

**TOWN OF HAVERHILL
REGULAR TOWN COUNCIL
THURSDAY, JUNE 24, 2010
7:00 P.M.**

Pursuant to the foregoing notice, the Regular Town Council Meeting was held at the Town Hall, 4585 Charlotte Street on Thursday, June 24, 2010. Those present were James E. Woods, Mayor; Jay G. Foy, Vice Mayor; Jerry E. Beavers, Council Member; Henry Lynch, Council Member, Mark Uptegraph, Council Member, John Foster, Town Attorney and Janice C. Rutan, Town Administrator.

CALL TO ORDER

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

INVOCATION AND PLEDGE OF ALLEGIANCE

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

ROLL CALL

Mayor Woods called the roll. All members were present.

APPROVAL OF AGENDA

There being no additions, deletions or substitutions, the agenda stood as presented.

APPROVAL OF THE CONSENT AGENDA

Approval of the May 27, 2010 and June 10, 2010 regular meeting minutes

A motion was made by Vice Mayor Foy, seconded by Council Member Beavers and unanimously passed (5-0) to approve the consent agenda as presented.

PRESENTATIONS

Presentation and approval of the Town of Haverhill Financial Report for the Fiscal Year ended September 30, 2009.

Adam Segal of Grau and Associates presented the audited Financial Statements for the fiscal year ending September 30, 2009. Mr. Segal highlighted the management letter, fund balances and that there were no current year findings or recommendations.

The Town Council thanked Mr. Segal for his presentation and congratulated the Town Administrator for a fiscally sound audit.

A motion was then made by Vice Mayor Foy, seconded by Council Member Uptegraph and unanimously passed (5-0) to receive and file the audit as presented.

COMMENTS FROM THE PUBLIC

None.

COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S DEPARTMENT

None.

SECOND READINGS AND PUBLIC HEARINGS

None.

FIRST READINGS REGULAR AGENDA

Award bid for the Club Road Sidewalk and Briarwood Drainage Improvement projects.

Town Engineer Jeff Renault presented his recommendation for the award of bid for both the Club Road sidewalk project and the Briarwood Drainage Project.

He reported that on June 14, 2010, the Town received two (2) bids for the above-referenced projects. The bids received were from Wynn & Sons Environmental Construction Company, Inc. and from Charles S. Whiteside, Inc. Both bids were based on "piggybacking" on existing open

contracts the contractors have with public entities. Wynn's bid was based on an annual contract they have with the Palm Beach County School District and Whiteside's bid was based on an annual contract they have with Palm Beach County. The summary of the bid results received for the Club Road Sidewalk and Briarwood s/d Drainage Improvements were as follows:

	<u>Charles S. Whiteside</u>	<u>Wynn & Sons</u>
Division I	\$125,385	\$105,510
Division II	45,004	36,717
Division I and II	170,389	142,228
Deduction for Division I and II together	(1,500)	(24,228)
TOTAL amount if Division I and I are awarded together	<u>\$168,889</u>	<u>\$118,000</u>

It was Mr. Renault's recommendation the Town Council award Division I and II to Wynn & Sons Environmental Construction Company, Inc. in the amount of \$118,000.00.

A motion was then made by Vice Mayor Foy and seconded by Council Member Uptegraph and unanimously passed (5-0) to award the bid for the Club Road Sidewalk Project and the Briarwood Drainage project (Division I and Division II) to Wynn and Sons Environmental Construction Company, Inc. in the amount of \$118,000.00 and to transfer \$75,000 from reserves to A/C 4100-541.6303.

The Town Engineer would hold a pre construction meeting at the Town Hall during the next week. He anticipated the project to be completed within 3 months.

Act on request for a variation from the size limitations for storage sheds as filed by Hernan Hernandez, 5210 Club Road.

Mr. Hernandez was present at the meeting. It was explained that Mr. Hernandez had installed a shed on his property without a permit. He had come before Council at their previous meeting to request a variation from the size limitations for storage sheds but Council was unable to act on the request without having a survey of the property that clearly showed the shed to scale and its setbacks from property lines and the house. It was explained to Mr. Hernandez that if the shed were located on the property so that it met the required setbacks and did not exceed 5 percent of the total square feet of the lot, did not exceed 60% of the footprint of the principal building, or did not have a footprint exceeding 1500 square feet (whichever was less), a variation would not be required., provided he met the other requirements of Section 58-331.

Even though Mr. Hernandez could meet the setbacks, he was once again asking for a variation to keep the shed within the setbacks to protect his sprinkler system, and he was looking to put a pool and or playground in the yard as well.

Discussion followed. It was determined that Mr. Hernandez had poured a slab on his property, installed the shed and tied the shed down without a permit. Granting a variation could be contrary to the Town Council's intent regarding larger sheds.

