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TOWN OF HAVERHILL
Regular Town Council Meeting
July 23, 2009
Town Hall – 4585 Charlotte Street

Pursuant to the foregoing notice, the regular meeting of the Town Council was held on Thursday, July 23, 2009 at the Town Hall, 4585 Charlotte Street, Haverhill. Those present were James E. Woods, Mayor; Jay G. Foy, Vice Mayor; Jerry Beavers, Council Member; Henry Lynch, Council Member; and Mark Uptegraph, Council Member. Also present were John Fenn Foster, Town Attorney; Janice C. Rutan, Town Administrator; and Joseph Roche, Code Enforcement Officer.

CALL TO ORDER

Mayor Woods called the meeting to order at 7:00 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Woods offered the Invocation and led the Pledge of Allegiance.

ROLL CALL

The Town Administrator called the roll. All members were present.

APPROVAL OF AGENDA

The Town Administrator requested the approval of the minutes be removed from the Consent Agenda. Mayor Woods noted that item **IXd** should be removed from the Agenda. **Noting the changes as requested, a motion was made by Vice Mayor Foy, seconded by Council Member Uptegraph and unanimously passed (5-0) to approve the agenda as amended.**

APPROVAL OF THE CONSENT AGENDA

a. — ~~Approval of minutes June 25, 2009 meeting~~

PRESENTATIONS AND PROCLAMATIONS

None.

COMMENTS FROM THE PUBLIC

None.

COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S DEPARTMENT

Deputy Sergeant Campbell represented the Palm Beach County Sheriff's office. He reported there had been few incidents of crime in the Town of Haverhill. There had been few traffic violations and a warrant served on a resident of Rutherford Road. Deputy Campbell reported that the problems in Haverhill Park had ceased. The Town Council expressed their appreciation to the Palm Beach County Sheriff's office.

REGULAR AGENDA and FIRST READINGS

Review revised Club Road sidewalk plan

Town Engineer Jeff Renault was not present at the meeting. Mayor Woods stated that it would be his preference that the proposed sidewalk be constructed on the south side of Club Road. Mayor Woods suggested that the sidewalk be moved closer to the road and the Town installs a "D" curb which would result in an additional cost of approximately \$8,000.

Vice Mayor Foy commented that he was generally not in favor of curbs. A "D" curb would be approximately 6" above the ground and 6" wide. It would be used as a protective barrier in this instance.

Councilmember Uptegraph commented that the north side of the road, where it would cross from the south side at Tall Pines may provide additional shade for the children. He would prefer to see the stop signs return for the 4 way stop at that crossing. He was certain the children would use the sidewalk. He also suggested installing benches, etc.

Council Member Lynch commented that this project had been on the books since 1992 and that perhaps the Council was in error when it suggested that the Engineer move forward using those drawings. The Town had hired a design firm (Land Stewardship) to do a Master Plan and the Master Plan showed the sidewalk on the north side of the road. Council member Lynch presented aerial drawings showing the sidewalk on the north side of the street. Council Member Lynch was extremely concerned over potential problems should the sidewalk be constructed on the south side of the street.

Discussion followed. Vice Mayor Foy inquired as to whether the Town had asked the Engineer to look at the north side of the road. Mayor Woods felt there would be much more objection to the placement of the sidewalk on the north side of the road. Staff responded that residents living on the north side of the road had been told the sidewalk would be constructed on the south side of the street.

Council Member Lynch suggested the Town invite Jo Ellen Leisinger back to discuss the plan and to move the project on to the next phase so that the entire Town wide pathway could be considered.

Council Member Uptegraph voiced his objection to the entire sidewalk being constructed on the north side of Club Road. Vice Mayor Foy commented that from a connectivity point of view, the sidewalk on the north side was a better option. He noted he would be visiting the site.

By general consensus of those present, the matter was moved to the August 4, 2009 Workshop for further consideration.

Set tentative millage rate for the 2009/2010 FY

The Town Administrator presented Staff's report. Mayor Woods explained that the Town of Haverhill would be permitted to set its tentative millage rate up to 5.0832 with a majority vote of the Town Council. The current millage rate was 4.2952. It was explained that once the tentative millage rate was set, it could not be increased but could only be decreased.

The proposed budget presented to Council earlier in the evening used the present millage rate of 4.2952.

