

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



TOWN COUNCIL REGULAR MEETING
Town Hall Council Chambers
Thursday ~ May 9, 2013
7:00 p.m.

- 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 the minutes for the April 25, 2013 Regular Meeting**
- VI. PROCLAMATIONS AND PRESENTATION**
- VII. COMMENTS FROM THE PUBLIC**
- VIII. COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S OFFICE**
- IX. SECOND READINGS AND PUBLIC HEARINGS**
- X. FIRST READINGS AND REGULAR AGENDA**
 - a. Black Dot Wireless**
 - b. Request of property owners at 5105 Ivywood Road for reconsideration of charge of 4x permit fee**
- XI. REPORTS**
 - Town Attorney**
 - Mayor**
 - a. Update re: Lake Worth Drainage District Consultants**
 - Town Administrator**
 - 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 COUNCIL REGULAR MEETING
Town Hall Council Chambers
Thursday ~ May 9, 2013
OFFICIAL MINUTES**

Pursuant to the foregoing notice, the regular meeting of the Haverhill Town Council was held on Thursday, May 9, 2013 at the Town Hall, 4585 Charlotte Street, Haverhill. Those present were Jay G. Foy, Mayor; James Woods, Vice Mayor; Jerry Beavers, Council Member, Lawrence Gordon, Council Member and Mark C. Uptegraph, Council Member. Also present were Town Attorney John Fenn Foster and Town Administrator, Janice C. Rutan.

CALL TO ORDER

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

INVOCATION AND PLEDGE OF ALLEGIANCE

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

ROLL CALL

The Town Administrator recorded all members present.

APPROVAL OF AGENDA

With no additions, deletions and/or substitutions, the agenda stood as presented.

APPROVAL OF THE CONSENT AGENDA

**Approval of the minutes for the March 28, 2013 and April 11, 2013 Regular Meetings and the April 2, 2013 Workshop
A motion was made by Vice Mayor Woods, seconded by Council Member Gordon and unanimously (5-0) passed to approve the Consent Agenda as presented.**

PROCLAMATIONS AND PRESENTATION

None.

COMMENTS FROM THE PUBLIC

None

COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S OFFICE

Deputy Campbell was present representing Palm Beach County Sheriff's Department. She reported that there had been several traffic stops; business watches and 5 vehicle crashes. There had been a burglary in New Parkview Place, which was the second in that neighborhood. They believe the suspects were aware of the comings and goings of the victims.

Mrs. Peidra of Dorchester Mews had been in to the Town Hall to thank the Town for their assistance in obtaining the no trespassing signs for the neighborhood. Director of Public Services Joseph Roche reported that there had been recent crime activity link to Orleans Court and as such the patrols in the area were increased. The Orleans Court and Haverhill details kept communications open between them which also helped the situation. Deputy Campbell agreed and added that Orleans Court continues to be a focal point for the Sheriff's Department.

The Town Council expressed their appreciation to the Palm Beach County Sheriff's Department.

SECOND READINGS AND PUBLIC HEARINGS

None.

FIRST READINGS AND REGULAR AGENDA

Black Dot Wireless

A discussion ensued concerning the most recent correspondence received from Black Dot wireless to purchase the Town's telecommunication leases. Attorney Foster expressed his concern over the Town deeding over property for a fifty year lease. He also noted that he had spoken with persons familiar with the industry and it was their opinion that the Town's telecommunication facilities were a valuable asset as the industry continues to branch out.

Attorney Foster noted that based on his quick calculations, the Town's value of the rental stream would be 2.7 million and the offer from Black Dot wireless was half that amount. The 2.7 million did not include the 15% accelerators written into each of the lease agreements. In addition to the loss of money, if the Town assigned their leases, the town would lose negotiating power as new technologies came on board.

Through his research, Attorney Foster was able to locate two Florida based law firms that specialize in representing municipalities specific to this buy outs. There services would be available on an hourly basis.

In response to a survey put out through the Deputy Town Clerk, 12 municipalities had responded ; none of which had entered into lease purchase agreements with a third party.

Discussion followed. Mayor Foy was not in favor of a fifty year lease buy out adding that because of the Town's proximity to the airport, it was located in a preferred area. Council Member Gordon added that Black Dot wireless may be paying the town for the lease; however, they would be demanding more money from the carrier. He cited that for the reason that other municipalities had not jumped on the bandwagon.

The Town Administrator would wait to hear back from Black Dot Wireless as they were to provide the Town with sample Lease Purchase and Easement Agreements and a list of other municipalities that had entered into agreements with Black Dot Wireless.

Request of property owners at 5105 Ivywood Road for reconsideration of charge of 4x permit fee

The Town Administrator presented Staff's report. The Town Council was requested to consider a refund of permit fee penalties to the property owners, Llanelys Rivero and Javier Landa at 5105 Ivywood Road, Haverhill, FL.

