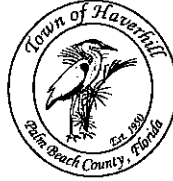


Jay G. Foy, Mayor
James E. Woods, Vice Mayor
Jerry E. Beavers, Council Member
Lawrence Gordon, Council Member
Mark C. Uptegraph, Council Member
John Fenn Foster, Town Attorney
Janice C. Rutan, Town Administrator



**TOWN OF HAVERHILL
FIRST PUBLIC HEARING
ADOPT TENTATIVE MILLAGE RATE/
PROPOSED BUDGET FOR FY 2013/2014
Thursday, September 12, 2013
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, 2013 through September 30, 2014
- VI. Adopt tentative budget
 - a. Fiscal Year October 1, 2013 through September 30, 2014
- VII. Comments from the Public (items not on agenda)
- VIII. Adjournment

**TOWN OF HAVERHILL
REGULAR TOWN COUNCIL
THURSDAY, SEPTEMBER 12, 2013
7:00 P.M.**

(IMMEDIATELY FOLLOWING CLOSE OF PUBLIC BUDGET HEARING)

- I. CALL TO ORDER
- II. APPROVAL OF AGENDA
- III. APPROVAL OF THE CONSENT AGENDA
 - a. Approval of August 22, 2013 minutes of the regular meeting
- IV. PRESENTATIONS
- V. COMMENTS FROM THE PUBLIC
- VI. COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S DEPARTMENT
- VII. SECOND READINGS AND PUBLIC HEARINGS
- VII. FIRST READINGS AND REGULAR AGENDA
 - a. Award proposal for topographical survey as per scope of services for the Park Lane and Cyprus Lane roadway and drainage improvement project. (please note that proposals received are confidential and exempt from disclosure under FS 119 until such time as the Council makes its decision).
 - b. Award contract for Final Phase of Briarwood Drive Valley Gutter to Wynn and Sons in the amount of \$29,078.00 as per Wynn and Sons proposal (based on piggy back of current contract with Palm Beach County).
 - c. Act on notice of intent of SBA to decommission the cell tower site at 4585 Charlotte Street.
 - d. Act on request for variation for installation of 6' fence for property located at 4753 Belvedere Road
 - e. Authorize Town Administrator to enter into contract with Toshiba to provide for an electronic document management solution for storage, retrieval and archives of all paper documents
 - f. Funding of Inspector General's office
 - g. Review and authorization to send letter from Mayor to FEMA re: FEMA FIRM (Flood Maps).
- X. REPORTS
 - Town Attorney
 - Mayor
 - Consultants
 - Administrator's Report
 - Committee and Delegate Reports
 - Treasurer's Report (included in packet)
- XI. UNFINISHED BUSINESS
- XII. NEW BUSINESS
- XIII. 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, CMC, 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
PUBLIC HEARING
ADOPT TENTATIVE MILLAGE RATE/
PROPOSED BUDGET FOR FY 2013/2014
Thursday, September 12, 2013
OFFICIAL MINUTES**

Pursuant to the foregoing notice, a public hearing of the Haverhill Town Council was held on Thursday, September 12, 2013 at the Town Hall, 4585 Charlotte Street, Haverhill. Those present were Jay G. Foy, Mayor; James E. Woods, Vice Mayor; Jerry Beavers, Council Member, Lawrence Gordon, Council Member and Mark C. Uptegraph, Council Member. Also present were Town Attorney John Foster, Town Administrator Janice C. Rutan and Director of Public Services Joseph Roche.

CALL TO ORDER

Mayor Foy called the meeting to order at 7:01 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

The Agenda was approved as presented

PUBLIC HEARING:

ADOPT TENTATIVE MILLAGE RATE

a. Fiscal Year October 1, 2013 through September 30, 2014

There being no persons present, the public hearing was not opened for public comment.

A motion was made by Council Member Gordon, seconded by Vice Mayor Woods and unanimously passed (5 – 0) to set the tentative millage rate at 4.0000 mills.

