

VIRGINIA:

At a regular meeting of the Board of Supervisors of the County of Northampton, Virginia, held at the Board Room of the County Administration Building, 16404 Courthouse Road, Eastville, Virginia, on the 8th day of September, 2015, at 4:00 p.m.

Present:

Richard L. Hubbard, Chairman

Oliver H. Bennett, Vice Chairman

Laurence J. Trala

Granville F. Hogg, Jr.

Larry LeMond

The meeting was called to order by the Chairman.

Closed Session

Motion was made by Mr. Trala, seconded by Mr. LeMond, that the Board enter Closed Session in accordance with Section 2.2-3711 of the Code of Virginia of 1950, as amended:

(A) Paragraph 1: Discussion or consideration of employment, assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees or employees of any public body.

Appointments to boards, committees:

(Planning Commission, RC&D Council; Wetlands Board)

(B) Paragraph 3: Discussion or consideration of the condition, acquisition, or use of real property for public purpose, or of the disposition of publicly held property.

Drummond Property

Eastville Inn

(C) Paragraph 5: Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community.

(D) Paragraph 7: Consultation with legal counsel and briefings by staff members, consultants, or attorneys pertaining to actual or probable litigation, and consultation with legal counsel employed or retained by the Board of Supervisors regarding specific legal matters requiring the provision of legal advice by such counsel.

*Eastville Boundary Line Adjustment – correspondence from legal counsel
Possible Request for Attorney General Opinion*

All members were present and voted “yes.” The motion was unanimously passed.

After Closed Session, the Chairman reconvened the meeting and said that the Board had entered the closed session for those purposes as set out in paragraphs 1, 3 and 7 of Section 2.1-3711 of the Code of Virginia of 1950, as amended. Upon being polled individually, each Board member confirmed that these were the only matters of discussion during the closed session.

The Chairman read the following statement:

It is the intent that all persons attending meetings of this Board, regardless of disability, shall have the opportunity to participate. Any person present that requires any special assistance or accommodations, please let the Board know in order that arrangements can be made.

Board and Agency Presentations:

- (1) Superintendent Eddie Lawrence, Northampton County Public Schools

Superintendent Eddie Lawrence updated the Board on the start of the new school year today, noting that there had been a two-hour delay due to fog. He stated that the NHS cafeteria wall project is being completed and that the School System is almost fully staffed.

Consent Agenda:

- (2) Minutes of the meetings of August 11 and 24, 2015.
- (3) Consider approval of congratulatory letter to Steve Sturgis
- (4) Consider adoption of a proclamation designating “Sgt. Tromaine K. Toy, Sr. Honor Day”

RESOLUTION

WHEREAS, Sgt. Tromaine K. Toy, Sr., a native of Eastville and 1998 Northampton High School graduate, made the ultimate sacrifice for our country while serving during “Operation Iraqi Freedom” on April 16, 2005; and

WHEREAS, this year marks the tenth anniversary of Sgt. Toy's transition from this life and what would have been Sgt. Toy's 35th birthday; and

WHEREAS, Sgt. Toy's commitment to serving and protecting not only the residents of Northampton County but everyone in this great Country exemplifies what each of us should strive to attain.

NOW, THEREFORE, BE IT RESOLVED, that the Northampton County Board of Supervisors does hereby designate April 16th as "*Sgt. Tomaine K. Toy, Sr. Honor Day*", and acknowledges the celebration of his life which will take place on Sunday, September 6, 2015.

* * * * *

Motion was made by Mr. Hogg, seconded by Mr. LeMond, that the consent agenda be approved as presented. All members were present and voted "yes." The motion was unanimously passed. Ms. Arian Toy, daughter of Sgt. Toy, was recognized by the Board and received the signed resolution.

County Officials' Reports:

(5) The following Budget Amendments and Appropriations were presented for the Board's review:

MEMORANDUM

TO: Board of Supervisors
FROM: Katherine H. Nunez
DATE: August 14, 2015
RE: Jail Discretionary Account **Fiscal Year 2015**

During the period July 1, 2012 – June 30, 2015, expenditures in the amount of \$1,835.35 have been made through a Jail Discretionary Fund, contained within the Jail Fund [Fund 225]. However, the revenue that was collected (discretionary income: soda vending machine) during that same period has not been released to offset the expenses.

Therefore, a budget amendment is necessary to release these funds from the Jail Discretionary

account line item (225-27400) to the appropriate revenue and expenditure line items within the Jail Fund (225-0018-42375 [Misc. Revenue] and 225-3302-51950 [Discretionary Expense]).

If you have any questions, please advise.

* * * * *

Motion was made by Mr. LeMond, seconded by Mr. Bennett, that the foregoing budget amendments and appropriations be approved as presented. All members were present and voted “yes.” The motion was unanimously passed.

MEMORANDUM:

TO: Board of Supervisors
FROM: Katherine H. Nunez, Interim Director of Finance
DATE: August 28, 2015
RE: Budget Amendments and Appropriations – **FY 2015**

Your approval is respectfully requested for the following budget amendments and supplemental appropriations:

\$68,573.00 – This represents a transfer from Undesignated Fund Balance to cover the cost of the Sheriff’s Office/EOC generator (100.3505.50920). Fund transfers were made to cover the cost of the generator during FY 2014, but the invoice was not paid until FY 2015. These fund transfers need to be appropriated out of Undesignated Fund Balance. Additionally, a \$25,000 VDEM grant, which was appropriated in FY 2014, was received on August 13, 2015 and therefore should be posted back to FY 2015.

\$10,396.00 – This represents an increase in Shared Expenses (revenues) received from the State for the Office of the Circuit Court Clerk during FY 2015. These funds were used for maintenance contracts within that office.

* * * * *

Motion was made by Mr. Trala, seconded by Mr. LeMond, that the foregoing budget amendments and appropriations be approved as presented. All members were present and voted “yes.” The motion was unanimously passed.

MEMORANDUM

TO: Board of Supervisors
FROM: Katherine H. Nunez, Interim Director of Finance
DATE: September 1, 2015
RE: Budget Amendments and Appropriations – FY 2016

Your approval is respectfully requested for the attached budget amendments and supplemental appropriations as requested by the Northampton County Public Schools:

\$23,714.00 – This represents a budget appropriation increase to reflect a Race to GED grant to the Eastern Shore Community College. Northampton County Public Schools has once again agreed to act as fiscal agent for the grant.

\$25,000.00 – This represents a budget appropriation increase to reflect the award of Jobs for Virginia Graduates Funding from the Virginia Department of Education and will be used to fund costs associated with assisting students at risk of dropping out and providing additional supports that enable these students to graduate, secure and retain quality jobs.

\$8,250.00 – This represents a budget appropriation decrease to reflect the final Title VI-B Section 611 Award under the Individuals with Disabilities Education Act.

\$17.00 – This represents a budget appropriation increase to reflect the final Title VI-B Section 619 Award under the Individuals with Disabilities Education Act.

\$3,327.38 – This represents budget adjustments to reflect the final balances of Continuing Technical Education Awards as shown below:

Industry Certification Examination Awards (new)	\$1,480.96
Workforce Readiness Award (new)	\$ 343.31
Information Technology Industry Certification (new)	\$1,543.84
CTE Equipment Allocation (revised)	<u>(\$ 40.73)</u>
	\$3,327.38

\$37,752.00 – This represents a budget appropriation increase to reflect a Pluggedin VA grant award to the Eastern Shore Community College. Northampton County Public Schools has agreed to act as fiscal agent for the grant. These funds will be used to provide ESCC students with industry-specific technical training, incorporating essential workplace skills for entry-level jobs in the targeted industries of medical coding and billing.

* * * * *

At the request of Supervisor Bennett, the foregoing budget amendments and appropriations were considered in two separate actions. Motion was made by Mr. Trala, seconded by Mr. Bennett, that the foregoing budget amendments and appropriations, with the exception of the CTE Equipment Allocation item, be approved as presented. All members were present and voted “yes.” The motion was unanimously passed. Motion was then made by Mr. Hogg, seconded by Mr. LeMond, that the CTE Equipment Allocation budget amendment and appropriation be approved as illustrated above. All members were present and voted “yes,” with the exception of Mr. Bennett who abstained. The motion was passed.

MEMORANDUM

TO: Board of Supervisors
FROM: Katherine H. Nunez, Interim Director of Finance
DATE: August 28, 2015
RE: Budget Amendments and Appropriations – FY 2016

Your approval is respectfully requested for the attached budget amendments and supplemental appropriations:

\$40.00 – This represents a transfer from the Eastern Shore Regional Jail’s Discretionary Fund (225-0018-42375), to the Regional Jail’s Discretionary Account Expenses line item (225-3302-51950) for the purchase of flowers following the death of Maj. Smith’s father.

\$4,061.20 - This represents an insurance reimbursement relative to an incident involving a Sheriff’s Office vehicle which struck a deer. Funds are to be transferred to the Sheriff’s Vehicle & Equipment line item (100-3102-55600).

* * * * *

Motion was made by Mr. Bennett, seconded by Mr. Trala, that the foregoing budget amendments and appropriations be approved as presented. All members were present and voted “yes.” The motion was unanimously passed.

Mr. Bennett thanked the County staff who had provided CPR/defibrillator training to the school staff recently.

At approximately 5:30 p.m., the Board recessed for the supper break.

At 7:00 p.m., the Chairman reconvened the meeting.

Mr. Trala provided the Invocation.

The Board recited the Pledge of Allegiance.

Public Hearings:

Chairman Hubbard called the following public hearing to order:

(6) Special Use Permit 2015-12: The Trustees of Franktown United Methodist Church have applied for the Montessori Children’s House of Franktown to obtain the full range of permissions implied in the Northampton County Zoning Ordinance designation “Schools, primary, or secondary, public or private” (NCC 10/21/2009 Appendix A, Category 4: Community Service Uses, #27 Schools, primary or secondary, public or private). The property described as Tax Map 20, double circle A, parcel 65, is zoned H, Hamlet containing 20.11 acres and has the address of 7543, 7545, and 7551 Bayside Road, Franktown.

The Chairman asked if there were any present desiring to speak.

Ms. Melissa Kellam, Zoning Administrator, indicated that the Planning Commission was recommending approval of the petition.

Mr. Polk Kellam, representing the applicant, indicated that the average enrollment at the school ranges in the mid-50s and he expects a stable enrollment in the future.

Assistant County Attorney Bev Leatherbury confirmed that if approved, this special use permit will supplement but not succeed the earlier SUPs.

There being no further speakers, the public hearing was closed.

Motion was made by Mr. Trala, seconded by Mr. Bennett, that Special Use Permit 2015-12 as petitioned by the Trustees of Franktown United Methodist Church, be approved as presented. All members were present and voted "yes". The motion was unanimously passed.

Chairman Hubbard called to order the following public hearing:

(7) Special Use Permit 2015-13: Timothy Wivell has applied to locate a Manufactured, Single-Wide H.U.D inspected (NCC 10/21/2009 Appendix A, Category 8: Single Family Residential Uses, #1b, Manufactured, Single-Wide H.U.D inspected) on property located along Press Lane, near Cheriton. The property, described as Tax Map 77, double circle A, parcel 49, is zoned H, Hamlet and contains approximately 1.25 acres of land.

The Chairman asked if there were any present desiring to speak.

Mr. Peter Stith, Long Range Planner, indicated that the Planning Commission was recommending approval of this petition.

