

**TOWN OF HAVERHILL  
Regular Town Council Meeting  
Thursday, January 8, 2015  
Town Hall – 4585 Charlotte Street  
OFFICIAL MINUTES**

Pursuant to the foregoing notice, the regular meeting of the Haverhill Town Council was held on Thursday, January 8, 2015 immediately following the close of the meeting of the Local Planning Agency. The meeting was held 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 Uptegraph, Council Member. Also present were Town Attorney John Foster; Town Planner Josh Nichols; Town Administrator Janice Rutan and Director of Public Services, Joseph Roche.

**CALL TO ORDER**

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

**INVOCATION AND PLEDGE OF ALLEGIANCE**

(Offered at the previous meeting of the Local Planning Agency).

**ROLL CALL**

Roll call was taken at the previous meeting of the Local Planning Agency. (Council Member Gordon arrived late).

**COMMENTS FROM THE PUBLIC**

None.

**APPROVAL OF AGENDA**

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

**APPROVAL OF THE CONSENT AGENDA**

**Approval of the minutes of the December 18, 2014 Regular Meeting.**

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

**PRESENTATIONS AND PROCLAMATIONS**

None.

**COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S DEPT.**

Palm Beach County Sheriff's office was not represented.

**PUBLIC HEARINGS**

**ORDINANCE NO. 428: FUTURE LAND USE MAP AMENDMENT: AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL AMENDING THE FUTURE LAND USE ATLAS FOR THE PROPERTIES LOCATED AT 5001 AND 5002 HAVERHILL ROAD, TOTALING 3.24 +/- ACRES ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 5, PAGE 77, OF THE PUBLIC RECORDS OF THE PALM BEACH COUNTY, FLORIDA, FROM COMMERCIAL FUTURE LAND USE**

**DESIGNATION TO HIGH DENSITY RESIDENTIAL FUTURE LAND USE DESIGNATION. THE SPECIAL EXCEPTION GRANTED UNDER ORDINANCE NO. 358 FOR A SELF-STORAGE FACILITY WITH LIMITED OFFICE AND PROFESSIONAL USE HAS EXPIRED. TOWN ORDINANCE NO. 415 AFFORDS THE TOWN WITH THE ABILITY TO CHANGE THE PROPERTY TO A MORE RESTRICTIVE ZONING OR LAND USE TO CASES WHERE THE SPECIAL EXCEPTION HAS EXPIRED OR OTHERWISE TERMINATED.**

The title was read by Attorney Foster. Attorney Foster reported that the Town Council, sitting as the Local Planning Agency had heard the matter prior to Council consideration and it was their recommendation that the Town Council approve the adoption of Ordinance No. 358.

Josh Nichols, Town Planner offered staff's report.

Mayor Foy opened the public hearing and invited public comments.

**With no public comment or further Council discussion, a motion was made by Vice Mayor Woods, seconded by Council Member Uptegraph and unanimously passed (4-0) to approve Ordinance No. 428 on first reading.**

#### **FIRST READINGS AND REGULAR AGENDA**

**Consider request of the Palm Beach Canal Congregation of Jehovah Witnesses, 858 Haverhill Road for a site plan amendment to reconsider placement of the fence location on the eastern property line due to drainage easement issues.**

Roger Maki was present on behalf of the Jehovah Witness Community. He explained that the location of the Briarwood fences along the west side of their property were located within the Palm Beach County Easement. As such, if the Church were to replace the Briarwood property owners' fences, as originally planned, they too would encroach upon the easement. If they install the fence along the Church's eastern property line, and not remove the existing fences, it would create an alleyway between the fences. During the site plan process, Council specifically noted that they were not in favor of the dual fence lines, citing prohibitive maintenance issues and providing a possible haven for transients and vagrants.

Discussion followed. The Attorney advised the Town Council that the applicant was doing what they are legally entitled to do by placing the fence on their property line. It was in good faith that they were trying to work with the Briarwood property owners to allow them to tie into the Church's fence along the Church's eastern property line, however, it would be their responsibility to seek approval from the County. The Town could assist if requested, however, the Town could not require that the easements be granted.