The Town Administrator explained that the property owners had installed 2 windows at their home without first obtaining a permit. Based on the fee schedule adopted by Council, they were charged 4x the permit fee and paid \$309.00 for a \$79.00 permit to install windows that cost them \$299.00 to purchase. They were told at the time if they wanted to appeal the fee, they should address a letter to the Town Council.

Since the permit was paid for in December, and it was now May, several reports that had included the permit fee collected have been completed by the Town and filed with other regulatory agencies. As such, it was the Town Administrator's recommendation to offer a credit to the Rivero/Landas in the amount of \$150.00 to be used towards their next permit. This would assure their application for a future building permit and may offer them relief in the event they had improvements in mind.

The \$150. fee would cover costs related to the additional staff time required for inspections to the property for review of work in progress without permit.

A motion was then made by Vice Mayor Woods, seconded by Council Member Uptegraph and unanimously voted (5-0) to accept Staff's recommendation to offer a credit to the Rivero/Landas's in the amount of \$150.00 to be used towards the cost of their next building permit.

REPORTS

Town Attorney

Town Attorney Foster noted that he would be presenting Ordinances for Town Council consideration at the next regular meeting provided the map to be used for the sexual predator ordinance was completed by the Town Planner and approved by the Town Council.

Mayor

Update re: Lake Worth Drainage District

Mayor Foy reported that he had not heard back from Lake Worth Drainage District regarding the meeting between the Town, Palm Beach County and LWDD to discuss sidewalks along the south side of Belvedere Road.

He had attended the District 2 and 3 luncheon at Atlantis but deferred the full report to Council Member Beavers.

Consultants

None.

Town Administrator

Town Administrator Rutan reported on Land Plan Amendments received from the Clearinghouse for properties adjacent to or in the town's future annexation area. She noted that this was the first set of notifications received as part of the Town's participation in the Intergovernmental Coordination Interlocal Agreement that the Town pays \$900.00 dues per year to be part of.

She reminded all of the Elected Officials Seminar scheduled for June 21 – 23, 2013 in Palm Beach Gardens.

Representative Mark Pafford would be hosting an Open House on May 30, 2013 and would be attending the Town Council meeting scheduled for June 13, 2013.

Committee/Delegate Report

Council Member Jerry Beavers informed Council of the discussions that took place at the Palm Beach County District II and III luncheon meeting held in Atlantis the previous day:

- There had been 25 members present including Boynton Beach
- There was an update on Legislative issues
- Installation of new board members would take place at the annual gala – May 22, 2013 at the Kravitz Center
- There was discussion of the high speed rail and the quiet zones (which were expected to cost each municipality wanting to participate in excess of \$200,000)
- The FEC, after losing a law suit, would be unable to put up cell towers along the rail line

- There was a discussion on cameras in public places and the cost discrepancies in for cameras that read license plates. From there the discussion touched on the benefits of "Smart Procure" a web based purchasing system
- Questions arose about regulating against contractors that charge the consumer up to 5x the actual cost of a building permit
- The Town of South Palm Beach offered a "shredding day" for their residents
- Incoming PBC League President Scott Maxwell would be continuing with the goals set by the past Presidents of the League
- Mayor Foy reported on the Town's recent adoption of an Ordinance that set minimum lot size requirements for places of worship throughout the Town and the methodology used by the Town to determine the three acre minimum
- Mayor Foy announced the presentation of the FEMA preliminary flood maps and the potential effect of same on local municipalities
- In response to an inquiry posed earlier in the meeting by Haverhill representatives, none of the municipalities present at the luncheon had sold any telecommunication leases to a third party

Treasurer's Report

Included in packet.

UNFINISHED BUSINESS

None.

NEW BUSINESS

The Town Administrator reported that the annual financial audit for FY 2012 would commence Tuesday, May 14, 2013.

Mayor Foy would be attending a May 16, 2013 meeting of the Inspector General to discuss contract purchasing.

Joseph Roche, Director of Public Services announced that the police vehicle decoy would be in Town beginning the following week as part of the Town's effort to control speeding along Belvedere Road.

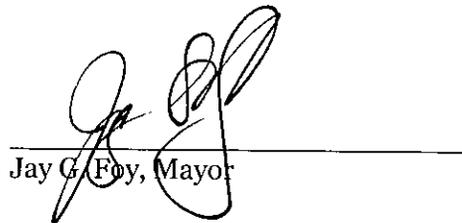
AJOURNMENT

With no further business to come before the Town Council, the meeting adjourned at 7:50 p.m.

Approved: June 13, 2013



Janice C. Rutan, Town Administrator



Jay G. Foy, Mayor