Mr. Wivell, the applicant, said that the mobile home has been totally remodeled in the last five years and upon questioning by Supervisor Hogg, confirmed that he could complete the installation of the mobile home within eighteen (18) months.

There being no further speakers, the public hearing was closed.

Motion was made by Mr. Bennett, seconded by Mr. LeMond, that Special Use Permit 2015-13 as petitioned by Timothy Wivell, be approved, conditioned upon the completion of the project within eighteen months. All members were present and voted "yes". The motion was unanimously passed.

Chairman Hubbard called to order the final public hearing as follows:

(8) Consider leasing of the following described property: All that certain main floor of the Eastville Inn located in Eastville and most recently operated as a restaurant. The Board proposes to enter a lease with Louise Oliver.

On behalf of the applicant, Mr. Stuart Oliver, presented his wife's proposal to the Board indicating that she would like to use the Eastville Inn for her catering business with the dining room available as a banquet and special events venue in conjunction with the core catering business. He said that her ultimate goal is to eventually service the courthouse contingent at lunch time and in time, to provide upscale dinner restaurant service reflective of the traditional historic aspects of the Inn. He noted that several part-time positions will be created with this lease.

There being no further comments, the public hearing was closed.

Motion was made by Mr. LeMond, seconded by Mr. Bennett, that the Board enter into a lease agreement with Mrs. Louise Oliver with such terms and conditions to be mutually agreed upon between the County Administrator and the applicant. All members were present and voted "yes." The motion was unanimously passed.

Citizens' Information Period (only matters pertaining to County business or items on Board agenda for which a public hearing has not already been scheduled).

The following comments were read and submitted by Mr. Robert Meyers:

For entry into the Public Record at the Northampton BoS Meeting on Sep 8, 2015 – RH Meyers, Exmore, Va

To: Board of Supervisors, Northampton County, VA

The following letter I am going to enter into the public record is from the Johns Hopkins Bloomberg School of Public Health. That is not Johns Hopkins University but an independent part of it. You have the highlights in front of you. I will only cover the highlights because the letter is too long to read in its entirety.

The letter is to the Somerset County MD Health Department from just 6 months ago

If there is any question about the applicability of these comments to Northampton County, please note that Somerset County shares a border with Accomack. It is just 41 miles from Northampton County.

I'll review the credentials for the organization that has compiled the data for this letter because those credentials are unquestionably the best you can find in the United States.

The Johns Hopkins Bloomberg School of Public Health (JHSPH) is part of Johns Hopkins University in Baltimore, Maryland, United States. As the first independent, degree-granting institution for research and training in public health, and the largest public health training facility in the United States,^{[1][5][6][7]} the Bloomberg School is a leading international authority on the improvement of health and prevention of disease and disability. The school's mission is to protect populations from illness and injury by pioneering new research, deploying its knowledge and expertise in the field, and educating scientists and practitioners in the global defense of human life.^[2] The school is ranked first in public health in the U.S. News and World Report rankings, and has held that ranking since 1994.

-Wikipedia

This report has far greater weight and authority than exists with anyone in this room or among the chicken industry promoting Confined Animal Feeding Operations. You will have information presented to you tonight that is far more important and authoritative than what some of you have referred to as coming only from a vocal minority. Some of those to whom you have referred have far more professional and scientific education and experience than those of you who may have made those references.

For entry into the Public Record at the Northampton BoS Meeting on Sep 8, 2015 – RH Meyers, Exmore, Va

The Johns Hopkins Center for a Livable Future
Bloomberg School of Public Health
615 North Wolfe Street, W7010
Baltimore, MD 21205

February 25, 2015

Mr. James C. Stelko
Somerset County Health Department
7920 Crisfield Hwy
Westover, MD 21871

Disclaimer: The opinions expressed herein are our own and do not necessarily reflect the views of The Johns Hopkins University.

To Whom It May Concern:

We are researchers at The Johns Hopkins Center for a Livable Future, based at the Bloomberg School of Public Health in the Department of Environmental Health Sciences. The Center engages in research, policy analysis, education, and other activities guided by an ecologic perspective that diet, food production, the environment, and public health are interwoven elements of a complex system. We recognize the prominent role that food animal production plays regarding a wide range of public health issues surrounding that system.

Below, we summarize the peer-reviewed scientific literature on the human health concerns associated with industrial broiler production, a model characterized in part by specialized operations designed for a high rate of production and large numbers of broilers confined at high density. This information is highly relevant to Somerset County, because in 2012 the county had an inventory of 14.9 million broilers – the largest of any county in Maryland, and the 6th largest in the United States (1). In 2012, there were 98 broiler operations in the county, 47 of which sold between 200,000-499,999 birds per operation, and 48 of which sold over 500,000 broilers per operation (1). Somerset is adjacent to counties with the second largest (Worcester) and fourth largest (Wicomico) broiler inventories in the state (1).

We are writing to present the known human health concerns associated with industrial broiler production, focusing on those that may affect citizens living near broiler operations in Somerset County.

Human health concerns associated with industrial broiler production include:

- Infections resulting from the potential transmission of harmful microorganisms from broiler operations to nearby residents, for example, via flies or contaminated air and water;

- Health effects, including asthma, bronchitis, allergic reactions, associated with exposures to air pollution from broiler operations;
- Health effects (e.g. thyroid problems, methemoglobinemia, neurological impairments, liver damage) associated with exposures to nitrates, drug residues, and other hazards that may be present in ground and/or surface waters contaminated by manure from broiler operations.

Disease transmission

Crowded conditions in industrial broiler operations present opportunities for the transmission of bacterial pathogens among animals, and between animals and humans (2). Human exposure to infectious agents can occur through multiple routes, including breathing contaminated air and drinking contaminated water (3-7).

Of additional concern is exposure to pathogens that are resistant to antibiotics used in human medicine. The non-medical use of antibiotic drugs as a means for growth promotion in animals has become commonplace – an estimated 80 percent of antibiotics sold for human and animal uses in the U.S. are sold for use in food-producing animals (8). Administering antibiotics to animals at levels too low to treat disease fosters the proliferation of antibiotic-resistant pathogens. Resistant infections in humans are more difficult and expensive to treat (9) and more often fatal (10) than infections with non-resistant strains.

A growing body of evidence provides support that pathogens can be found in and around broiler operations. In broiler operations that administer antibiotics for non-therapeutic purposes, broilers have been shown to be carriers of antibiotic-resistant pathogens (11-14) and these resistant pathogens have also been found in the environment in and around broiler production facilities, specifically in the litter (15), flies (16), and manure (17). Additionally, *Salmonella* and *Campylobacter* are highly prevalent among U.S. broilers, and *Campylobacter* is found in about 50% of mature samples (18). *Campylobacter* infections in people have led to gastrointestinal illness, neuromuscular paralysis, and arthritis (18).

Several studies have shown that workers in broiler operations are disproportionately exposed to pathogens: in a Dutch study, 5.6% of broiler workers were carriers of methicillin-resistant *Staphylococcus aureus* (MRSA) (19) vs. 0.01% of the general population, and broiler workers on the Delmarva Peninsula were found to have 32 times the odds of carrying gentamicin-resistant *E.*

¹ U.S. Food and Drug Administration: (FDA) voluntary industry guidelines continue to endorse the use of antibiotics in livestock production for "disease prevention", which allows for dosing that is largely indistinguishable from growth promotion, thus tolerating business as usual (45).

coli compared with other residents in the community (3). Colonized or infected workers may transport pathogens into their communities (3).

Manure runoff from broiler operations may introduce harmful microorganisms, such as *Campylobacter* (17), into nearby water sources. Land application of broiler manure may present an opportunity for pathogens contained in the manure to leach into the ground or run off into recreational water and drinking water sources, potentially causing a waterborne disease outbreak (17).

People living near broiler operations may be exposed to harmful microorganisms, which have been found to be spread in the air up to 3,000 meters from broiler operations (4). The shape and spread of this air flow varies with changes in wind patterns, making it difficult to predict which residents might be most affected (4). Still, infectious agents have been found or deposits of particulate matter several miles from operations (4). Harmful bacteria such as *Campylobacter* have been reported to enter and leave poultry operations via insects and massive ventilation systems (6). One study on Maryland's Eastern Shore found that current methods of transporting chickens in open-air trucks releases microorganisms into the surrounding environment, likely exposing nearby residents to these pathogens (7).

The elevated presence of flies near broiler operations can be more than just a nuisance: it also may facilitate residents' exposure to pathogens, including antibiotics-resistant strains of *Enterococci* and *Staphylococci* (6, 16). One (Ohio Department of Health) study found that residences within 0.5 mile of broiler operations were found to have 83 times the average number of flies of control households (19).

Air pollution from broiler operations

The air inside broiler operations contains elevated concentrations of gases, particulate matter, pathogens, endotoxins, and other hazards (5, 6, 16, 30-22). Airborne contaminants from broiler operations are transported from broiler houses through large exhaust fans and may pose a health risk to nearby residents (4, 6, 17, 23-28). Ammonia (29), particulate matter (17), endotoxins (27), and microorganisms (4, 6, 17) have been detected in air samples surrounding poultry operations. While there are currently few data available on odor, nitrous oxide, hydrogen sulfide, and non-methane volatile organic compound levels surrounding poultry operations, odors associated with air pollutants from intensive livestock hog operations have been shown to interfere with daily activities, quality of life, social gatherings, and community cohesion (25, 30, 31).

Exposure to airborne contaminants from broiler operations has been associated with a range of adverse health effects. Ammonia emissions have been implicated in respiratory health, with up to 50% of poultry workers suffering from upper respiratory illnesses that are believed to be due to ammonia exposure (23). Studies have shown that endotoxin exposure can exacerbate pre-existing asthma or induce new cases of asthma, and exposure was found to be a significant predictor of

chronic phlegm for poultry workers (25, 32). Particulate matter—consisting mainly of down feathers, mineral crystals from urine, and poultry litter in broiler operations—may also have detrimental effects on human health, causing chronic cough and phlegm, chronic bronchitis, allergic reactions, and asthma-like symptoms in farmers, and respiratory problems in people living in the vicinities of operations (27). Additionally, poultry workers demonstrated a high prevalence of obstructive pulmonary disorders, with increasing prevalence associated with longer exposure, regardless of smoking status (26).

A 2010 USDA study measured volatile organic compounds (VOCs) inside industrial broiler operations and found that close to 70% of VOCs included acetic acid, 2,3-butanedione, methanol, acetone, and ethanol (33); similar studies have not been conducted outside of broiler operations, and would help to characterize nearby residents' exposure to VOCs. It is important to note that even industrial broiler operations that employ best management practices and mitigation techniques have been shown to generate airborne contaminants (24).

Contaminated ground and surface water

Manure from broiler operations may contain nutrients, heavy metals, drug residues, and pathogens that can leach into groundwater or runoff into surface water (5, 28, 19, 34, 35). Studies have demonstrated that humans can be exposed to water-borne contaminants from livestock and poultry operations through the recreational use of contaminated surface water and the ingestion of contaminated drinking water (22, 35). Furthermore, the disposal and decomposition of diseased poultry carcasses may contaminate water sources and pose a threat to human health (19).