A motion was then made by Vice Mayor Foy, seconded by Council Member Lynch and unanimously passed (5-0) to deny the request for a variation from the size limitation for storage sheds pursuant to Section 58-331 of the Town of Haverhill Code of Ordinances.

The shed would need to be located so that it meets required setbacks, as well as other applicable code requirements, and would not interfere with the location of the present well or sprinkler system.

The Town Council had granted Mr. Hernandez thirty (30) days from the date of the hearing to relocate the shed on the property. If at the close of the thirty days, Mr. Hernandez was unable to meet the requirements the shed must be removed from his property.

REPORTS

Town Attorney

None.

Mayor

The Mayor reported on the meeting that was held between him, the Town Attorney and Town Administrator at the office of Dan Weisberg, Traffic Engineer, and Palm Beach County. The purpose of the meeting was to propose an interlocal agreement with the County to take over the red light infraction program within the Town's jurisdiction. Mr. Weisberg explained that the County's justification for installing red light cameras at intersections was based on the number of left turn and angled accidents and that the intersections located within Haverhill did not warrant the County's inheritance. The intersection at Belvedere and Military came in 11 on their list, and the intersection at Belvedere and Haverhill came in 30 on their list.

Mayor Woods then reported on the meeting held between the Mayor, Town Attorney and Town Administrator with Bruce Pelly at Mr. Pelly's airport office. Mr. Pelly brought the Town up to speed on the proposed airport plans which included the relocation of airport related facilities and hangars as well developing the land along Military Trail. The airport has abandoned the idea of purchasing the shopping center east of Military Trail due to ownership/lessee and title issues.

He reported on the proposed runway plans and noted that the north runway would be used for takeoff and the south runway for landing.

The land to the west of Military Trail is planned to industrial use with all traffic vested in the project.

The recently constructed tower may sit empty for some time due to union negotiations and the desire to keep the tra-con operations in Miami.

Consultants

None.

Administrator's Report

The Town Administrator reported that she had attended a meeting sponsored by the Palm Beach County League of Cities on June 23, 2010. One of the speakers was the Attorney from the City of Delray Beach and she broke down the recently enacted legislation dealing with the red light cameras. It was the opinion of the Attorney that even if the Town's Code Enforcement officer should become a certified traffic infraction enforcement officer, he would have to work under the direction of a fully trained law enforcement officer.

Discussion followed as to the recently enacted legislation and how its passage had voided the current Agreement the Town has with ATS.

Mr. Foster commented that the County was negotiating an Agreement with ATS that would be revenue neutral and suggested that the Town look into the terms of their contract for their own.

Mr. Foster announced that first reading of the amended traffic intersection safety act would be on July 8, 2010 with the second reading scheduled for July 22, 2010.

Vice Mayor Foy expressed his concern with continuing the program. He wants to be sure the Town does not lose money.

Committee and Delegate Reports

Vice Mayor Foy reported a Code and Ordinance meeting scheduled for Monday, June 28, 2010. He would like to schedule a Belvedere Road committee meeting but has not heard back from Traffic Engineer John Kim as of yet concerning the traffic study.

He then noted that the left turn light on Belvedere at Haverhill heading east had become a lead turn when it had been a lag turn. Mayor Woods thought that was a result from Mr. Gurr's complaint to Dan Weisberg at Palm Beach County.

Attorney Foster announced that the Code and Ordinance Committee would be reviewing the proposed amendment to the Red Light Camera Ordinance at Monday's meeting.

Council Member Beavers reported he had attended the Leadership Palm Beach County seminar held Wednesday, June 23, 2010. He distributed the Ethics Pledge that elected officials need to consider.

He ran into an employee of Pugliese's at the seminar and was asked to consider reverting the special exception use for a self storage facility to a trailer park.

Council Member Beavers reported on the presentation made at the previous day's Palm Beach County League meeting by the City of West Palm Beach n going paperless. He commented on the recently enacted legislation that resulted in unfunded mandates.

Council Member Beavers, an appointed member to the Palm Beach County Impact Fee Committee complained that the Committee's minutes are not posted to the website. He reported that Willie Swoop, Chair of the Committee assured him that the website would be updated June 29, 2010.

**Treasurer's Report
(included in packet)**

UNFINISHED BUSINESS

Approve Lease Agreements with Tower Company and Clearwire

Attorney Foster reported the Lease Agreements would be signed Monday, June 30, 2010.

NEW BUSINESS

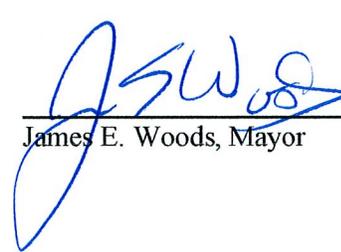
None.

ADJOURNMENT

With no further business to come before the Town Council, the meeting adjourned at 8:15 p.m.

Approved: July 8, 2010


Janice C. Rutan, Town Administrator


James E. Woods, Mayor