

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 ~ July 10, 2014

7:00 p.m.

- I. CALL TO ORDER**
- II. INVOCATION AND PLEDGE OF ALLEGIANCE**
- III. ROLL CALL**
- IV. COMMENTS FROM THE PUBLIC**
- V. APPROVAL OF AGENDA**
- VI. APPROVAL OF THE CONSENT AGENDA**
 - a. Approval of the minutes for the May 22, 2014 and June 12, 2014 regular meetings
- VII. PROCLAMATIONS AND PRESENTATION**
- VIII. COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S OFFICE**
- IX. SECOND READINGS AND PUBLIC HEARINGS**
- X. FIRST READINGS AND REGULAR AGENDA**
 - a. Resolution R2014-04; A Resolution of the Town Council of the Town of Haverhill, Florida tentatively establishing a millage rate for the 2014 - 2015 Fiscal year; setting the required public hearings and providing an effective date
 - b. Resolution R2014-05; A Resolution of the Town Council of the Town of Haverhill adopting a preliminary non ad valorem special assessment for the 2014-2015 FY for the residential properties lying within the municipal boundaries of the Town of Haverhill as more particularly described in Exhibit A attached hereto to fund solid waste collection and disposal and related charges within the Town. Collecting such pursuant to the uniform method for the levy, collection and enforcement on non ad valorem assessments providing that such assessments shall constitute legal, valid and binding first liens upon property against which assessments are made until paid; providing for conflict; providing for severability; and providing for an effective date.
 - c. Consider lien reduction for 4653 Grove Street as requested for by Carol Fenn
 - d. Consider policy and procedure for accepting privately maintained roads
- XI. REPORTS**
 - Town Attorney
 - Mayor
 - Town Administrator
 - Committee/Delegate Report
 - Treasurer's Report (included in packet)
- XII. UNFINISHED BUSINESS**
- XIII. NEW BUSINESS**
- XIV. ADJOURNMENT**

TOWN COUNCIL REGULAR MEETING
Town Hall Council Chambers
Thursday ~ July 10, 2014
OFFICIAL MINUTES

Pursuant to the foregoing notice, the regular meeting of the Haverhill Town Council was held on Thursday, July 12, 2014 at the Town Hall, 4585 Charlotte Street, Haverhill. Those present were Jay G. Foy, Mayor; James E. Woods, Vice Mayor, Jerry Beavers, Council Member and Lawrence Gordon, Council Member. Also present were Town Attorney John Foster, Town Engineer, Jeff Renault, 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

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

ROLL CALL

The Town Administrator recorded all members present with the exception of Council Member Uptegraph.

COMMENTS FROM THE PUBLIC

Carrol Fenn Floyd was present to address Council. She and her husband had owned property located at 4653 Grove Street. The property had gone into foreclosure during the Floyd's divorce. It had been abandoned and the Town of Haverhill Code Enforcement had placed liens on the property totaling \$54,125.00. The building official had condemned the property.

The matter had been scheduled for later in the agenda as Ms. Fenn Floyd was requesting Council consider a lien reduction, however, staff had learned that the property had been sold for tax deed on July 9, 2014 as the new owner had come into the office to inquire about the property and the liens.

Ms. Fenn Floyd continue to explain to Council it was not her intent to let the property go into foreclosure and she had made several efforts to repair the property and pay the taxes, etc. She was quite upset.

Although Council was sympathetic to her emotional plea, there was nothing that could be done as she was no longer the owner of the property. It was suggested that she contact the Palm Beach County Tax Collector in an effort to remedy the situation. If and when she regains title to the property, she could request Council consideration of a lien reduction.

APPROVAL OF AGENDA

In light of the above, item 10.c. would be removed from the agenda. A motion was made by Vice Mayor Woods, seconded by Council Member Beavers and unanimously passed (4-0) to approve the agenda as amended by removing 10.c.

APPROVAL OF THE CONSENT AGENDA

Approval of the minutes for the May 22, 2014 and June 12, 2014 regular meetings

A motion was made by Vice Mayor Woods, seconded by Council Member Gordon and unanimously passed (4-0) to approve the Consent Agenda.