The nutrients nitrogen and phosphorus—naturally occurring in chicken manure—have been found in both ground and surface water near Maryland broiler chicken operations (36) and can have deleterious effects on water quality and human health (17, 19, 22, 26, 35, 37-39). A University of Maryland Eastern Shore pilot study found that 67% of private wells—which residents are responsible for testing and maintaining—failed to meet drinking water standards for total coliform, 36% tested positive for *E. coli*, and 31% failed the standards for total dissolved solids and pH (40). In one study, broiler chicken and corn production were associated with higher nitrate concentrations (naturally occurring in manure) in drinking water in Maryland wells (37). Ingesting high levels of nitrate has been associated with increased risks for thyroid conditions (22, 41, 42), birth defects and other reproductive problems (22, 42, 43), diabetes (22, 42), various cancers (42, 44), and methemoglobinemia (blue baby syndrome), a potentially fatal condition among infants (22, 45). Approximately 15,000 Somerset County residents rely on private wells for drinking water (45), so there is cause for concern regarding the spread of nitrate into groundwater drinking sources.

For entry into the Public Record at the Northampton CoS Meeting on Sep 8, 2015 – RH Meyers, Fxmore,va

Nutrient runoff has also been implicated in the growth of harmful algal blooms (17, 19, 38, 47), which may pose health risks for people who swim or fish in recreational waters, or who consume contaminated seafood. Exposure to algal toxins (such as the toxic dinoflagellate, *Pfiesteria piscicida*) has been linked to neurological impairments, liver damage, stomach illness, skin lesions, and other adverse health effects (38, 39, 48).

Finally, there may be health risks associated with exposure to drug residues and excreted hormones found in chicken manure-contaminated ground and surface water. Of particular concern is estradiol, which is naturally found at high levels in chicken manure and is an endocrine-disruptor in humans (49). Environmental estrogens such as estradiol may be linked to increased incidence of male reproductive tract disorders, reduced sperm counts, and increases in the frequency of female breast cancer (49). Estradiol has been found in Chesapeake Bay tributaries in levels high enough to induce estrogenic effects on aquatic organisms (19, 49). Increasing the number of chickens produced in the bay's tributaries would likely increase the amount of estradiol entering the bay through manure runoff, thereby increasing the potential for endocrine-disruption in humans through water-borne estradiol exposure.

Conclusion

A growing body of evidence has implicated industrial broiler production in the spread of infectious diseases (including antibiotic-resistant strains), the generation and spread of airborne contaminants, and the contamination of ground and surface waters. We hope our letter is helpful in describing some of the public health concerns associated with the potential expansion of broiler operations in Somerset County. Through our research, we know that health departments face many barriers addressing issues surrounding industrial farm animal production (50, 51), and we are prepared to serve as a resource to your office. Please do not hesitate to contact us if you have any questions.

Sincerely,

Robert S. Lawrence, MD, MACP, FACPM

The Center for a Livable Future Professor in Environmental Health Sciences
 Professor, Departments of Environmental Health Sciences, Health Policy and Management, and
 International Health
 Johns Hopkins Bloomberg School of Public Health
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References

1. United States Department of Agriculture Census of Agriculture. (2012). *Poultry Inventory and Sales 2007 and 2012*. Washington, D.C.: National Agricultural Statistics Service. Retrieved from http://www.agcensus.usda.gov/Publications/2012/Full_Report/Volume_1_Chapter_3_County_Level/Maryland/
2. Gomes, A. V. S., Quinceiro-Filho, W. M., Ribeiro, A., Feresz-do-Paula, V., Pinheiro, M. L., Baskevillle, E., ... Palermo-Nero, J. (2014). Overcrowding stress decreases macrophage activity and increases *Salmonella* Enteritidis invasion in broiler chickens. *Avian Pathology: Journal of the W.P.A.*, 43(1), 82–90. doi:10.1080/03079457.2013.874006
3. Price, L. B., Graham, J. P., Lackey, L. G., Roca, A., Vailes, R., & Silbergeld, E. (2007). Elevated risk of carrying gentamicin-resistant *Escherichia coli* among U.S. poultry workers. *Environmental Health Perspectives*, 115(12), 1738–1742. doi:10.1289/ehp.10191
4. Buykov, B., & Stoyanov, M. (1999). Microbial air pollution caused by intensive broiler chicken breeding. *PLoS Microbiology-Ecology*, 29, 389–392. doi:10.1016/S0168-6496(99)00033-1
5. Spender, J. L., & Guan, J. (2004). Public health implications related to spread of pathogens in manure from livestock and poultry operations. *Methods in molecular biology (Clifton, N.J.)*, 268, 503–515. doi:10.1385/1-59259-766-1:503
6. Graham, J. P., Leibler, J. E., Price, L. B., Otto, J. M., Pfeiffer, D. H., Hensin, T., & Silbergeld, E. K. (2008). The Animal-Human Interface and Infectious Disease in Industrial Food Animal Production: Rethinking Biosecurity and Biocontainment. *Public health reports*, 223, 283–299.
7. Rule, A. M., Evans, S. L., & Silbergeld, E. K. (2008). Food animal transport: A potential source of community exposures to health hazards from industrial farming (CAFOs). *Journal of Infection and Public Health*, 1, 33–39. doi:10.1016/j.jiph.2008.08.001
8. U.S. Food and Drug Administration. Letter to The Honorable Louise M. Slaughter: Sales of Antibacterial Drugs in Kilograms. Washington D.C.; 2010.
9. Roberts RR, Hsu B, Ahmad I, Scott RD, Porter SD, Abbasi F, et al. Hospital and societal costs of antimicrobial-resistant infections in a Chicago teaching hospital: implications for antibiotic stewardship. *Clin Infect Dis An Off Publ Infect Dis Soc Am*. 2009 Oct 15;49(8):175–84.
10. Pilico GA, Nyman JA, Lexau C, Lees CH, Boukstedt LA, Chomá-Sabelli K, et al. Excess costs and utilization associated with methicillin resistance for patients with *Staphylococcus aureus* infection. *Infect Control Hosp Epidemiol*. 2010;31(4):365–73.
11. Davis, M. F., Price, L. B., Liu, C. M. H., & Silbergeld, E. K. (2011). An ecological perspective on U.S. industrial poultry production: The role of anthropogenic ecosystems on the emergence of drug-resistant bacteria from agricultural environments. *Current Opinion in Microbiology*, 14, 244–250. doi:10.1016/j.mib.2011.01.003
12. Smith, J. L., Drury, D. J. V., Dai, Y., Kim, J. M., Sanchez, S., Maurer, J. J., ... Lee, M. D. (2007). Impact of antimicrobial usage on antimicrobial resistance in commensal *Escherichia coli* strains colonizing broiler chickens. *Applied and Environmental Microbiology*, 73(5), 1404–1414. doi:10.1128/AEM.01193-06

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13. Price, L. B., Lackey, L. G., Valdes, R., & Silbergeld, E. (2007). The persistence of fluoroquinolone-resistant *Campylobacter* in poultry production. *Environmental Health Perspectives*, *115*(7), 1033–1039. doi:10.1289/ehp.10059
14. Siemon, C. E., Bahson, P. B., & Gebreyes, W. a. (2007). Comparative investigations of prevalence and antimicrobial resistance of salmonella between pasture and conventionally reared poultry. *Avian Diseases*, *51*(1), 112–117. doi:10.1637/1933-5334(2007)01[117:CKOPAA]2.0.CO;2
15. Graham, J. P., Evans, S. L., Price, L. B., & Silbergeld, E. K. (2009). Fate of antimicrobial-resistant enterococci and staphylococci and resistance determinants in stored poultry litter. *Environmental Research*, *109*(6), 682–689. doi:10.1016/j.envres.2009.05.005
16. Girault, J. P., Price, L. B., Evans, S. L., Graczyk, T. K., & Silbergeld, E. K. (2009). Antibiotic resistant enterococci and staphylococci isolated from flies collected near confined poultry feeding operations. *Science of the Total Environment*, *407*(8), 2701–2710. doi:10.1016/j.scitotenv.2008.11.056
17. EPA. (2013). Literature review of contaminants in livestock and poultry manure and implications for water quality. (July), 1–117. doi:EPA-820-R-13-002
18. Mulders, M. N., Haenen, P. J., Geenen, P. L., Vesseur, P. C., Poldermaat, E. S., Bosch, T., ... Van De Giessen, S. W. (2010). Prevalence of livestock-associated MRSA in broiler flocks and risk factors for slaughterhouse personnel in The Netherlands. *Epidemiology and Infection*, *138*, 743–755. doi:10.1017/S0950268810000075
19. Gierhut, P., Ochi, C., Steinfield, H. (2008). Poultry production and the environment: a review. Animal Production and Health Division, Food and Agriculture Organization of the United Nations. Available online at: http://www.fao.org/Ag/Aginfo/home/events/bangkok2007/docs/part2/2_2.pdf
20. Donham, K. J., Wing, S., Ostlerberg, D., Flans, J. L., Hodne, C., Thu, K. M., & Thorne, P. S. (2007). Community health and socioeconomic issues surrounding concentrated animal feeding operations. *Environmental Health Perspectives*, *115*, 317–320. doi:10.1289/ehp.8836
21. Kivychuk, S. P., Duszman, J. A., Reynolds, S. J., Willson, P., Senhilselvan, A., Feddes, J. J. R., ... Guenther, W. (2006). Inhaled dust and endotoxin in poultry operations: comparison between cage and floor housing and respiratory effects in workers. *Journal of occupational and environmental medicine / American College of Occupational and Environmental Medicine*, *48*, 741–748. doi:10.1097/JOM.0b000216213.39521.3e
22. Burkholder, J., Libra, B., Weyer, P., Heathcote, S., Kolpin, D., Thorne, P. S., & Wichman, M. (2007). Impacts of waste from concentrated animal feeding operations on water quality. *Environmental Health Perspectives*, *115*, 308–312. doi:10.1289/ehp.8839
23. Nahn, K. H. (2005). Environmental Effects of Chemical Additives Used in Poultry Litter and Swine Manure. *Critical Reviews in Environmental Science and Technology*. doi:10.1080/10643380590966708
24. Kloe, J. M., Caldwell, H. F., Humenik, P. J., (Eds.). (2006). Animal Agriculture and the Environment: National Center for Manure and Animal Waste Management White Papers, ASABE: Publ. Number 913C0306, St. Joseph, MI.
25. Heederik, D., Sigsgaard, T., Thorne, P. S., Kline, J. N., Avery, R., Banlykke, J. H., ... Merchant, J. A. (2007). Health effects of airborne exposures from concentrated animal feeding operations. *Environmental Health Perspectives*, *115*, 298–302. doi:10.1289/ehp.8837

For entry into the Public Record at the Northampton BoS Meeting on Sep 8, 2015 – RH Meyers, Exmore, Va

