

ENVIRONMENTAL CONTROL HEARING BOARD

The Indian River County (IRC) Environmental Control Hearing Board (The Board) held a meeting at the County Administration Building, Commission Chambers, 1801 27th Street, Vero Beach, Florida on Thursday, June 3, 2021 at 12:30 p.m.

Present were members: **Chairperson Mr. Kevin Rollin**, Attorney Appointee; **Dr. Philip Glade**, Medical Doctor Appointee; **Mr. Patrick Walther**, Engineer Appointee; and **Mr. Richard Baker**, Member-at-Large.

Also, present was **Mr. Ryne Hartt**, Attorney for the Board; **Ms. Susan Prado**, IRC Assistant County Attorney; IRC Environmental Health (The Department) Staff: **Ms. Cheryl Dunn**, Environmental Health Manager; **Ms. Julianne Price**, Environmental Specialist; and Ms. **Vanessa Desnoyers**, Recording Secretary.

Call to Order

Chairperson Mr. Kevin Rollin called the meeting to order at 12:30 p.m.

Roll Call by Secretary

The secretary called the roll and advised the Board a quorum was present.

Consideration of February 4, 2021 Minutes

ON MOTION BY Dr. Richard Baker, SECONDED BY Mr. Kevin Rollin, the members voted unanimously (4-0) to approve the minutes of February 4, 2021 as amended. The motion passes.

Additions-Deletions to Agenda

Ms. Cheryl Dunn announced that Mr. Christopher Murphy has resigned from the Board and the Commission are taking applications on his replacement.

ON MOTION BY Dr. Richard Baker, SECONDED BY Mr. Kevin Rollin, the members voted (4-0) the Board and Staff to officially thank Mr. Christopher Murphy for his service to the Board. The motion passes.

Swearing In of Those Who Intend to Testify

The secretary administered the testimonial oath to those present who wished to testify at the meeting.

HEARINGS

Case #565-18 – Dallas Yates and Jane Yates (OR) Their Estates

IRC Assistant County Attorney Susan Prado described the case and stated that this estate is being brought back in front of the Board for failure to comply with previous order to bring property into compliance. This case was heard on February 7, 2019 and had several violations relating to septic tank violation, sanitary nuisance, overgrown vegetation, and creating conditions for rodent and roach harborage.

Ms. Prado stated that she has been in communication with Mr. Dean Mosley, the Attorney for the respondent and that service was attempted on four occasions and was unable to obtain personal service, as the Personal Representative did not come to the door to accept subpoena and notice of hearing. Mr. Mosley did receive service on behalf of the Respondent.

Julianne Price of the Department of Health, described her inspection of the subject property and noted the state of the home appearing to be unoccupied, but the windows are still un-boarded. FPL has cut the power to the property, and Ms. Price stated that she visited on February 18, 2021 and the conditions were the same, but the grass seemed to have been cut recently.

The Attorney from the Respondent, Mr. Mosley stated that he's assisting the Respondent Ms. Yates, pro bono, as she has limited funds. Mr. Mosley stated that Ms. Yates is trying to comply with County standards and is attempting to hire a lawn maintenance company, and repair company, along with attempting to acquire funds to pay the fines associated with the property.

Dr. Richard Baker questioned if the septic tanks have been abandoned and Ms. Dunn confirmed that they had. Ms. Dunn questioned if here could be a better effort made to secure the property to prohibit people from entering property. Mr. Mosley responded that he was told by Ms. Yates that the property was boarded.

Chairperson Rollin stated that he is not inclined to lift sanctions, as the Respondent has a pro bono attorney, has been attempted service on several occasions, and still has not complied with County regulations. The Board

discussed the proposed order.

ON MOTION BY Mr. Patrick Walther, SECONDED BY Dr. Richard Baker, the members voted (4-0) to adopt the Proposed Order as written by the Health Department. The motion passes.

It is noted for the record that a Representative for the Respondent was present for this hearing via conference call.

Case #588-21 – Angela Piscitelli

IRC Assistant County Attorney Susan Prado described the case relating to sanitary nuisance and stated that this case was brought about in December 9, 2020. It was officially noticed to property owner in January of 2021 and service was achieved.

Both the Respondents, Angela and Paul Piscitelli were subpoenaed to be present at today's hearing and they were not in attendance. According to County statutes if the Respondent does not report to hearing after being subpoenaed then, the Board has the right to hold Respondent in contempt and Ms. Prado is requesting the Board uphold that rule due to the ongoing environmental issues.

Mr. Bruce McCullers of Reliable Septic & Services, discussed the case gave a timeline stating that he made several visits to the property to give cost estimates and financing information and was dismissed by Respondents. Ms. Prado questioned how long it would take to repair the septic tank and Mr. McCullers responded that with an emergency permit, it would take upwards of a week.

Mr. Judson Zevin, FL Health Environmental Specialist stated that he responded to a sanitary nuisance complaint and spoke to property owners advising them that the septic tank needed to be pumped and that if they did not get it pumped a notice of violation would be issued. Mr. Zevin returned on January 4, 2021 and he observed no change in property status. The Respondent Ms. Piscitelli, relayed to Mr. Zevin that the house belonged to her son and that she would not be repairing the sewer damage. Mr. Zevin gave Ms. Piscitelli some resources to assist her with coming into compliance.

On February 17, 2021, Mr. Zevin returned to the property and there was no change in status to the property. Mr. Paul Piscitelli relayed to Mr. Zevin that the house belonged to his mother. Mr. Piscitelli did get the sewer pumped out at that time and provided documentation to Mr. Zevin on February 24, 2021. Mr. Zevin

gave a detailed timeline of his inspection visits with the Respondents. Dr. Baker questioned the septic tank was last checked. Mr. Zevin stated that he visited last on June 1, 2021. Mr. Zevin stated that he has had no recent contact with the Respondent and his calls to them have been ignored.

The Board discussed the proposed order.

ON MOTION BY Mr. Kevin Rollin, SECONDED BY Dr. Richard Baker, the members voted (4-0) to adopt the Proposed Order as written by the Health Department. The motion passes.

It is noted for the record that the Respondent was not present for this hearing.

Board Matters/Discussion

There were none.

Adjournment

There being no further business, the meeting was adjourned at 1:50 p.m.