PROCLAMATIONS AND PRESENTATION

None.

COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S OFFICE

Deputy Stoovza presented the crime statistics for the previous 2 week period. There had been an attempted burglary at 960 Woodland Avenue, a burglary to a vehicle, several business checks and car crashes.

Vice Mayor Woods informed the Deputy that he had been told that there were homeless people living in the Haverhill Park. The Deputy noted the concern and would have her supervisor follow up with scheduling checks in the park.

Council Member Beavers commented that there had been 2 to 3 reckless motorcycles running up and down Belvedere at breakneck speeds, doing wheelies and turning around in the Briarwood subdivision the previous Sunday.

It was reported that there had been an arrest earlier in the day of a person on a dirt bike.

Council expressed their appreciation to the Palm Beach County Sheriff's office.

SECOND READINGS AND PUBLIC HEARINGS

None.

FIRST READINGS AND REGULAR AGENDA

RESOLUTION R2014-04; A Resolution of the Town Council of the Town of Haverhill, Florida tentatively establishing a millage rate for the 2014 - 2015 Fiscal year; setting the required public hearings and providing an effective date

The title was read by Attorney Foster.

The Town Administrator offered Staff's report. She noted that current millage rate of 4.000 has been in effect since the 2011/2012 fiscal year. She explained that as of the September 30, 2013 fiscal year end, the Town had approximately \$704,000 in fund balance that could be used for capital projects, etc. She noted that using the current adjusted taxable value of \$65,286,790 at a 95% collection rate, the total amount collected by the Town would be as follows:

4.0000 mills	\$248,000
4.2500 mills	\$263,500 (+15,500 above the 4.0000)
4.5000 mills	\$293,790 (+45,790 above the 4.0000)

She provided Council a comparison of tax increase using an average assessed value \$200,000 per residence:

\$200,000 @ 4.000 mills	would result in \$800. Ad valorem to the Town
\$200,000 @ 4.2500 mills	would result in \$850. Ad valorem to the Town
\$200,000 @ 4.5000 mills	would result in \$900 Ad valorem to the Town

The Town Council still needs to address how it plans to fund the drainage improvement project for Cyprus and Park Lanes. Although loans were a possibility, paying back those funds would be a future budgetary concern.

The Town Administrator reminded Council that once the preliminary millage rate was set, Council cannot increase, but can only decrease the millage.

When considering capital improvement projects for the ensuing fiscal year, Town Engineer Jeff Renault offered that the original probable cost of construction for the drainage and resurfacing of Park and Cypress Lanes had been reduced due to the partial work completed to date. He was

looking at installing a valley gutter with inlets and pipes, but would need to reconsider the design of the dry retention for water quality as trenches were no longer a storage option.

Mayor Foy commented that the Town would need to consider funding options as the millage rate could not make up the costs to complete the Park Lane and Cypress Lane improvement project.

Council also needed to consider that the Town would be proposing a \$63.00 per unit increase for the solid waste assessment for all taxpayers.

Vice Mayor Woods commented that each year the Council struggles with trying to fund the budget, and that they have been very frugal with taxpayer's dollars. **With that said, he made a motion to pass Resolution 2014-04 and set the tentative millage rate at 4.5000 for the 2014/2015 fiscal year. The motion was seconded by Council Member Beavers and passed unanimously (4-0).**

Council requested the Town Administrator schedule a budget workshop.

RESOLUTION R2014-05; A Resolution of the Town Council of the Town of Haverhill adopting a preliminary non ad valorem special assessment for the 2014-2015 FY for the residential properties lying within the municipal boundaries of the Town of Haverhill as more particularly described in Exhibit A attached hereto to fund solid waste collection and disposal and related charges within the Town. Collecting such pursuant to the uniform method for the levy, collection and enforcement on non ad valorem assessments providing that such assessments shall constitute legal, valid and binding first liens upon property against which assessments are made until paid; providing for conflict; providing for severability; and providing for an effective date.

The title was read by Attorney Foster.