25. Vieira, S., Faison, V. M., Dias, H., C'Erigo, e, Carolino, E., & Viegas, C. (2013). Occupational exposure to poultry dust and effects on the respiratory system in workers. *Journal of toxicology and environmental health. Part A*, 76, 250–9. doi:10.1080/15287394.2013.757199
27. Cambre-Lopez, M., Aarnink, A. J., Zhao, Y., Galva, S., & Torres, A. G. (2010). Airborne particulate matter from livestock production systems: a review of an air pollution problem. *Environ Pollut*, 158, 1–17. doi:10.1016/j.envpol.2009.07.011
28. Graham, J. P., & Naclorian, K. E. (2010). Managing waste from confined animal feeding operations in the United States: The need for sanitary reform. *Journal of Water and Health*, doi:10.2166/wh.2010.075
29. Fairchild, B. D., Czarick, M., Harper, L.A., Worley, J.W., Ritz, C.W., Hale, B.W. (2009). Ammonia concentrations downstream of broiler operations. *Journal of Applied Poultry Research* 19, 630-679. doi: 10.3382/japr.2008-00126
30. Dunham, K. J., Wang, S., Osterberg, D., Flora, J. L., Hoshe, C., Thu, K. M., & Thorne, P. S. (2007). Community health and socioeconomic issues surrounding concentrated animal feeding operations. *Environmental Health Perspectives*, 115, 317–320. doi:10.1289/ehp.8836
31. Wang, S., & Wolf, S. (2009). Intensive livestock operations, health, and quality of life among eastern North Carolina residents. *Environmental Health Perspectives*, 119, 233–238. doi:10.1289/ehp.00108233
32. Kirystuk, S. P., Doonan, J. A., Reynolds, S. J., Willson, P., Senthilselvan, A., Fuxides, I. L. R., & Guenter, W. (2006). Total dust and endotoxin in poultry operations: comparison between cage and floor housing and respiratory effects in workers. *Journal of occupational and environmental medicine / American College of Occupational and Environmental Medicine*, 48, 741–748. doi:10.1097/jom.0b00216215.39521.3e
33. Trabue, S., Soogun, K., Li, H., Burns, R., Xin, H., & Halfield, J. (2010). Speciation of volatile organic compounds from poultry production. *Atmospheric Environment*, 44, 3538–3546. doi:10.1016/j.atmosenv.2010.06.009
34. Naclorian, K. E., Graham, J. P., Price, L. B., & Silbergeld, K. (2005). Arsenite: A roadblock to potential animal waste management solutions. *Environmental Health Perspectives*, 113, 1123–1124. doi:10.1289/ehp.7831
35. Edwards, D. R., & Darie, J. C. (1992). Environmental impacts of On-Farm poultry waste disposal. A review. *Bioresource Technology*. doi:10.1016/0960-8524(92)90094-F
36. Becker, K. A., Fisher, T. R., & OsofsNeil, J. M., & Jason, R. V. (2011). Characterization and comparison of stream nutrients, land use, and loading patterns in Maryland coastal bay watersheds. *Water, Air, and Soil Pollution*, 221, 255–273. doi:10.1007/s11270-011-0788-7
37. Lichtenberg, E., & Shapiro, L. K. (1997). Agriculture and Nitrate Concentrations in Maryland Community Water System Wells. *Journal of Environment Quality*. doi:10.1135/jeq1997.00472425002600010022x
38. Heisler, J., Gliere, P. M., Burkholder, J. M., Andersen, D. M., Cochlan, W., Douman, W. L., ... Saddleson, M. (2008). Eutrophication and harmful algal blooms: A scientific consensus. *Harmful Algae*, 8, 3–13. doi:10.1016/j.hal.2008.08.006

For entry into the Public Record at the Northampton BoS Meeting on Sep 8, 2015 – RH Meyers, Exmore, Va

39. Doloh, F. M., Van, Roelke, D., & Greene, R. M. (2001). Health and Ecological Impacts of Harmful Algal Blooms: Risk Assessment Needs. *Human and Ecological Risk Assessment: An International Journal*. doi:10.1080/20018091095032.
40. Cotton, C., & Claman, S. (2010). Safe drinking water clinics: education homeowners on the Eastern Shore of Delmarva. Abstract retrieved from <http://ms.watersupply.org/conferences/2010/PDF's/Cotton.pdf>
41. Aschebrook-Kilfoy, B., Heltshe, S. L., Nuckols, J. R., Sabra, M. M., Shuldiner, A.R., Mitchell, B.D., et al. (2012) Modeled nitrate levels in well water supplies and prevalence of abnormal thyroid conditions among the Old Order Amish in Pennsylvania. *Environmental Health* 11 (1);6.
42. Ward, M. H. (2009). Too Much of a Good Thing? Nitrate from Nitrogen Fertilizers and Cancer. *Reviews on Environmental Health*. doi:10.1515/REVEH.2009.24.4.357
43. Manassaram, D. M., Backer, L. C., & Moll, D. M. (2006). A review of nitrates in drinking water: Maternal exposure and adverse reproductive and developmental outcomes. *Environmental Health Perspectives*. doi:10.1289/ehp.8407
44. Chiu, H.-P., Tsai, S.-S., & Yang, C.-Y. (2007). Nitrate in drinking water and risk of death from bladder cancer: an ecological case-control study in Taiwan. *Journal of toxicology and environmental health Part A*, 70, 1000–1004 doi:10.1080/15287390601171801
45. Knobloch, L., Salza, B., Hogan, A., Postle, J., & Anderson, H. (2000). Blue babies and nitrate-contaminated well water. *Environmental Health Perspectives*. 108, 675–678. doi:10.1289/ehp.00108675
46. United States Geological Survey (USGS). (2015, Feb 18). *USGS Water Use Data for the Nation*. Retrieved February 18, 2015 from <http://waterdata.usgs.gov/nwis/wu/>
47. Anderson, D. M., Burkholder, J. M., Cochlan, W. D., Gilbert, P. M., Gobler, C. J., Heil, C. A., ... Vargo, G. A. (2008). Harmful algal blooms and eutrophication: Examining linkages from selected coastal regions of the United States. *Harmful Algae*, 8, 39–53. doi:10.1016/j.hal.2008.03.017
48. Van Dolah, F. M. (2000). Marine algal toxins: Origins, health effects, and their increased occurrence. *Environmental Health Perspectives*. doi:10.1289/ehp.00108s1-43
49. Dsrabawila, N., & Gupta, G. (2005). Endocrine disrupter--estradiol--in Chesapeake Bay tributaries. *Journal of hazardous materials*, 126, 67–71. doi: 10.1016/j.jhazmat.2004.12.051
50. Fry, J. P., Laestadius, L. J., Grechis, C., Nachman, K. E., & Neff, R. A. (2013). Investigating the Role of State and Local Health Departments in Addressing Public Health Concerns Related to Industrial Food Animal Production Sites. *PLoS ONE*, 8. doi:10.1371/journal.pone.0054720
51. Fry, J. P., Laestadius, L. J., Grechis, C., Nachman, K. E., & Neff, R. A. (2014). Investigating the role of state permitting and agriculture agencies in addressing public health concerns related to industrial food animal production. *PLoS ONE*, 9. doi:10.1371/journal.pone.0089870

END OF REPORT BY JISPI

Bay Journal



Environmentalists seek moratorium on new Eastern Shore chicken houses

DONATE

Rora Kobell September 07, 2015



A coalition of environmental organizations on Tuesday will call for Maryland to consider an immediate moratorium on allowing more poultry houses to be built on the Eastern Shore.

The groups are responding to a report from the Washington-based Environmental Integrity Project that raises concerns about the number of poultry houses that have been permitted during

the past two years. That, in turn, could increase the amount of manure that will need to be transferred to other farms within the Delmarva Peninsula, where large amounts of land are already saturated with phosphorus from chicken litter.

In addition, the report contends that Maryland has stopped long-term water quality monitoring at several sites that were in the middle of chicken country. Without that information, the EIP report said, state officials have no way of knowing whether recent efforts to control pollution from chicken litter are effectively reducing excess manure applications and the amount of phosphorus reaching waterways.

In addition to EIP, those calling for a moratorium include the Maryland Clean Agriculture Coalition, the Johns Hopkins Bloomberg School of Health's Center for a Livable Future, Food & Water Watch, Waterkeepers Chesapeake, the Midshore Riverkeeper Conservancy, and Assateague Coastkeeper.

They will be making the announcement at noon Monday in a telephone press conference.

The EIP report looked at how many poultry houses were coming online, how large they were and where they were being placed before coming up with its recommendations. Maryland produced 305 million chickens in 2013, with the vast majority of its production coming from its eight Eastern Shore counties where 361 operations generated 215,349 tons of chicken litter containing more than 5 million pounds of phosphorus. About three-quarters of that phosphorus went to other farms on the Shore.

Adding to the problem is the rapid increase in the number of poultry houses that have been permitted this year. Somerset County alone has approved close to 70; Accomack County, VA, has 84 in the pipeline; Kent, DE, is looking at 50. If all those poultry houses come online, the EIP report estimates they will increase chicken production by nearly 27 million birds.

In many cases, local zoning laws are allowing the houses. Farmers are building large chicken houses and often have little, if any,

cropland; the property consists only of chicken houses and perhaps a small trailer or home for a manager. As a result, those properties need to transport manure to other farms with suitable soils. Complicating the problem is that soils in large areas of the Eastern Shore have become so saturated with phosphorus that they cannot accept additional chicken litter without increasing phosphorus runoff, which then spurs algae blooms in rivers and the Bay.

Agriculture is the largest source of phosphorus pollution to the Chesapeake, and manure is the largest source of the agricultural phosphorus. But the state eliminated nine of 16 long-term monitoring stations in the area because of cuts from the federal state Chesapeake Bay Program, according to EIP's report. Two of those stations are on the Pocomoke River, which was at the heart of the 1997 *Pfiesteria* scare. Scientists later said that poultry manure may have contributed to the water quality problems blamed for the outbreak of *pfiesteria*, a harmful algae which was alleged to have sickened many fishermen while causing widespread panic about the safety of water contact. The state also cut all of the stations on the Transquaking River, where 92 percent of the phosphorus comes from agriculture runoff.

Gov. Larry Hogan's administration this year published a rule in the Maryland Register that would phase in regulations by 2024 that would limit the amount of phosphorus farmers could place on their fields. The so-called phosphorus management tool is supposed to help Maryland meet its Chesapeake Bay cleanup goals. But, EIP analyst Courtney Bernhardt argued that the lack of monitoring in key areas means state officials won't know if the PMT is working.

"They need a strong baseline," Bernhardt said. "Without it, they're not going to be able to track progress. They won't be able to get a complete picture with the stations left behind... they've put so much effort into the PMT. To cut its feet off doesn't make sense."

The report, "More Phosphorus, Less Monitoring," can be found on the Environmental Integrity Project's web site, www.environmentalintegrity.org

Category: [Pollution](#)



About Rona Kobell

Rona Kobell is a former writer for the Baltimore Sun. [Send Rona an e-mail.](#)

[Read more articles by Rona Kobell.](#)

Comments

Post A Comment:

Name (required):

Email Address (required) (Will not be published)

Comment

Mrs. Janet Sturgis provided the following comments:

226

This is for public record. Please enter into minutes of this BoS meeting
(three pages plus the literature review pages and the Johns Hopkins Letter)

Janet Sturgis
Comments to the, Northampton Co. BoS
September, 8, 2015

I reference the letter read by Mr. Meyers, authored and signed by the esteemed faculty, of the Bloomberg School of Public Health, Johns Hopkins Center for a Livable Future, Johns Hopkins University.

