should be telling the Belson Company that, because of the legal implications, they should contact Sanimax directly. John said that their attorney has contacted him, so that has already been taken care of. He further stated that these laws are hard to enforce. There are always going to be businesses that create odors – the question is whether the odor crosses a line that makes it unacceptable.

John L. and John P. clarified that there were actually two businesses in the area that complained about Sanimax. The other was Green Bay Converting.

Harold said that he recalls over the past 30 years a history of Sanimax causing odors or other nuisance issues.

Audrey asked what the bottom line position of the Health Department should be. John L. said that it would not be hard to imagine a business at some point using the ordinance to gain an advantage over a competing business. He further said that, if there are a number of additional complaints from other businesses at some point, the department may want to look further into whether action should be taken with Sanimax. At this point, the matter should be left to the two businesses to work out.

Joe asked whether Sanimax had been informed of the complaints. John P. said that his staff is in regular contact with Sanimax and that they are making an effort to control odors by improving storage and processing equipment. A meeting is planned for Friday at 8:30AM.

Harold asked whether a letter should be sent to the businesses who have filed complaints and Sanimax stating that the department is aware of the issue. John and Judy said that they have already been in contact with all of the businesses involved. John said that he would keep a log of any complaints that come in.

Dr. Tibbetts asked what would have happened if a third business had complained within an 8 hour period. John L. said that he believes that this would have been closer to the scenario outlined in the ordinance and might have resulted in an enforcement action. However, he believes that the ordinance was written with individual property owners in mind rather than businesses.

Audrey stated that the board will continue to keep an eye on this issue and will contact John L. with further questions.

Judy asked if industrial areas were created with the intention of separating businesses from homes to avoid these kinds of problems. John said that, yes, zoning is intended to resolve these problems. He further said that it should have been clear to a new business coming in that they were going to be located close to a business that creates odors.

John P. distributed information regarding odor complaints from July 16 through October 12. He said that two complaints were from people living in Brown County complaining about an odor coming from Oconto County. The odor was most likely created by land-spreading of waste from Allen Canning in Pulaski. The remaining complaints were in regard to JBS Smithfield. Finally, John received a call regarding asphalt odor near a property owner's home. John investigated the complaint and made an asphalt company on Velp aware of it – he was not able to verify the odor since the complaint was made long after the fact.

5. 2009 H1N1 UPDATE

Audrey said that she attended two meetings regarding H1N1. The first was on September 11th with the three local health officers and school officials. The school principals were very receptive and pledged their cooperation. The second was a stakeholders' meeting on October 2nd.

Judy said that the most recent "Influenza-Like-Illness" report indicated moderate activity statewide. The highest activity was in our area and in the southern region. She said that the schools are reporting high absenteeism among students and staff. Judy had teleconferences regarding two schools that needed advice regarding school closure. In both cases, the schools decided not to close at this point.

Don said that his daughter saw a line of 15-20 students at the attendance office at Southwest High School who were ill. He saw a sign on the entrance door at work that said, "If you have a fever, go home!"

Judy said that from September 1 through October 3, there have been 17 reported hospitalizations in Wisconsin and no deaths. She said that not all H1N1-related hospitalizations may be reported since testing has been limited by the state. Providers are required to test only severely ill or hospitalized patients – but any positive tests are reportable to the local public health department.

So far, Tamiflu and Relenza appear to be working.

The CDC and State Department of Health are targeting the most vulnerable groups to receive vaccine first. Those groups are currently pregnant women, healthcare workers, household contacts of infants under

6 months, anyone 6 months to 24 years old, and anyone over 24 with an underlying health conditions that would make them more vulnerable to complications. As the vaccine is distributed, Phase 1 will include healthcare workers, pregnant women and household contacts of children under 6 months. Phase 2 will include school-aged children and those with underlying health conditions. Phase 3 will be the general public.

The vaccine has been tested in the same way the seasonal flu vaccine is tested. It is provided at no charge but private providers can bill for administering the vaccine. Public health may NOT charge an administration fee. So far we have received 200 doses of nasal mist.

Since providers may only order vaccine if they need a minimum of 100 doses, the health department will also work with smaller providers, school health staff, etc. to get them the vaccine they will need. The federal government insists that there will be enough vaccine for anyone who wants it.

Anyone 9 years of age or under will need two doses of vaccine.

Don commented that, if production takes too long people will not be interested anymore because they will have already been sick.

Ricki said that all of the schools in Brown County have accepted the strategy of providing vaccine during school hours for high school and middle school students. Elementary-aged children will be vaccinated in school-based clinics after school hours so that their parents can be present. There will be 32 school-based clinics with 10 more possible for the second dose for children under 9. There will also be mass clinics at the Brown County Arena and Lambeau Field Atrium. The government is providing vaccine and supplies at no cost and the grant covers the cost of staffing, printing, postage, etc.

Judy said that there are some strategies planned on the regional level to get the word out. These strategies may include billboards, posters, yard signs and flyers for targeted groups such as pregnant women.

Audrey discussed an article in the Milwaukee Journal that indicated a large percentage of those who have died of complications from H1N1 were pregnant women.

Judy said that the state has been very supportive in providing information, templates, etc. There have been a number of meetings regarding clinic planning, school issues, public information planning, working with at-risk and diverse populations, and coordinated approaches to response with healthcare providers.

Dr. Tibbetts asked if school districts and employers in our area can be encouraged to relax their requirements for medical notes for absences due to illness. Judy said that this is up to individual H.R. departments. She feels that the school districts have been pretty reasonable. The Green Bay School District policy is posted on their website.

Harold asked if those healthcare workers who refuse to be vaccinated will still be allowed to work with patients. Judy said that there have been some challenges to employers attempting to make this mandatory. The state is working with hospitals and clinics to increase voluntary vaccination numbers. Board members discussed legal challenges around the country to imposing a vaccine requirement for employees.

6. 2010 BUDGET UPDATE

Audrey stated that the last she had heard, the department had to cut an additional \$21,000 from the 2010 budget. Judy said that this amount was achieved by un-funding a vacant .80FTE nursing position as well as using some grant carryover to cover Information Services costs.

Dr. Tibbetts asked what the status of the hearing and vision program is. Judy said that the Human Services committee meeting will be a good place to find out if this program is in danger of being cut.

7. DIRECTOR'S REPORT

Judy said that the electronic audit was submitted to the state.

Staff have been dealing with two active TB cases.

8. ANY OTHER BUSINESS AUTHORIZED BY LAW

None.

9. ADJOURNMENT/NEXT MEETING

The next meeting is tentatively scheduled for Wednesday, November 18th at 5:30 PM at the University Extension building.

MOTION: To adjourn

Van Deurzen / Pfothenauer

MOTION CARRIED