The Town Administrator presented Staff's report. She explained that the two year extension entered into with Southern Waste Systems raised the per unit cost for solid waste and recycling services to \$18.48 per month.

The following figures were used to estimate the cost to fund the 2014/2015 solid waste and recycling program:

Per household cost:	\$221.76
Discount average	8.84
Administrative costs	3.40(1% to Clerk of Court, \$650 Prop. Appraiser; SWA not yet known - actual costs plus 10%)
TOTAL PER UNIT	\$234.00

A motion was then made by Vice Mayor Woods, seconded by Council Member Beavers and unanimously passed to pass Resolution R2014-05 and set the residential non as valorem assessment rate for the 2014/2015 fiscal year at \$234.00 per unit <5 units.

~~**Consider lien reduction for 4653 Grove Street as requested for by Carol Fenn**~~
Removed from agenda.

Consider policy and procedure for accepting privately maintained roads

Town Engineer Jeff Renault presented Staff's report. He, the Town Planner and the Town Administrator had reviewed the County's criteria for accepting privately maintained roads and offered the following policy for Council consideration:

TOWN OF HAVERHILL
POLICY AND PROCEDURE FOR ACCEPTING PRIVATELY
MAINTAINED ROADS FOR TOWN MAINTENANCE

When an application is received, the Director of Public Services may recommend that privately maintained road (s) be accepted as a public road maintained by the Town of Haverhill if the road(s) meet(s) the minimum criteria as follows:

- 50 feet of right of way with curb and gutter
- 60 feet of right of way with swales
- Constructed according to applicable roadway construction standards, including drainage

If the roads had been platted and constructed in accordance with the subdivision and platting ordinance of the Town of Haverhill (Section 54-5 (1), and were approved by the Town Council as part of the site plan approval, the above right of way criteria may vary to no less than 40 feet curb and gutter provided an acceptable amount of easement area is dedicated for utilities. The Town will not accept private roads within a gated community.

Prior to accepting the application, the Director of Public Services shall inform the applicant that: They should retain the services of a Professional Engineer (consultant).

The Professional Engineer should inspect the road(s) to determine if the road and drainage system meet the minimum standards of the Town of Haverhill and issue a certificate to the Town to this effect.

The Professional Engineer, after review and acceptance of the certification by Town staff, shall set up an inspection with the Town Engineer.

Should the Professional Engineer determine that the road(s) do not meet the Town's minimum standards, then an engineering report outlining the improvements will be required.

Upon final inspection and receipt of final certification by the Professional Engineer, Town Staff will prepare and agenda item to the Town Council for acceptance of the road for public use and Town maintenance.

Where the Town Council approves acceptance of the road (s) for public use and Town maintenance, no further action of the applicant is required.

Discussion followed. Attorney Foster reiterated that the three concerns of Council had been addressed:

- The policy would not apply to gated communities
- The road has to meet the Town's standards and required utility easements
- The 40' variation allowed under Chapter 545 would only be permitted only if Council had to approved the site plan

Town Engineer Renault clarified that it would be the applicants Engineer that would certify to the Town that the roads met the standards prior to the Town accepting them. He explained this would place the onus of compliance with the Applicant and not with the Town. In addition, acceptance of these roads was through Staff recommendation and would be put before a vote of the Council. He clarified that Staff could administratively accept the application, however, acceptance of the roads could not be by administrative decision.

Language was added to confirm that the residents within the community would agree to give sufficient right of way.

Vice Mayor Woods reminded all that a Homeowner's Association could levy an assessment to its residents to make necessary repairs or to bring the road up to the Town's standards.

The vote was called.

A motion was then made by Council Member Gordon, seconded by Vice Mayor Woods and unanimously approved (4-0) to accept the policy and procedure for accepting privately maintained roads within the Town for Town maintenance.

REPORTS

Town Attorney

The Town Attorney reported on the request the Town Administrator had received from SBA on behalf of Sprint to add a diesel generator to their existing lease area in the communications compound located behind the Town Hall.

In response to the Staff's initial concerns, the applicants responded that they would not be interested in sharing a generator with the co-locaters, as they want to insure their generator had adequate capacity to run their equipment.

