

**BROWARD COUNTY HEALTH AND SANITARY CONTROL BOARD
MINUTES OF BOARD MEETING – September 27, 2012**

The Board meeting was called to order at approximately 9:40 a.m. on Thursday, September 27, 2012 by Chair Stuart Kaufman.

The Clerk called roll and the following members were present:

Stuart Kaufman, Chair
Lily Sayre, Vice Chair
Robert McColgan
Ronald Kaplan
Dr. Mark Gendal
Commissioner Pamela Bushnell

The following member was absent:

Karen Kaestner

Also present were: Patrice Eichen, Attorney for the Board
Paul Eichner, Attorney for the Department
Anthony Vomero, Petitioner Representative

A motion was made by Commissioner Bushnell to approve the July 26, 2012 minutes, which was seconded by Mr. Kaplan and unanimously passed.

CASE NO. 12-009 SP, WATERFORD CONDOMINIUM APARTMENTS, INC.

Mr. Eichner appeared on behalf of the Department; Joseph Vito appeared on behalf of the Respondent.

Mr. Eichner proffered that pursuant to the Board's July 26, 2012 Order, the Respondent's pool had its chlorinating machinery operating and the salinization component working with it had been disconnected. He stated that Mr. Vito had indicated to him that he (Mr. Vito) had a completed permit from the City of Pompano Beach, was advised that that was separate from the Board's consideration and that the permit needed to go through the Department Environmental Health Section for approval. Mr. Eichner stated that the Respondent was now in total compliance with the Board's Order and recommended that the matter be closed.

Ms. Sayre moved that the case be closed, Commissioner Bushnell seconded the motion, and it was unanimously passed.

CASE NO. 12-011 OSDS, ROSA CRUZ

Mr. Eichner appeared on behalf of the Department; Rosa Cruz; no one appeared on behalf of the Respondent.

Mr. Eichner proffered that the assessed fine had been paid and that Mr. Morgenstern had been to the property, which he found in compliance with the Board's Order of July 26, 2012. Mr. Eichner recommended that the matter be closed.

Mr. McColgan motioned to close this case, which was seconded by Mr. Kaplan, and passed without objection.

CASE NO. 12-007 OSDS, MICHAEL H. CAIN

Mr. Eichner appeared on behalf of the Department; no one appeared on behalf of the Respondent.

Mr. Eichner proffered that Mr. Morgenstern indicated to him that the house on the subject property was vacant, but the nuisance still existed in that the lid to the septic tank was broken and open in two places. He stated that there was a safety issue but it was no longer a health hazard in that there was no waste in the system and he felt that this might now be a Code Enforcement matter.

Jay Morgenstern, Environmental Engineer, gave sworn testimony in which he stated that the house was now abandoned, had several Code violations, and that there was no imminent public health issue. He said that the tank was not structurally sound because the lid was damaged and open, which would cause it to remain under the jurisdiction of the Department. He said that he could not walk away from this issue because it was in violation of the Health Department's code. Mr. Morgenstern added that Hollywood Code Enforcement had the matter scheduled for hearing in November 2012.

Ms. Eichen stated that in reviewing the Code, she noted that the responsibility of the Board was health-related, not safety-related.

There was discussion regarding the potential of a health issue relative to the broken lid of the tank and whether the matter should be dismissed.

Dr. Gendal motioned that jurisdiction be maintained, that the matter be heard at the December 6, 2012 meeting of the Board, that Mr. Morgenstern check with Hollywood Code Enforcement as to the result of the November 2012 hearing in this regard, have Mr. Morgenstern inspect the property two weeks prior to the December Board hearing, and that previous orders remain in full force and effect. Mr. McColgan seconded Dr. Gendal's motion, which passed without objection.

Mr. Eichner advised the Board that after a meeting of the Board in the near future, a workshop would be held in order to educate everyone as to the procedures involved in presenting a case to the Board. Dr. Gendal asked that workshop include the infrastructure of the Department.

A motion to adjourn the meeting was made by Ms. Sayre, seconded by Commissioner Bushnell, and unanimously passed.

PREPARED AND SUBMITTED BY:



Susan R. Greenberg, Clerk of the Board