- I wish to submit this document as scientific evidence supporting the claim that industrial poultry operations, in Northampton Co. VA. would detrimentally effect the health, safety, and welfare of this county's citizens, and therefor entitles and requires this county to protect its citizens , through regulation and enforcement of setback requirements and other zoning tools pertaining to these types of operations, otherwise known as CAFOs.
- The Right to Farm Acts, specifically states that measures can be enacted to regulate agricultural activities, if deemed necessary to protect the health, safety, and welfare of the community.
- Proponents of industrial poultry operations in Northampton, have dismissed this letter, addressed to the Health Director of Somerset County, as irrelevant and without merit. THEY offer no scientific data of their own in repudiation, only comments like "bunk." They refer to peer reviewed literature as "so-called studies" and ignore the significance of the requirement that these studies be replicable in any setting , whether in Somerset Co., Arkansas, or Thailand in order to be published.
- I am submitting, for inclusion in tonight's record, a literature review, containing a list of articles, most of which are peer reviewed or based on peer reviewed studies, and other bits of corroborated information, that support the claim that CAFOs represent a clear and significant public health threat in Northampton Co.
- The literature review references topics of concern relating to CAFOs, such as groundwater contamination and underestimated projected usage figures, zoonotic disease threats and transmission, including avian influenza , nutrient runoff, vermin, odors, Vibrio and other pathogens, endocrine disruptors, and more,
- Northampton Co. citizens must be protected from an industry , that in many instances continues to show inadequate success in self regulation, shows little apparent regard to possible depletion of our limited fragile aquifer, will not allow researchers to test for bacteria and contaminants in the poultry house environment citing biosecurity

concerns(knowing full well, that modern techniques can trace these through fingerprinting methods in the lab). Some of these companies will not release feed ticket labeling, as they continue to use antibiotics as growth promoters citing proprietary concerns to circumvent scientific and public questions over the use of medically significant antibiotics in poultry feeds, and the associated proliferation of antibiotic resistant pathogens. One industry advocate asked the Maryland legislature to make it illegal to release the name and location of poultry farms experiencing outbreaks of avian influenza, even as concerns arouse over transmissions to human victims. The sudden proliferation of large CAFOs with their flocks reaching tens of thousands and possibly hundreds of thousands contribute significant danger through interface between poultry and humans and facilitates the potential for the mutation and spread of avian flu strains into human populations.

- The poultry industry is undergoing rapid expansion. This expansion is seeing building projects, and numbers in flocks that could not have been foreseen by past planning commissions i.e. millions and millions of chickens. We are dealing with a situation that could be fraught with unintended consequences, resulting in long term serious public health ramifications. We are only beginning to see the deleterious effects of longterm application of poultry manure, runoff from CAFO operations, and overuse of our limited groundwater resources in areas of existing CAFO operations.
- Poultry industry officials may offer several "new" innovations and methods to address ammonia, phosphorus, odors, presence of pathogens in manure, etc. I have included a number of studies about ammonia scrubber technology and development and application of alum in poultry houses. New generation ammonia scrubbers will either use huge amounts of water or be dependent on acids. Alum may help with ammonia issues, and bind a good percentage of phosphorus, but these technologies have not been proven, and raise questions about licensing and safety for storage, transport, and application of these chemicals. Studies point to reduced numbers of bacteria, including pathogenic ones, in soils treated with manure with alum. However, we see a shift in the biota of those soils to fungi, many dangerous and pathogenic in their own right. What effects will that have on soils in the long term, and on neighboring bodies of water?
- I acknowledge that Industrialized Poultry Farming may be suitable for other areas however the evidence clearly defines conditions of geography, water, and the ability to dispose of the waste in all forms. These conditions are not compatible to Northampton County.
- If it should be determined by a majority of the BOS this type use is to be permitted, I would recommend the following setback requirements as a minimum:
- 1000' from property lines
1500' from any existing residence
1500', from any residential use building, including property opposite a public road right of way (to include schools, churches, offices etc)
A plan defining the area to dispose of all waste products generated on site for the life of the building
a plan acceptable to the State Veterinarian and DEQ defining the area to dispose of dead poultry

- I respectfully ask all Northampton Co. farmers, and the local farm lobby members, to carefully examine this research before deciding to engage in and/or support CAFOs here. We are all concerned for our, and our future generations' health, safety and welfare.

Please read/ enter into the Meeting record
Four pages

Literature Review
CAFOs for BoS and general distribution

Janet Sturgis
jsturgis54@icloud.com
The case against CAFOs in Northampton County, VA
9/8/2015

CAFO literature review

Letter from Johns Hopkins School of Public Health faculty, citing CAFO public health dangers and concerns
http://www.hsph.edu/research/centers-and-institutes/johns-hopkins-center-for-a-livable-future/pdf/about_us/FSPP/IFAP/2011/02/Letter%20to%20former%20Co%20Health%20Officer.pdf

Public health concerns, poultry industry
<https://www.nlm.nih.gov/medlineplus/ency/article/000016.htm>
(explains "blue baby" syndrome due to nitrate exposure)

<http://www.cdc.gov/nceh/topics/poultry/breed.html>

Dangerous fungi isolated in poultry litter
<http://www.ncbi.nlm.nih.gov/pubmed/23095152>

Avigen, turkey producer in West Va has fears concerning avian influenza and seeks help from West VA Legislature with ban on chicken manure spreading
http://www.legis.state.wv.us/committees/interims/int_highlights/interim_2012_issue2.pdf

CDC avian influenza report
<http://www.cdc.gov/flu/avianflu/avian-in-birds.htm>

Avian flu strains could easily mutate
<http://www.sciencelert.com/new-vaccines-effective-against-h5n1-h7n9-avian-influenza-strains>

Poultry manure and endocrine disruptors

http://extension.umd.edu/sites/default/files/_images/programs/anmp/ankos%20-%20Poultry%20Litter%20Webinar.pdf

<http://www.dnr.state.md.us/streams/pdfs/flshernoonseminarpresentation.pdf>

<http://www.pbs.org/wgbh/pages/frontline/poisonedwaters/themes/endocrine.html>

Bad odors and human health

<http://www.urairio.wisc.edu/pd/2062.pdf>

http://faculty.washington.edu/ab/docs/basics/Biosolids_and_odor.pdf

Phosphorus Management study, Perdue Business School, Salisbury University

<http://mda.maryland.gov/Documents/pml-analysis.pdf>

Chicken industry unhappy with Phosphorus Management Study

http://articles.baltimoresun.com/2014-09-22/news/bs-ec-perdue-20140922_1_perdue-lawyer-jim-perdue-maryland-chamber

<http://www.demarynow.com/story/news/local/maryland/2014/11/07/maryland-chicken-study/18646059/>

FPA Literature Review, manure and water quality. Numerous studies cited at end of report

<http://water.epa.gov/scitech/coll/upload/Literature-Review-of-Contaminants-in-Livestock-and-Poultry-Manure-and-Implications-for-Water-Quality.pdf>

University of Maryland, water figures for poultry farms. These recommendations greatly exceed what will require DEQ permits.

https://extension.umd.edu/sites/default/files/_docs/2012_DPI-PoultryFarmWaterSupply-Campbell.pdf

Important study on *Vibrio* species in the marine environment, citing antibiotic resistance, prevalence in waters contaminated with poultry manure nutrients, etc.

<http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3334932/>

The poultry industry will cite recent advances in ammonia scrubbers, alum treatment of poultry litter, introduction of new feeds with HAP corn etc. , and other environmental remediation efforts. There are issues concerning these technologies, as they involve toxic wastes, transport, storage and use of hazardous chemicals, additional waste water, increased costs of production, and/ or heavy consumption of groundwater.

<http://youtu.be/GbTULyLwK5Qu>

<http://www.extension.org/pages/67563/development-of-an-acid-scrubber-for-reducing-ammonia-emissions-from-animal-rearing-facilities#.Ver0sF3arU>

http://airquality.osu.edu/workshops/Pages/MitigatingAmmonia2012/PDFs/2_zhao.pdf

http://www.ars.usda.gov/research/projects/projects.htm?ACCN_NO=420859&fy=2013

<http://www.extension.org/pages/23967/using-liquid-aluminum-sulfate-to-reduce-poultry-house-ammonia-emissions#.VesTt3T3arU>

<https://extension.tennessee.edu/publications/Documents/Info%20318.pdf>

<http://www.ars.usda.gov/ars/archive/nov06/alum1106.pdf>

<http://www.ncbi.nlm.nih.gov/pubmed/18648040>

http://www.researchgate.net/publication/45285510_Phosphatase_activities_in_soil_after_repeated_untreated_and_alum-treated_poultry_litter_applications

<http://www.scienc2.gov/topicpages/a/a.um-treated+poultry+litter.html>

http://water.epa.gov/polwaste/nps/upload/chesbay_guidance-all.pdf

<http://www.extension.org/pages/63429/feeding-corn-to-poultry#.VesUocT3arU>

http://www.udel.edu/FREC/bernard/HAP/hap_home.html

Poultry industry arguments

<http://www.dalmarvanow.com/story/news/local/maryland/2015/06/06/delmarva-health-poultry/2862257/>

Slide show presented to Bedford County officials

<http://landandtable.com/2014/06/bedford-ag-board-presentation-on-industrial-livestock/>

One in five Maryland poultry farms in violation of reporting requirements.

<http://www.baltimoreun.com/features/green/blog/bal-maryland-hickon-farms-fined-for-reporting-lapses-2014-02-10-story.html>

* * * * *

Mrs. Roberta Kellam stated that the Board has invited a poultry industry expert to attend its next work session but Dr. Mike Chandler has still not been invited to discuss the proposed PUD language and questioned why the Board's legal counsel proposed such language. Mrs. Kellam also thanked the Board for its support of the Birding Festival.

Mrs. Martina Coker read the following comments:

DRAFT

Comments for the Northampton County Board of Supervisors Meeting September 8, 2015

Martina Coker

Cape Charles, VA

I actually submitted these comments to be read into the record at the Board of Supervisor's meeting of August 11, but I understand that this was not done. I have concerns about that sort of selective presentation of citizen comments. It is not up to the Administration to decide what comments should be shared with the Board of Supervisors.

I remain concerned that the process of this proposed rezoning is not in compliance with the Code of VA and has the potential to be extremely detrimental to the financial health and well-being of the citizens of our County. VA Code describes various studies to be considered in the development of zoning ordinances. Mr. McSwain stated in a public hearing on March 11, 2014 that "We (the County) have limited studies on issues of that nature, however the planning process we went through for the past ten years gave us a lot of insight into those issues." Ironically, the proposed Zoning Ordinance does not support documented public input. The public overwhelmingly supports the protection and preservation of our community and natural resources, including our aquifer and surface water, the rural environment, and habitat based on Public Input sessions held in 2012 and previous to that.

This process has been incredibly chaotic and the changes proposed are not supported by public desire nor by data.

There is much current discussion about the poultry industry, so I will not belabor this issue, however I am providing an article on the impact of industrial poultry facilities on the quality of life and on residential property values of those residing near them in Maryland. The article is titled "Poultry Mega-Houses forcing Shore residents to flee stench, traffic" The fact that this one, major issue remains so controversial shows the impact of unintended consequences. And this is just one issue. At the June 29, 2015 Board of Supervisor's meeting, Chairman Hubbard stated "If you currently have a house, I assume your intent was not to have a business next to you, like bait and tackle." This proposed Rezoning is so poorly thought through that basic protections that residents now enjoy are threatened. Mr. McSwain acknowledged at the March 11, 2014 public hearing that the impact of the proposed changes on property values has not been analyzed. The majority of the County's revenue comes in the form of Residential Property taxes. How can you possibly go ahead with a document that has been patched and repatched over time and for which no analysis of the impacts has been made. A great deal of money has been wasted in staff time and the specter of legal challenges looms. You are threatening the primary source of the County's revenue with this document, along with the currently viable industries within the County such as tourism and aquaculture. There has been no rationale presented that would indicate that this rezoning would provide more good paying jobs within the County, or help with other areas that need to be addressed such as medical care, a prepared workforce, education, and broadband. Where is the rationale for this major overhaul??