After reviewing the calculations, a motion was made by Vice Mayor Foy, seconded by Council Member Uptegraph and unanimously passed to set the tentative proposed millage rate for the 2009/2010 fiscal year at the current year roll back rate of 4.8270.

Vice Mayor Foy commented that although he voted in favor of setting the tentative millage rate at 4.8270, he would fight to keep the millage rate at the present 4.2952.

Set Public Budget Hearing Dates (September 10, 2009 and September 24, 2009)

A motion was made by Council Member Beavers, seconded by Council Member Uptegraph to set the Public Hearing dates for the proposed 2009/2010 fiscal year budget and setting the 2009/2010 fiscal year millage rate for Thursday, September 10, 2009 at 7:00 p.m. and the final hearing on Thursday, September 24, 2009 at 7:00 p.m. Both Public Hearings to be held at the Town Hall.

~~Consider FY 2008/09 Line Item Transfers as proposed~~

Consider Rental Fee for use of Town Hall during August Primary and September General Election

The Town Administrator reported that the Supervisor of Elections had requested use of the Town Hall to conduct a Special Primary on August 25, 2009 and a Special Election on September 22, 2009. In light of the Supervisor of Elections plans to shift the cost of municipal elections solely to the municipality, she asked if the Town Council would want to assess a fee for the use of its facilities for the Special Elections.

Discussion followed and it was the general consensus not to charge a fee for the remainder of the 2008/2009 fiscal year.

SECOND READINGS AND PUBLIC HEARINGS

None.

REPORTS

Town Attorney

The Town Attorney explained that William Doney of the law Firm Vance, Doney and MacGibbon had been appointed to serve as the Town's Special Magistrate in matters relating to Code Enforcement issues. Because the invoices were sent from the firm and checks made payable to the firm, Town Attorney Foster requested the Town Council move to appoint the firm to represent the Town in that regard.

A motion was then made by Council Member Uptegraph, seconded by Vice Mayor Foy and unanimously passed (5-0) to appoint any member of the law firm Vance, Doney and MacGibbon to serve as the Town's Special Magistrate.

The Town Attorney referred to a meeting held earlier in the day between the Belvedere Road Study Committee and representatives from Palm Beach County Traffic, Road Construction and Engineering divisions.

Attorney Foster took exception to the fact that the County Staff present at that meeting as well as the County Attorneys referred to the Haverhill Neighborhood Plan as a guide and did not consider the clear and unequivocal evidence contained in the plan that contemplated that Belvedere would not be widened. The County was relying on a technicality. As such, it was his recommendation that the Town file a Public Record request with Palm Beach County for any and all records relating to the adoption of the Town of Haverhill Neighborhood Plan and the Interlocal Agreement.

A motion was then made by Vice Mayor Foy, seconded by Council Member Lynch and unanimously passed (5-0) to authorize the Town Attorney to file a Public Record Request with Palm Beach County for any and all records pertaining to the Haverhill Neighborhood Plan.

Mayor

Appoint "Make it Count" Committee for 2010 Census

Mayor Woods explained that the Town of Haverhill, in an effort to work with the 2010 United States Census Bureau, agreed to appoint a Committee that would reach out to the community to be sure that all persons, whether residents or not, residing in the Town of Haverhill at the time of the Census count, be counted. As such, he recommended the following persons serve on the 2010 Census Make it Count Committee:

Marie Couture
Don Carter
Sonya Hall
Pam Uptegraph
Remar Harvin
St. Christopher Church representative
Haverhill Baptist Church representative

Abundant Life Church representative

A motion was then made by Vice Mayor Foy, seconded by Council Member Uptegraph and unanimously passed (5-0) to ratify the Mayor's appointments to the 2010 Census Make it Count Committee.

Consultants

None.

Administrator's Report

None.

Committee/Delegate Report

Vice Mayor Foy reported that the **Code and Ordinance Committee** continued to meet on the proposed Landscaping Code. The next meeting was scheduled for July 28, 2009.

The Belvedere Road Study Committee had met earlier in the day with representatives from Palm Beach County Traffic, Road Construction and Engineering divisions. Those persons from the County present were Allan Ennis, Bashar Khan and Morton Rose.

