

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
FIRST PUBLIC HEARING
PROPOSED MILLAGE RATE/
PROPOSED BUDGET FOR FY 2009/2010
Thursday, September 10, 2009
7:00 p.m.
Town Hall – 4585 Charlotte Street**

- I. Call to Order
- II. Invocation and Pledge of Allegiance
- III. Roll Call
- IV. Approval of Agenda
- V. Adopt tentative millage rate
 - a. Fiscal Year October 1, 2009 through September 30, 2010
- VI. Adopt tentative budget
 - a. Fiscal Year October 1, 2009 through September 30, 2010
- VII. Comments from the Public (items not on agenda)
- VIII. Adjournment

**TOWN COUNCIL REGULAR MEETING
Town Hall Council Chambers
Thursday ~ September 10, 2009
Immediately following close of Public Budget Hearing
AGENDA**

- I. CALL TO ORDER
- II. APPROVAL OF AGENDA
- III. APPROVAL OF THE CONSENT AGENDA
 - a. Approve Minutes of the August 13, 2009 Regular Meeting and Minutes of the August 27, 2009 Regular Meeting
- IV. COMMENTS FROM THE PUBLIC
- V. COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S DEPARTMENT
- VI. PROCLAMATIONS AND PRESENTATIONS

**VII. SECOND READINGS AND PUBLIC HEARINGS
ORDINANCE NO. 382**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, AMENDING CHAPTER 38, TRAFFIC AND VEHICLES, BY AMENDING SECTION 38-17 BY PROVIDING FOR A REDUCTION IN SPEED LIMIT ON BELVEDERE ROAD FROM 35 MPH TO 30 MPH; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AUTHORITY TO CODIFY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

X. FIRST READINGS AND REGULAR AGENDA

- a. Approve Contract for Solid Waste Services between the Town of Haverhill and SWS (Southern Waste Services).**
- b. Consider release of Code Enforcement Lien against Sunset Isles**

XI. REPORTS

**Town Attorney
Mayor
Consultants
Assistant Town Administrator/Town Clerk
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, Town Administrator at the Haverhill Town Hall, 4585 Charlotte Street, Haverhill, Florida. Phone Number (561) 689-0370 Facsimile Number (561) 689-4317

**TOWN OF HAVERHILL
First Public Hearing
Proposed Millage Rate
And
Proposed Budget for FY 2009/2010
September 10, 2009
Town Hall – 4585 Charlotte Street**

Pursuant to the foregoing notice, the public hearing to consider the proposed millage rate and the 2009/2010 FY budget was conducted just prior to the regular meeting of the Town Council on Thursday, September 10, 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; 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 with the exception of Henry Lynch, Council Member who was reported to be running late.

APPROVAL OF AGENDA

There being no additions, deletions or substitutions, the agenda was ordered approved as presented.

ADOPTION OF TENTATIVE MILLAGE RATE

Mayor Woods asked if there was a motion to adopt the proposed Millage Rate of 4.2952.

The Town Administrator brought forth the fact that for TRIM (Truth in Millage) purposes, on July 23, 2009 the Town Council had set a tentative millage rate of 4.8270 which represented the current years roll back rate. Setting the millage rate at 4.8270 and estimating a 97.5% collection rate, the Town's revenue from ad valorem taxes levied would be \$377,864. The proposed budget of \$336,235 used the millage rate of 4.2952. The rate set and adopted would be the advertised rate for the Town and once set could not be increased at the final public meeting; she went on to say that approximately \$76,000 of proposed revenue was dependant on the Red Light Camera program.

There being no comments from the public, a **motion to adopt the 4.2952 millage rate was made by Vice Mayor Foy and Seconded by Councilman Beavers. There being no further discussion the vote was called and the motion passed unanimously (4-0).**

Mayor Woods then asked if there was a motion to adopt the proposed Budget for FY October 1, 2009 through September 30, 2010 in the amount of \$1,017,415.00.

A motion to adopt the proposed Budget for FY October 1, 2009 through September 30, 2009 was made by Councilman Uptegraph and Seconded by Councilman

Beavers. With no further discussion the vote was called and the motion passed unanimously (4-0).

COMMENTS FROM THE PUBLIC

No comments from the public were made.

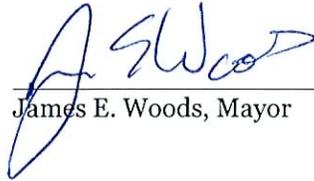
ADJOURNMENT:

With no further business to come before the Town Council, the meeting adjourned at 7:05 p.m.