It would be irresponsible for you to go forward with this rezoning document. Changes can be made to our current zoning with Zoning Text amendments at any time and some desired changes could have been made at least two years ago if staff had not asked Roberta Kellam and me to cease progress in lieu of this unnecessary overhaul.

Your constituents deserve a much more thought out and supported document than this unprofessional piece of work.



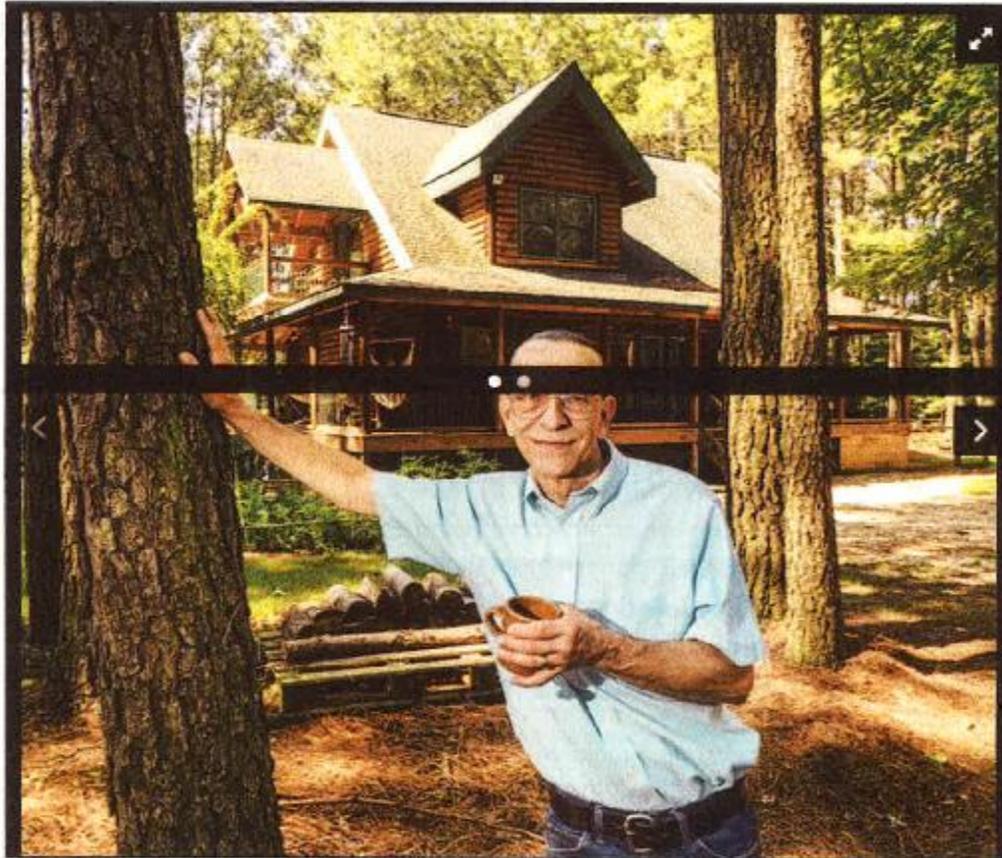
Poultry mega-houses forcing Somerset County residents to flee

DONATE

New buildings hold a lot more birds on smaller lots, causing stench, possible health issues...

Rena Kopell July 14, 2025

3



Thomas Kerchner is selling his retirement dream house. More than 50 poultry houses have sprung up within a 3-mile radius since he and his wife moved in. (Dave Harp)

When Thomas Kerchner married his wife, Sherri, he promised to build her dream home for their retirement years. She had always wanted a log home, so they purchased a lot on a back-country road in Princess Anne, MD, and he designed a home perfect for hosting grandchildren and enjoying country breezes.

Now, the Kerchners are selling that home. Poultry mega-houses have sprouted in their area where trees used to sway, bringing with them tons of manure, industrial-level traffic and the stench of ammonia. Neighbors point to more than 50 chicken houses within a 3-mile radius of the Backbone Road corridor, off Peggy Neck Road and close to the Manokin River, one of the state's most polluted. At least 67 more chicken houses are permitted and in various stages of construction in Somerset County.

The houses are on parcels with no cropland. Each is about 66 feet wide by 500 feet long, a style that Mountaire, one of the nation's largest poultry companies, calls the "Big House" concept. They are both larger than the traditional chicken houses and packed with more birds. Mountaire grows chickens on the Shore, though some of the new houses are for Tyson growers.

The Kerchners and their neighbors are pushing back, trying to persuade Somerset County to take into account the health and quality of life for residents when considering these operations. In Somerset, as in many other counties, the poultry houses are permitted in residential/agricultural zones. In contrast to an industrial operation like a rendering plant, these poultry houses can sit next to homes. And unlike a farm with grain and corn crops, they can sit on just a few acres.

"I dare any of the people on the county commission — or anyone just about — to tell me that they would want their grandchildren to grow up 300 or 400 feet from one of these complexes. I don't believe that it's true," Kerchner said. "And I'm sick to death of them saying that these are family farms. They are farms like a steel mill is a blacksmith shop. There's no comparison."

The poultry industry is changing rapidly — not just on the Delmarva Peninsula, which was home to 565 million birds in 2013. In Arkansas, chicken companies are talking about building double-decker chicken houses, which can accommodate twice as many birds as the houses currently do. Most houses on Delmarva house at least 20,000 birds in a flock. With the birds staying for their six-week growing period, that can be close to 200,000 chickens cycling through a house in a single year.

can be found. The state requires permitted manure storage facilities for these houses, but storage can leave manure vulnerable to washing into streams if improperly covered.

Richardson doesn't see the larger-scale houses as a negative. Nguyen, for example, planted more trees and set some of the houses farther back from the road than the law required. In one case, he would have needed a variance to build in wetlands, and decided not to build, according to neighbors.

"With these bigger farms, there does come new responsibilities," Richardson said. "They're burning their own bridges in the long run if things aren't done right."

Nguyen did not return calls from the Bay Journal.

Many of the neighbors who oppose the chicken houses are not new to the Shore. They're familiar with the old model of chicken farming, and bought their properties assuming some poultry farmers would be their neighbors.

"I grew up in Pocomoke, around chicken houses. These are not those chicken houses. The density is not the same," said Linda Cultone, who moved to Princess Anne with her husband, Charlie, from Wallops Island.

At first, the Cultones said, they saw one chicken house. Then, plans called for them to be "surrounded." Charlie Cultone said.

On Palmella Church Road, just a few blocks from the Cultone's home, dozens of chicken houses surround five single-family homes. Linda says when she walks her dog at night, she can see the dust from the chicken fans. On a winter day, the ammonia in the air was pungent. No one had their windows open, and no one was outside. About a mile away from the road is a daycare center. It sits near to a ditch which drains from the new operations.

Residents lobbied Somerset County to update the zoning code and create bigger setbacks from the road. Currently, the county requires a 200-foot setback, a distance required by several other Shore counties. Caroline requires 600 feet. Somerset County planning director Gary Pusey said his department has recommended changes to the planning commission and would like the matter to come before a public hearing. The

Category: [Conservation & Land Use](#) [Pollution](#)



About Rona Kobell

Rona Kobell is a former writer for the Baltimore Sun. [Send Rona an e-mail.](#)

[Read more articles by Rona Kobell.](#)

Comments

Rachel Pugliese on July 13, 2015:

We are seeing a similar phenomenon in Virginia with the influx of oyster aquaculture facilities in residential neighborhoods on the water. Calling these "farms", when they are commercial businesses.

Kate McAloon on July 14, 2015:

I ask in all seriousness, Ms. Pugliese: how does oyster farming negatively affect you? Is there a smell? Are chemicals used in the farming of oysters? Are the problems the neighbors to these chicken farms having (smell, chemicals in runoff) the same problems in oyster farming or its neighbors?

Rona on July 15, 2015:

I'm curious, too. Oyster farms are generally a net benefit for the water. I can understand a neighbor having issues, but most of the ones I know are working with their neighbors to resolve them. I would like to know about your particular case. I

* * * * *

Mrs. Mary Miller read the following comments:

Public Comment to the Northampton County Board of Supervisors Sept. 8, 2015
Mary Miller, Eastville

I understand from the Minutes that you will continue discussion with the Planning Commission on required ordinance language for Agritourism.

You received county Staff's interpretation of the new Code language---which was that "Agritourism activities" could **not** be regulated by the county if they were conducted on working farms. With respect for their interpretation, that's not quite what the Code actually says.

The Code requires that a very broad range of "agritourism" activities be permitted, By Right "*on property that is zoned as an agricultural district*". The Code goes on to allow a locality to make an exception to By Right use, if "*there is a substantial impact on the health, safety, or general welfare of the public*". I didn't hear either of those concepts included in the Staff's interpretation.

The draft ordinance forwarded to you by the Planning Commission allows "Agritourism activities" By Right on working farms, *not only* in the Agricultural/Rural Business Districts, about 80% of the county, but also in almost every other current zoning district, including Waterfront Hamlets and Existing Subdivisions on parcels previously zoned agricultural.

After comparing ordinance language of other rural Virginia counties, Northampton appears to be the odd one out. Counties researched allow Agritourism on working farms, by-right, in Agricultural zoning districts only---while permitting many specified Agritourism uses in other districts, as we do, i.e. Lancaster, Middlesex, Westmoreland, Mathews, King and Queen, Albemarle and Pulaski. Many address winery and micro-brewery activities separately.

Both Virginia Beach, which was used as a reference by the Planning Commission, and Albemarle County, which is used as a reference by most other rural Virginia counties, have tried for balanced language. High impact uses like concerts, amplified music, events with more than fifty participants, shooting ranges, camping and motorized vehicle activities are found to have a substantial effect on neighbors and the community at large, and they require Zoning Clearance or Special Use Permits---to control traffic, lights, noise and late night activity in rural neighborhoods.

I ask that you provide the Planning Commission with ordinance language from these other counties---so they have a wider frame of reference as they continue their discussion.

I request that these comments be inserted into the public record and Minutes of tonight's meeting.

* * * * *

Mrs. Nancy Proto said that the suggestion of hiring someone to specialize in public relations on behalf of the school system was a good idea.

Mr. Ken Dufty read the following comments:

DRAFT

Comments regarding Northampton
County's BoS Proposed Zoning Ordinance
Revisions

In the late 1990's, the Chesapeake Bay Bridge Tunnel Commission proposed a significant reduction in tolls that many thought would spur economic development in Northampton County. Some thought turning this county into a bedroom community for Virginia Beach and other western towns would generate more tax revenue and result in an economic boom. Others thought the increased pressure on our natural resources, such as drinking water from our sole source aquifer, loss of farmland and open space, increased congestion and resultant noise and traffic, as well as an overall impact to our rural quality of life would have a profound negative effect on this county's economic future.