The applicant explained that they would be installing a Kohler generator that would maintain the sound level at 65 db.

There would be routine maintenance performed once per month.

Discussion followed. Council expressed their desire that the db be reduced below the 65 db (at 23'), and that it not be run between the hours of 8:00 p.m. and 8:00 a.m. The applicant should be put on notice that the Council will require some sort of noise attenuation.

Attorney Foster commented that there really was nothing to prevent a carrier to install a generator. It was agreed the only objection was to the noise. The Town Attorney and Town Administrator would express Council's concerns to the applicants and further discuss alternative fuels, noise attenuation, octave bans vs. flat waves, etc. Staff would report back to Council at their next meeting report back to Council at the next meeting.

Mayor

None.

Town Administrator

The Town Administrator reported that the whole month of August was "Florida Water Professional Month."

She reported that Senator Clemons would be hosting an insurance information forum for Citizens insurance policy holders. The forum would be held July 22, 2014 between the hours of 1:00 – 4:00 p.m. at Senator Clemons's office in Lake Worth.

The Town Administrator reported that Wayne Cameron would be returning to perform the duties of Building Official for the Town of Haverhill under the agreement the Town had with MT Causley. She reported that she was aware that Mr. Cameron's property at 930 Briarwood was in disrepair and he had been contacted while on vacation. Mr. Cameron was able to have the property mowed prior to the 4th of July holiday.

Attorney Foster reminded all that Council and Staff were held to a higher standard and should avoid putting themselves in a position to solicit complaints and/or a sense of impropriety among the residents.

Committee/Delegate Report

Vice Mayor Woods announced the meeting of the Special Events Committee scheduled for July 15, 2013. The meeting would be the first in preparing for the annual Halloween Event.

He also announced that Staff was hosting a summer reading event for pre –k students through 5th grade, followed by an ice cream social on Tuesday, July 22, 2014 at the Town Hall between the hours of 1:00 p.m. – 3:00 p.m.

Council Member Beavers reported on his attendance at the July 9, 2014 Palm Beach County District II & III luncheon held in Atlantis. The following items were discussed:

- The passing of Maury Jacobson, former Mayor and Council Member from South Palm Beach
- Palm Beach County may possibly be pulling out of the Treasure Coast Regional Planning Council
- The Executive Director of the League, Richard Ratcliff, reported that there were 165,000 active flood insurance policies in Palm Beach County with only 9,000 claims paid out since 1978
- Wellington was considering buying the Par 3 golf course from the Wanderers Club and turning it into a passive park and equestrian trails
- He inquired as to any known Ordinances that prohibit vehicles from backing into their driveways
- There had been reports of fisherman chumming to lure sharks onto the beaches in South Palm Beach
- Robert Gotlieb (South Palm Beach) reported on investment firms in lieu of using banks
- There would be a regular meeting and municipal meeting on July 16, 2014 to be held at the PBC EOC
- There was discussion about the FEMA Coastal Flood meeting
- Lake Worth is looking to possible sell their utility company

Treasurer's Report

Included in packet.

UNFINISHED BUSINESS

The Town Administrator reported on the following:

- Plans for the Kingdom Hall of Jehovah's Witnesses were still being review by Palm Beach County Fire Rescue
- Plans had been submitted for the property at 4753 Belvedere Road
- The Director of Public Services reported the Woodland Avenue drainage improvement project was flowing nicely
- She would follow up with the County to be sure they complete the striping of Belvedere Road


NEW BUSINESS


Attorney Foster reported that his partner, Lance Fuchs, would be at the July 24, 2014 Town Council meeting as he would be in attendance at the Municipal Attorney's Annual Conference.

ADJOURNMENT

With no further business to come before the Town Hall, the meeting adjourned at 8:45 p.m.

Approved: July 24, 2014


Janice C. Rutan, Town Administrator


Jay G. Foy, Mayor

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As adopted by the Haverhill Town Council

July 10, 2014

**TOWN OF HAVERHILL
REGULAR TOWN COUNCIL MEETING
Thursday, July 10, 2014**

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