Approved: October 8, 2009
Date



Janice C. Rutan, Town Administrator



James E. Woods, Mayor

**TOWN OF HAVERHILL
Regular Town Council Meeting
September 10, 2009
Town Hall – 4585 Charlotte Street**

Pursuant to the foregoing notice, the regular meeting of the Town Council was held on Thursday, September 10, 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 (arrived late); 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 7:03 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation and pledge of allegiance was waved in light of the fact that it had been performed previously at the Public Hearing held to consider setting the proposed millage and 2009/2010 FY budget.

ROLL CALL

The roll call was waved in light of the fact that it had been performed previously at the Public Hearing held to consider setting the proposed millage and 2009/2010 FY budget.

APPROVAL OF AGENDA

The Mayor entertained a motion to approve the Agenda. The Consent Agenda included approval of the Minutes of the August 13, 2009 Regular Council Meeting and the August 27, 2009 Regular Council Meeting. Vice Mayor Foy indicated that he had not had time to review the minutes and asked if they could be tabled.

A motion was then made by Vice Mayor Foy to table approval of the minutes until the next regularly scheduled meeting of the Town Council. The motion was seconded by Council Member Uptegraph and passed unanimously (4-0).

COMMENTS FROM THE PUBLIC

No comments were made by the public.

COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S DEPARTMENT

There was no one present representing the Palm Beach County Sheriff's office.

PROCLAMATIONS AND PRESENTATIONS

None

SECOND READINGS AND PUBLIC HEARINGS

ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, AMENDING CHAPTER 38. TRAFFIC AND VEHICLES, BY AMENDING SECTION 38-17 BY PROVIDING FOR A REDUCTION IN SPEED LIMIT ON BELVEDERE ROAD FROM 35 MPH TO 30 MPH; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AUTHORITY TO CODIFY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

The title of Ordinance No. 382 was read by Attorney Foster.

Attorney Foster explained that most ordinances become effective upon adoption, however, Ordinance No. 382 would need to become effective not only upon adoption but upon placement of the new speed limit signs.

A motion was made by Councilman Beavers, seconded by Vice Mayor Foy and unanimously passed by a vote of (4-0) to adopt Ordinance No. 382 upon second reading.

Code Enforcement Officer Roche reported that all signs had been ordered and that they would be put in place as soon as possible.

The Town Administrator was to send copies of Ordinance No. 382 to the 2035 Long Range Transportation Plan Study Group, asking them to re-evaluate how this change would impact the needs assessment that was being done. A copy would also to be sent to PBC Traffic Engineers.

Council Member Lynch arrived.

FIRST READINGS AND REGULAR AGENDA

- **Approval for Solid Waste Services between the Town of Haverhill and SWS (Southern Waste Services)**

Changes that were to be made to the *original contract draft* were reviewed and discussed. Councilman Beavers had questions about the verbiage in section 30, page 43 of the contract; specifically, should notice of the change of service be sent via *certified mail* to the citizens of the Town of Haverhill? He also had questions regarding the age of the equipment to be used for trash pickup by SWS. Attorney Foster indicated that SWS did not have any issues with the stated age of the equipment in the contract because the equipment to be used by SWS would be new. Page 34, Section 20.6 was also discussed; “the Town would have the right to take possession of any and all vehicles”; Councilman Beavers brought out the fact that if there were liens on said equipment that whoever had the liens would have the right of possession. Attorney Foster pointed out that it was not a matter of transferred title but rather a matter of use. Section 20.6 would apply only if there was to be a performance issue on the part of SWS. Mayor Woods asked Attorney Foster if the *final* draft should come back before the Council for approval. Attorney Foster stated that unless there were major changes to be made that it was feasible for the Town Administrator to finalize the draft contract as it stood.

A motion to approve the Solid Waste and Waste Recycling Collection Agreement between the Town of Haverhill and Southern Waste Systems LLC was made by Vice Mayor Foy, seconded by Councilman Lynch and unanimously passed (5-0).

- **Consideration to release the Code Enforcement Lien against Sunset Isles was discussed.**

It was said that Sunset Isles had gone into foreclosure and that a *lis pendens* had been filed. A deed transfer in lieu of foreclosure might also be considered, however, since the Town of Haverhill had a lien of \$90,000 on the said property for code violations that the likelihood of a deed transfer was not forthcoming.

Joseph Roche, Code Enforcement Officer did confirm that the property was in compliance and that a maintenance program to ensure continued compliance was underway. As such, Mr. Roche recommended the Town Council consider releasing the lien. However, there was the matter of Administrative costs that had accumulated since the lien had first been placed on the property in February 2008. It was estimated that the total outstanding for Court, Attorney costs and staff time was \$1,000. Also there were outstanding invoices for the replacement of a fence and hedge at the Briarwood subdivision property that had been removed when the tie in to the storm drains had been constructed at the Sunset Isles property. Mr. Bruce Parker, acting on behalf of the Bank, had been asked to include those amounts in his request for reduction to the Letter of Credit on file as the costs were directly related to the infrastructure improvements on the property and

had not yet been paid by Sunset Isles/Integrity Property. The Invoices discussed were Invoice No. 6.29.2007 in the amount of \$995.00 and Invoice No. 8.07.2007 in the amount of \$607.50.