To settle the debate, a 2003 study costing more than \$100,000 was commissioned entitled "Northampton County Sensitive Natural Resource Areas Report and Recommendations". Technical support for this report included the Northampton County Planning and Zoning Department, the College of William and Mary, Malcolm Pirnie, and the Accomack-Northampton Planning District Commission, as well as the Virginia Department of Environmental Quality and NOAA. Citizen stakeholders contributing to this report included Ed Tankard, Bert Turner, Ralph Dodd, Bo Lewis, and Bill Parr and several other stakeholders.

While the study was originally aimed at studying the sensitive natural resources on the southern tip of the county, in 2001 the NC BoS unanimously voted to expand the study to include the total area of the county, from the Barrier Islands to the coastal waters of the Bay.

The study assessed the impacts of potential development on Northampton County's natural resources including: forested lands, open space, groundwater resources, clean air, natural and marine habitat, wildlife and migratory bird habitat, and issues relating to the preservation of Northampton County residents' overall rural quality of life.

In short, the study looked at whether or not this county could sustain a large influx of residences and commercial and industrial growth.

The results of this \$100,000 study, commissioned by the Northampton County Board of Supervisors, resulted in a condemnation of efforts to lower tolls on the CBBT and that consideration was summarily abandoned.

Instructive to that effort is the Executive Summary of that 60-page report, which in 2003 stated that "Over the past 11 years, the Northampton County BoS has worked collaboratively with the Virginia DEQ to develop land use policies that protect the county's natural resources and promote sustainable development."

The body of that report summarized the findings in this quote: "Virginia's Eastern Shore is widely recognized as one of the most important natural ecosystems in the Eastern US. Its relatively undisturbed barrier islands, immensely productive and unpolluted bays and marshes, magnificent displays of nesting and migratory birds and splendid coastal scenes close to a major urban center and transportation corridor are threatened. Commercial and residential development of the narrow peninsula leading to pollution of the bays and a loss of forest cover are major threats to the ecosystem and to a unique lifestyle."

This report is your report, and was sanctioned and commissioned by this county. It is evidentiary proof....embodied in the official record.... that this county is unlike any other east of the Mississippi. Its findings conclusively dictate that this county government must do

everything it can to protect our sensitive ecosystem, groundwater, air quality, and overall rural quality of life. As you have been told countless times over the last 18 months, in order for you to summarily dismiss all of the protections that your predecessors put in place to protect this county, those measures must be supported by studies and evidence that overcomes prevailing evidence to the contrary. Absent that, any decisions thus made by this Board cannot stand, as they have no scientific or defensible basis and will indeed be viewed as arbitrary and capricious when challenged in Supreme Court, which they will be.

In closing, let me say how monumentally disappointed we all are that you are calling in representatives of the Poultry Industry to see "what they want", as if their wishes and desires trump the reams of reports and scientific evidence that demand protection of our natural resources and rural quality of life.

My question to you is this: Will you hang your gavel and silence Mr. Satterfield after his 3 minutes of air time before this Board, or will you allow the poultry industry representatives, who do not live, work, nor pay taxes in this great county, have unlimited time to access and sway this board? And are you going to base incredibly important future land use decisions, which will set economic and environmental stage for generations on their promises, wishes, and wants?

Submitted for the
record on 9/8/15
by Ken DUFFY
6182 Wauchope Rd.
Exmore, Va
23350
(757) 442-7889



1. Executive Summary

Over the past 11 years, Northampton County Board of Supervisors has worked collaboratively with Virginia Department of Environmental Quality (DEQ) Coastal Program to develop land use policies that protect the County's natural resources and promote sustainable development. In 2001 renewed concern over the growth impacts associated with a Chesapeake Bay Bridge Tunnel toll reduction moved the County to request additional support from the Coastal Program in order to assess natural resources and, based on this assessment, create a resource preservation overlay district. Additional funds were contracted through the *Northampton County Special Area Management Program (SAMP)*, a program initiated through DEQ and the National Oceanic and Atmospheric Administration (NOAA). This project is scheduled to be completed June 30, 2003.

In September of 2002, an ad hoc advisory committee was appointed by the Board of Supervisors to aid county staff with the above charge. The committee met a number of times to address the all issues surrounding the task. Technical guidance was provided through professionals from county, state and academic organizations.

This report is a compilation of the project's background information and analytical findings as discussed at committee meetings. It includes a review of the current natural resource preservation areas in the County as well as assessment of areas that are particularly vulnerable to development impacts. Presentations were organized according to the following subjects:



Northampton County Sensitive Natural Resource Areas
Report and Recommendations

Revised 6/19/15



Photos: Richard Wiseman
Eastern Shore PhotoArts

Northampton County, Virginia

Land Cover

Category	Percent of Area
Low and High Intensity Developed	2
Agriculture (hay, pasture, grass, row crops)	38
Woodland (conifer, deciduous, and mixed)	32
Wetlands (woody, emergent, barren, beach)	27
Barren (transitional, including clear cut areas)	1

Over 96% of Northampton's land use is considered open space. Given the community's location on the U.S. Eastern Seaboard, residents have an extremely rare opportunity to protect one of the last remaining rural coastal communities.

A planning process is the next step to determine the comprehensive strategies needed to preserve the natural resources outlined in the 2001 Comprehensive Plan. An open space plan or "green infrastructure plan" will serve as a guide for programs and projects created to accomplish its goals. Just as the county should plan for the future requirements of its citizens with built infrastructure (utilities,



.....

transportation, etc.) so too it should plan for a network of open space that sustains clean air, water, wildlife, and the traditional farming and fishing way of life.

Citizens understand the value of open space as well as the costs of unplanned development. By initiating a planning process, the community can identify preservation priorities and link these priorities with appropriate land management tools. This pragmatic approach creates an opportunity to assess site-specific open space assets; develop priorities based on the assessment; implement programs and projects; and create a yardstick that measures successes; all of these steps within an inclusive, collaborative and flexible public process.

Across the country preservation of natural resources is a top priority especially among local communities. Northampton County is in the fortunate position of learning from previous mistakes. By planning for open space today, the community can maintain what is unique and precious about the region for tomorrow.



* * * * *

Mrs. Wendy Martin read the following comments into the record:

Northampton Co VA Board of Supervisors - Public Comment, September 8, 2015

Gentleman, good evening. I am Wendy Martin, Eastville seaside, I would appreciate it if you would enter my remarks into the public record. They're a draft of a **hypothetical letter** to new billionaire www.buzzfeed.com/discuss/hauser/tyson-foods-chairman-joins-billionaires-club-while-wages-for-14004YJX Mr. John H. Tyson, Chairman Tyson Foods. In contrast we Northamptonites are privileged to live in a priceless ecosystem, comprised of at least a billion worth of natural assets, often foregoing monetary benefits in order to enjoy & sustain them.

Dear Chairman Tyson -

Due to a) the ongoing attempt to rezone our biracial county which is *almost an island* at the tip of the Delmarva Peninsula - not landlocked like you in Arkansas, and more recently due to b) learning you're eager to expand here, we became curious about you. Ancestry.com informs that your English surname is a nickname for someone with a fiery temperament, from Old French (tyson) 'firebrand'.

Since your self admitted dramatic rebirth 25 years ago (after your wild years?) you've made incredible strides growing the family business while retaining much to your community educationally and spiritually in the workplace. You rank among America's most prominent business men,

You are so successful that one wonders if you need to enlarge the empire. There are concerns. For cost cutting and to counteract high employee overtime you embrace increased automation, hence fewer jobs. In spite of your company's success many contract growers for years have experienced declining or no profits (suzzled aka). Will you be shifting focus upon quality rather than quantity which can command a premium similar to our one-of-a-kind ecosystem? Especially when the world seems increasingly at risk for unexpected contagion & contamination? Northampton's persistent erratic winds, the ever present threat of hurricanes, occasional tornado, easily can propel your aerosols pathogens & particulates - like gossip - in a jiffy. Why risk spoiling your image and ours by mucking up such an idyllic landscape, one encompassed by a spectacular aquaculture and thriving tourism industry?

Among your diverse interests are travel, music, art (NYT Mar 13, 2011); <http://www.theekywire.com/article/20662-Vs3PAM65Y74> golf, deep sea fishing, philanthropy - with service on numerous boards including Mr. Thoreau's hangout the *Walden Woods Project*. Your bird's eye view of the world must be jaw dropping. Have you visited Northampton? Thoreau would've craved it.

Are you attracted to Virginia's history of regulatory leniency? Fortunately Northampton is too small and fragile to satisfy your disposal needs. With your extraordinary track record of awards and service it boggles the mind that you'd contemplate expanding industrial contract farming and manure shoveling onto our narrow paradise which averages 5 miles width, if that. Fourteen years ago it was renamed "contract farming...turns farmers into tractor drivers and manure shovelers. Tyson has a long history of doing this in the poultry industry." <http://www.nytimes.com/2001/03/04/business/business-by-it-be-her-top-be-her-tyson-for-one.html?pagewanted=all>

In closing we suggest you pause for the late Mr. Wayne Dyer's (1940-2015) creation, his favorite film *The Shift*, since his recent passing - through yesterday. Hopefully the link might still work for you, <http://www.dwaynedyer.com/the-shift-movie-watch-06-2>
http://www.nytimes.com/2015/09/08/arts/wayne-dyer.html?_r=1&hp&hp-top-shift&_r=1&hp-top-shift-tyson-for-one.html?pagewanted=all

Please also refer to the 5/15/2013 *Northampton County Sensible Natural Resource Areas Report and Recommendations* <http://www.spa.gov/063wpaddinking/ssa> the most critical document; desagracion of our SSA (1997) <http://www.spa.gov/063wpaddinking/ssa> availability of water which spells out the acute vulnerability of our ground water for which there is no alternative source. Nearly everyone - approximately 85% of our population - relies upon private wells. Thank you

Respectfully,
Wendy R Martin 7094 Sealand Ln Eastville VA 23047

cc: BoS NCo

Mr. Dave Kabler read the following comments into the record:

To the Board of Supervisors, Northampton County, VA

September 8, 2015

Again I am grateful for the opportunity to address you tonight in regards to the proposed zoning ordinance. Last month I summarized the many cautions that must be considered in accommodating industrial chicken farming here in Northampton County. The long and the short of the topic is whether or not this industry even belongs within our borders. If our citizenry wants to encourage this industry then we can follow Accomack County's example of minimal standards. On the other hand, if our citizenry wants to discourage this industry, we can adopt very strict standards.

You know where I stand – these high capacity intensive farming chicken houses produce huge amounts of toxic manure, ammonia and methane gases, airborne particulate, and bacteriological contaminants. The impervious surfaces of all these farms will cover an area of ground equivalent to the historic district of Cape Charles, blocking our sole source aquifer recharge and creating huge runoff; these facilities are permanently emplaced and will trash the lovely, open country vistas for which Northampton is known.

I pointed out to you the nonsense of collecting \$1,000 in annual real estate tax revenue for each chicken house that leaves the farmer with 225 tons of manure to dispose. I asked you what is wrong with that picture? Think waste and pollution of fresh water wells, think sick children in families living within 3 miles of a chicken farm, think saturation of our sandy soils with nitrogen and phosphorus from chicken manure, think devastation of our precious aquaculture industry, think chicken farms and tourism.

No matter where you go with your zoning proposal, whether you revise it or even withdraw it, as many citizens have asked, you should consider very strict standards that will effectively eliminate the foothold that the chicken industry can gain here. There is no upside to inviting the chicken industry into Northampton County. I say, "No more!" to chicken farms in Northampton County!