After the meeting, the **Belvedere Road Study Committee** agreed to meet once more to address the technical issues that were raised in the earlier meeting. It was the Committee's recommendation that their first approach to the County would be to give the technical reasons why the road should not be widened. Other outstanding issues would be the legal and political reasons why the road should not be widened.

Vice Mayor Foy, noting that the Town needed to stop the County's plans before they got too far, and would bring this matter back to Council for action at the next regular Council meeting.

A meeting of the **Belvedere Road Study Committee** would be scheduled for Tuesday, August 4, 2009 immediately following the close of the Regular Town Council Workshop.

Council Member Beavers reported on the **Palm Beach County League** meeting he had attended. He commented on the affects that recent legislation known as Senate Bill 360 would have on Municipal Government. Other bills addressing ethics and campaigning were also discussed.

Council Member Beavers commented on an emergency training session and reminded the Town Administrator that the Nimscastr report needed to be completed. He was also working with the **Emergency EOC** in an effort to get an ISO rating which could assist residents in insurance premiums.

Council Member Beavers would report at the Workshop on the Town's **Emergency Management Committee's** expectations of Staff and Council Members following an emergency event. In addition, he reported on working with the County in an effort to get links to their site so information could be easily available to the Town's residences, specifically information on pandemic flu, etc.

Treasurer's Report

(included in packet)

UNFINISHED BUSINESS

It was noted that the bank owned Sunset Isles property had been mowed by the Bank.

NEW BUSINESS

None.

ADJOURNMENT:

With no further business to come before the Town Council, the meeting adjourned at 8:25 p.m.

Approved: August 13, 2009
Date

[Signature]
Janice C. Rutan, Town Administrator

[Signature]
James E. Woods, Mayor

James E. Woods, Mayor
Jay G. Foy, Vice Mayor
Jerry E. Beavers, Council Member
Henry "Butch" Lynch, Council Member
Mark C. Uptegraph, Council Member
John Fenn Foster, Town Attorney
Janice C. Rutan, Town Administrator



TOWN OF HAVERHILL
Regular Town Council Meeting
July 23, 2009 - 7:00 p.m.
(immediately following Budget Workshop)
Town Hall – 4585 Charlotte Street
AGENDA

- I. CALL TO ORDER**
- II. INVOCATION AND PLEDGE OF ALLEGIANCE**
- III. ROLL CALL**
- IV. APPROVAL OF AGENDA**
- V. APPROVAL OF THE CONSENT AGENDA**
 - a. Approval of minutes June 25, 2009 meeting
- VI. PRESENTATIONS AND PROCLAMATIONS**
- VII. COMMENTS FROM THE PUBLIC**
- VIII. COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S DEPARTMENT**
- IX. REGULAR AGENDA and FIRST READINGS**
 - a. Review revised Club Road sidewalk plan
 - b. Set tentative millage rate for the 2009/2010 FY
 - c. Set Public Budget Hearing Dates (September 10, 2009 and September 24, 2009)
 - d. Consider FY 2008/09 Line Item Transfers as proposed
 - e. Consider Rental Fee for use of Town Hall during August Primary and September General Election
- X. SECOND READINGS AND PUBLIC HEARINGS**
- XI. REPORTS**

Town Attorney
Mayor

 - a. Appoint "Make it Count" Committee for 2010 Census Consultants

Administrator's Report
Committee/Delegate Report
Treasurer's Report (included in packet)
- XII. UNFINISHED BUSINESS**
- XIII. NEW BUSINESS**
- XIV. ADJOURNMENT**

Notice: If any person decides to appeal any decision of the Town Council at this meeting, he/she will need a record of the proceedings and for this purpose; he/she needs to ensure that a verbatim record of the proceedings is made. The record must include the testimony and evidence upon which the appeal is to be based, pursuant to F.S. 286.0105. The Town of Haverhill does not prepare nor provide such verbatim record.

In accordance with the provisions of the American with disabilities Act (ADA), this document can be made available in an alternate format (large print) upon request. Special accommodations can be provided upon request with three (3) days advance notice of any meeting, by contacting Janice C. Rutan, CMC, Town Administrator at the Haverhill Town Hall, 4585 Charlotte Street, Haverhill, Florida. Phone Number (561) 689-0370 Facsimile Number (561) 689-4317