Attorney Foster pointed out that the Sunset Isles mortgage predated the Town's lien which meant that they could foreclose the lien. He went on to say that the Town would be best served if it was to try and recover its Administrative costs and the money that had been spent out on capital projects, e.g. the fence and the hedge.

It was mentioned that there was still a Bond on the property in the amount of \$71,000 and that the Town would still have some recourse if there were any issues left to be resolved with respect to the Sunset Isles property.

Attorney Foster confirmed that the Town would not be waiving its rights against said Bond and that the repairs being discussed were being taken out of that Bond. It was also noted that any future repairs could also be taken out of the same Bond. Attorney Foster went on to say that if there were to be Code Violations in the future that they could still be cited and that the Town was not waiving its right to do so.

Vice Mayor Foy commented that bonds were set up for the good of the public in cases of default by the builder and were usually 110% of the improvements. As the bond was being reduced by repairs and improvements to the site, the balance plus 10% could be exceeded rendering the project unfinished leaving persons who had purchased lots unprotected. However, in the case of Sunset Isles, no properties had been sold so there were no individuals to protect.

Janice Rutan, Town Administrator, went over the Bond's history by stating that the Bond had originally been issued in the amount of \$410,000. A letter had been sent at the start of the project to approve a request by Sunset Isles to reduce the amount of the Bond. The reduction had been approved based on the Town's plan reviewer, Joseph Iagrossi. A balance of \$79,000 was retained which met the 10% margin of the Bond.

Attorney Foster stated that when the Bank found a buyer for the property, that buyer would have to obtain permits and a new bond would be required to insure that the required improvement to the property would be made. The discussion ultimately led to the conclusion that the potential buyers and the Town would be protected in the event the project went forward.

The Mayor asked if there was a motion to release the Bond. **A motion was made by Vice Mayor Foy to release the lien for the cost of \$2,602.50, seconded by Councilman Uptegraph. The motion was unanimously passed by a vote of (5-0).**

REPORTS

Town Attorney Foster reported that there would be a Code and Ordinance Review Committee meeting to primarily address the Landscape Code. He did alert the Council that because of the new agreement with SWS (Southern Waste Systems) some Code Amendments would be required such as pick up times, etc. to ensure consistency. The contract with Waste Management and the Code of Ordinances allowed for a six (6) AM pickup time but that the SWS contract allows for a seven (7) AM pickup time. He went on to say that there were a few other items to be considered in order to maintain consistency.

Town Administrator Rutan reported on the Solid Waste Authority's open house event. During the open house references were made to a Solid Waste inter-local agreement that would allow the Municipalities to reap some of the benefits of the recycling program; SWA would pay some of the Municipalities for their participation in their recycling program. She said that she had received the proposed agreement from SWA. The agreement would replace the previously executed inter-local agreement and allow for revenue sharing that would benefit the participating Municipalities. Having entered into a new SWS contract and their recommendation for recycling she thought it would behoove the Council to read, review and consider SWA proposed agreement potentials and/or ramifications. Copies of the agreement were handed out to Council members and questions were answered by Attorney Foster as to whether or not the old agreement would be

affected by the signing of the proposed agreement. Attorney Foster explained that the old agreement would remain in effect until a new agreement was entered into.

The Council had a discussion about how the revenues would be determined. Attorney Foster referred to paragraph four (4) of the proposed agreement which stated that it is based on the number of units within the Municipalities.

Item twelve (12), "unacceptable loads the city could be fined", of the proposed agreement was brought to light by Councilman Beavers. He asked if that was included in the contract with SWS and who would be responsible.

It was decided that the proposed agreement should be placed on the October 4, 2009 Workshop Agenda. Town Administrator Rutan suggested the Council invite someone from SWA to the October 6, 2009 Workshop for clarification purposes.

COMMITTEE REPORTS

Mayor Woods announced the Special Events Committee met at noon on October 10, 2009. A date was chosen for the Town's Annual Halloween Dinner & Movie. The event was to start sharply at 6:30 PM on Friday, October 23, 2009 and the movie to be shown would be Casper. A follow up Special Events Meeting had been set.

TREASURER'S REPORT

The treasurer's report was not included in the packet and was to be e-mailed as soon as possible.

UNFINISHED BUSINESS

Attorney Foster reported on the recent deposition of Joseph Roche, the Town's Code Enforcement Officer.

ADJOURNMENT:

With no further business to come before the Town Council, the meeting adjourned at 8:02 p.m.

Approved: October 8, 2009
Date



Janice C. Rutan, Town Administrator



James E. Woods, Mayor