Sincerely,



David Kabler
10352 Church Neck Rd.
Machipongo, VA 23405

* * * *

Ms. Donna Bozza, speaking on behalf of Mr. Jay Ford of the Virginia Eastern Shorekeepers organization, invited the Board to attend a town-hall meeting relative to the poultry industry on tomorrow at the Eastern Shore Community College.

The following future meeting agenda was shared with the Board:

Work session/other meeting agendas:

- (i) 9/28/15: Work Session: Poultry Assoc. Presentation & CDBG
- (ii) 10/26/15: Work Session: Topic to be determined
- (iii) 11/23/15: Work Session: Topic to be determined

(9) The County Administrator's bi-monthly report was distributed to the Board as follows:

TO: Board of Supervisors
FROM: Katie H. Nunez, County Administrator
DATE: August 28, 2015
RE: Bi-Monthly Report

I. Projects:

A. USDA Grant Obligation Update:

As an update from your August 11, 2015 meeting, we have continued to move forward with meeting the requirements of this agreement. USDA has signed off on the lettering/markings of the 2 Sheriff's vehicles and the conversion package for the EMS Quick Response Vehicle. Staff is still developing the procurement documents for the 2 generators for the elementary schools; the CPR Instruction Kits for the School and the remainder of the Sheriff's Vehicle Detailing Package (radio install, etc.). We are awaiting the release of the state contract for Chevrolet Tahoe vehicles for 2015/2016 so that is the delay on the EMS Quick Response Vehicle. Once those documents have been completed, they will be forwarded to USDA for their approval before we release them to obtain bid prices for those items. To date, we have now committed \$428,939.86 of the \$599,734.80 obligation or 72%.

B. House Bill 2 (HB2) – Submission of Road Improvement Projects:

At your meeting on August 11, 2015, the Board finalized a list of projects for submission pursuant to HB2. My office is working with our VDOT Residency Administrator Chris Isdell to prepare the applications for those projects. Mr. Isdell asked for the Board to consider adding the Rte. 602 (Cemetery Road) reconstruction project to our list. Since this was previously a joint road project with Accomack County and they have indicated that they would like to include this project in Accomack's project list and would improve their chances if Northampton submitted as well, I am forwarding this request to the Board for a determination.

It was the consensus of the Board to add the Rt. 602 (Cemetery Road) Project to the Board's listing of HB2 projects.

C. Enterprise Zone:

The county is allowed to make additions or deletions from our Enterprise Zone on an annual basis. Our map was last updated in the spring 2014 and we are eligible to amend our map, if needed. To that end, we have an indication that two properties may wish to be included in the Enterprise Zone. Does the Board wish to solicit the towns as well as the general public at large to determine if there are property requests for inclusion in the Enterprise Zone?

It was the consensus of the Board to request input from the towns as well as the general public to determine if there are additional property requests for inclusion in the Enterprise Zone.

D. Status Report on Several Items Raised by Supervisor Hogg:

Supervisor Hogg has submitted several questions for staff response as follows:

1.) What is the status of cleaning the stormwater Management ponds?

STAFF RESPONSE: Through Board vote, staff was instructed to compile a list of BMPs in the County. From that list, the staff would contact the owner about the status of said BMP. The county would then determine if any of the BMPs are not in compliance and determine a plan of correction with the property owner. Since we did not have a master list of approved BMPs, staff has been going through the archived files to develop a master list as time permits. Melissa Kellam will be supplying this list as we have it at this point in time but notes that it is not a complete list. We have not made any further progress than this on this particular matter since staff has continued to focus on the Board's priority of the proposed zoning revision.

2.) I have received several comments on the lack of getting inspections performed which is holding up construction. Earlier we were informed this would not be a significant issue. What is the current status?

STAFF RESPONSE: I do not believe that I have stated to the Board that the elimination of the Building Inspector position would not be a significant issue

or would not cause any scheduling difficulties. Since our building activity has not fully rebounded and our revenues continue to show that building construction activity does not justify the need of two full-time building inspectors and the budget needed to be reduced in line with the Board of Supervisors' position, the Building Inspector position was eliminated. Yes, due to an approved vacation taken by our Building Official during the month of August, there were some scheduling difficulties experienced. A third-party inspector was retained to handle any inspections for commercial project of the Dollar Tree in Exmore during our Building Official's absence. Use of our adjacent localities' inspectors was obtained to handle some of the residential inspection requests but was also impacted by the work load and/or approved leave by their personnel at the same time and both Accomack County and the Town of Cape Charles had limited availability to assist us.

In the future, any approved leave will need to be better coordinated to minimize any loss of service as it relates to building inspections. If building revenue should rebound to support the re-institution of the building inspector position, then I will bring that forward to the Board as soon as the need and accompanying revenue are demonstrated.

3.) Has Northampton County tried using the Building Inspectors from other localities and what is the result?

STAFF RESPONSE: In the past, Northampton County has relied upon the services from either Accomack County or Cape Charles to provide back-up coverage when our personnel have been out on leave or out for training. It appears that during the month of August 2015 there was insufficient coordination between the approval of leave for the County personnel and the status of available personnel in our adjacent localities to serve as a back-up. In the future, we will work to lessen that occurrence.

4.) Status of the derelict buildings. How is this program being managed now? How funded?

STAFF RESPONSE: As the Board is aware, the other position that was laid off as part of the Fiscal Year 2016 budget in addition to the Building Inspector position is the full-time Code Compliance Officer position. Part-time funds were included in that department. At this time, the staff in the building, planning and zoning department are receiving any complaints, are reviewing them with me to determine how to respond and/or investigate, and a course of action is being implemented. The staffing of the part-time position is being deferred until the Director of Development vacancy has been filled. There are operating funds that remain in the Code Compliance budget for FY2016 for addressing a limited number of derelict structures, depending upon the property involved and the type of action required to address the derelict nature of the structure.

- E. Additional Assessment for Electronic Summons System. Attached please find a request from Sheriff David Doughty and the language from the Code of Virginia relative to the imposition of a new \$5.00 fee to be assessed as part of the costs in each criminal or traffic case in the district or circuit court. This new fee will be used solely to fund software, hardware, and associated equipment costs for the implementation and maintenance of an electronic summons system. If the Board wishes to implement such a fee, a public hearing is required as the fee is imposed via ordinance; said public hearing can be scheduled for the October meeting.

It was the consensus of the Board to proceed with a public hearing in October relative to the institution of a new \$5.00 fee as explained above.

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Matters Presented by the Board Including Committee Reports & Appointments

Citing his resignation from that body, motion was made by Mr. Trala, seconded by Mr. Bennett, that Supervisor LeMond be appointed to the Accomack-Northampton Transportation District Commission, effective immediately. All members were present and voted “yes,” with the exception of Mr. LeMond who abstained. The motion was passed.

- (10) Mr. LeMond: Request from Bill Parr for zoning text amendment

Mr. LeMond informed the Board of a request for Mr. Bill Parr, that the Board advance a zoning text amendment to allow local wireless broadband service towers up to 199 feet in the TE-CG, EB, C and E zoning districts by the granting of a minor special use permit. If the Board is agreeable to advancing this text amendment, staff would also recommend that the zoning text amendment include amendments which would address conflicts within the current zoning code that were created by adoption of ZTA 2012-07. Specifically, ZTA 2012-07 as adopted inserted a use chart within the body of the text of Section 154.109 of the Northampton County Zoning Code and did not include an amendment to update the actual Appendix A use charts, so the previous ones which remained in the Appendix A use charts now conflict with the use chart inserted into the body of the text. Staff recommends that the use chart be removed from the

body of the text in Section 154.109. These uses would be inserted into the actual Appendix A use charts and updated to incorporate ZTA 2012-07 plus include the zoning text amendment requested by Mr. Parr. The new uses to be shown in Appendix A use charts would be called “wireless communication facilities” which would include all support structures including local wireless broadband service towers which are support structures.

Mr. Hogg cautioned the Board against unintended consequences within the current ordinance and asked that the Planning Commission consider same when it reviews the proposed amendments; specifically Section 154.109 (C.2.c.), (C.2.n.1.), (D), (E), (F). Mr. Hogg stated that one good tower location plan is preferable to three poor systems and said that he would like for the Board to have guidance on an overall antenna pattern to best serve the County.

The Chairman recognized Mr. Bill Parr who said that the purpose of the proposed text amendment was to separate broadband towers from other types of towers. He said that requiring co-location of equipment would increase the cost of the tower and possibly make it not economical. He suggested inviting Internet Service Provider representatives to a future work session.

The Chairman recognized Mr. Pat Coady who indicated that the FCC requires co-location of equipment on tall towers and that many of the requirements contained in the current zoning ordinance are FAA requirements.

It was the consensus of the Board that it advance a zoning text amendment as outlined above and recommended by staff.

(11) Mr. Hogg: Inclusion of Portion of Doggett Lane within the state secondary system.

Mr. Hogg referenced correspondence received some time ago from a District One citizen, Mr. Tivo Romero, requesting either that a portion of Doggett Lane be included within the state

secondary road system, or that the County provide permission for the residents to make needed improvements to the roadway. Ms. Bev Leatherbury, Assistant County Attorney, indicated that she needed to see the deed documentation which created the road in order to determine the County's role and Mr. Hogg indicated that either Mr. Romero or he would forward the requested documentation to her.

Given the Board's desire to interview a prospective Planning Commission candidate, motion was made by Mr. Trala, seconded by Mr. Bennett, that the Board adopt the following resolution in order to change the meeting time for the next meeting. All members were present and voted "yes." The motion was unanimously passed. Said resolution as adopted is set out below:

RESOLUTION

BE IT RESOLVED by the Northampton County Board of Supervisors, this 8th day of September, 2015, that the work session of the Board, scheduled for Monday, September 28, 2015, commencing at 5:00 p.m., in the Board Chambers of the County Administration Building, 16404 Courthouse Road, Eastville, Virginia, be changed to Monday, September 28, 2015 at 4:00 p.m. in the Board Chambers of the County Administration Building, 16404 Courthouse Road, Eastville, Virginia; and

BE IT FURTHER RESOLVED that, following this meeting, the date, time and place of the regular work session of the Northampton County Board of Supervisors shall revert to the fourth Monday of each month in the Board Chambers, 16404 Courthouse Road, Eastville, Virginia, at 5:00 p.m

* * * * *

Supervisor Hogg stated that given the guidance provided by legal counsel relative to the Code of Virginia (special use permits cannot be required for Concentrated Animal Feeding Operations), he would like to see the Board consider advancing a zoning text amendment as an interim measure to protect the citizens of Northampton County, which would include the new

setbacks as proposed earlier in the evening by Mrs. Janet Sturgis. Mr. LeMond noted that he would like to see maps developed by our Planning staff which would illustrate the setbacks as requested by Mrs. Sturgis prior to considering any zoning text amendment. It was the consensus of the Board to review these new maps at its September 28th work session.

Recess

Motion was made by Mr. Bennett, seconded by Mr. Trala, that the meeting be recessed until 4:00 p.m., Monday, September 28, 2015, in the Board Room of the County Administration Building, 16404 Courthouse Road, Eastville, Virginia, for the regular work session. All members were present and voted “yes.” The motion was unanimously passed.

The meeting was recessed.

_____CHAIRMAN

_____ COUNTY ADMINISTRATOR