**A motion was then made by Council Member Uptegraph, seconded by Council Member Gordon and unanimously passed (5-0) to authorize the Kingdom Hall of Jehovah Witnesses to move forward with the placement of the fence on their eastern property line and to make a good faith effort to work with the Briarwood property owners and the County on the tie in and easement issue.**

**Consider the proposed lease amendment between the Town of Haverhill and Crown Castle, amending the current lease between New Cingular Wireless PCS, LLC (CCATT) for an 800 square foot leased area upon which a cell tower has been erected and to authorize the Town Attorney, Mayor and Town Administrator to negotiate and sign the amendment on behalf of the Town.**

Attorney Foster presented Staff's report. He highlighted specific language that was incorporated into the agreement for the benefit of the Town. All amendments were consistent with the Council's direction and initial rent was guaranteed through 2020.

**A motion was then made by Vice Mayor Woods, seconded by Council Member Gordon and unanimously passed to approve the lease agreement between New Cingular Wireless PCS, LLC (CCATT) for an 800 square foot leased area upon which a cell tower has been erected and to authorize the Town Attorney, Mayor and Town Administrator to negotiate and finalize the non business language of the agreement and sign the amendment on behalf of the Town.**

**Consider request for a lien reduction at 5068 Ponderosa Lane as submitted by Sergio Commisso. Broker/Owner on behalf of Nationstar Mortgage, LLC.**

Sergio Commisso was present to represent Nationstar Mortgage Company. Joseph Roche gave staff's report. The bank had ownership of the property through foreclosure March 2014 – July 2014 and did nothing towards mitigating the lien. Mr. Roche added that \$21,290 would be the minimum needed to make the Town whole.

After learning that Mr. Commisso did not have authority from Nationstar to negotiate the lien, Council Member Gordon recommended that there be no reduction from the \$36,500 owed to the Town. He reminded all that this is the second time this matter came before the Council whereby the person present could not accept or negotiate a settlement. He strongly suggested that if this matter was going to be heard again, the bank have their own representation present. Attorney Foster added they could appear by phone if need be.

Mr. Commisso explained that there was a buyer interested in the property and was afraid if the matter were continued to the next meeting, the buyer would pull out from the deal. He offered to obtain an acceptance from the bank within a certain time frame if the Town offered a specific settlement amount.

**A motion was then made by Council Member Gordon, seconded by Council Member Mark Uptegraph and unanimously passed (5-0) to accept \$21,290 as a settlement for the Town's lien on the property located at 5068 Ponderosa Lane with the condition that that the settlement offer must be agreed to in writing by Nationstar Mortgage by the close of business (5:00 p.m. EST) Friday, January 9, 2015 or the amount will revert back to the original settlement amount of \$36,500., in addition, the full settlement amount of \$21,290 must be paid in full within 30 days from today's date, January 8, 2015.**

## **REPORTS**

### **Town Attorney**

Attorney Foster discussed the many conflicts involved with adopting proposed Ordinance 425 as written. Although the Town Council's intent was to stop breeding through unregulated puppy mills, the Ordinance did not address that specifically, but instead limited the retail sales of all domestic pets, including those bred from a USDA grade A breeder. There were case law decisions that he would like to review before moving forward with the adoption of an Ordinance that could be challenged in court. Attorney

Foster noted in particular that he was watching a case from Sunrise Florida and would revise the Town's Ordinance based on that decision.

**A motion was then made by Council Member Gordon, seconded by Council Member Uptegraph and unanimously passed (5-0) to schedule second reading for January 22, 2015 of Ordinance No. 425, as revised.**

**Mayor**

Mayor Foy inquired as to the Town's regulations on outdoor and open burning.

He also questioned how the County could mandate ethics training for elected officials.

**Administrator's Report**

None.

**Committee/Delegate Report**

Vice Mayor Woods reported the Special Events Committee would be meeting January 15, 2015 at noon to discuss the upcoming Annual Picnic.

**Treasurer's Report**

None.

**UNFINISHED BUSINESS**

None.

**NEW BUSINESS**

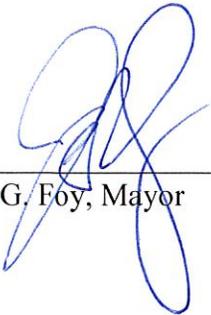
The Town Administrator reminded all that the Palm Beach County League of Cities would be sponsoring a 4 hour ethics course at the Lake Worth Campus of Palm Beach State College on January 21, 2015 from 8:00 – noon. She would RSVP on behalf of those who planned to attend.

**ADJOURNMENT:**

With no further business to come before the Town Council, the meeting adjourned at 8:07 p.m.

Approved: January 22, 2015

  
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Janice C. Rutan, Town Administrator

  
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Jay G. Foy, Mayor