ADOPT TENTATIVE BUDGET

a. Fiscal Year October 1, 2013 through September 30, 2014

There being no persons present, the public hearing was not opened for public comment.

A motion was made by Council Member Gordon, seconded by Vice Mayor Woods and unanimously passed (5-0) to adopt the tentative budget as presented, in the amount of \$915,050 for general fund revenues and expenditures, \$103,797 non ad valorem special assessment for solid waste and recycling revenue and expenditures for a total of \$1,018,847.

COMMENTS FROM THE PUBLIC (ITEMS NOT ON AGENDA)

None

ADJOURNMENT

With no further business to come before the Town Council, the Public Budget Hearing adjourned at 7:10 p.m.

Approved: October 10, 2013

**TOWN OF HAVERHILL
REGULAR TOWN COUNCIL
Town Hall Council Chambers
Thursday ~ September 12, 2013
IMMEDIATELY FOLLOWING CLOSE OF PUBLIC BUDGET HEARING)
OFFICIAL MINUTES**

Pursuant to the foregoing notice, a meeting of the Haverhill Town Council was held on Thursday, September 12, 2013 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 Mark C. Uptegraph, Council Member. Also present were Town Attorney John Foster, Town Administrator, Janice C. Rutan and Director of Public Services Joseph Roche.

CALL TO ORDER

Mayor Foy called the meeting to order at 7:11 p.m.

APPROVAL OF AGENDA

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

APPROVAL OF THE CONSENT AGENDA

Approval of August 22, 2013 minutes of the regular meeting

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

PRESENTATIONS

None.

COMMENTS FROM THE PUBLIC

None.

COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S DEPARTMENT

Deputy Sergeant Greg Meehan presented crime statistics for the period August 11, 2013 through September 11, 2013. There had been 2 residential burglaries and the suspect for the break in on Richmond Mews was caught and apprehended. There had been domestic issues, a vandalism on Toronto and car accidents reported as well as one child abuse case. There had been a total of 32 calls that included car alarms, accidents, etc. When asked if there had been any accidents specific to the County road construction of the right hand turn lane from Belvedere Road northbound on Haverhill Road, Officer Meehan responded that there had been reported accidents at that location.

SECOND READINGS AND PUBLIC HEARINGS

None.

FIRST READINGS AND REGULAR AGENDA

Award proposal for topographical survey as per scope of services for the Park Lane and Cyprus Lane roadway and drainage improvement project. (please note that proposals received are confidential and exempt from disclosure under FS 119 until such time as the Council makes its decision).

Town Engineer Jeff Renault offered Staff's report. He explained that he had received two proposals for topographical surveys of Park Lane and Cyprus Lane. The surveys were needed to prepare a cost estimate for the required roadway and drainage improvements.

Proposals were received in response to the scope of services. Wallace Surveying presented a fee for services in the amount of \$6,750. Richard H. Smith, Inc. presented a fee for services in the amount of \$7,800.

Based on the recommendation of the Town Engineer, a motion was made Vice Mayor Woods, seconded by Council Member Beavers and unanimously passed (5-0) to award the proposal to Wallace Engineering for professional surveying and mapping services in the amount of \$6,750.00.

Award contract for Final Phase of Briarwood Drive Valley Gutter to Wynn and Sons in the amount of \$29,078.00 as per Wynn and Sons proposal (based on piggy back of current contract with Palm Beach County).

Town Engineer Jeff Renault presented Staff's report. He explained the scope of the project which would complete the drainage improvement project in the Briarwood subdivision. Although there were still areas that would be without gutter, all of the problem areas would be addressed. He agreed with the opinion and recommendation of Joseph Roche, Director of Public Services, that the proposed improvements would eliminate any existing drainage problems remaining in the Briarwood subdivision.

Staff had obtained a proposal from Wynn and Sons based on the contract between Wynn and Sons and the City of West Palm Beach. The Town would piggy back off the awarded contract and benefit from the bid prices.

A motion was then made by Vice Mayor Woods, seconded by Council Member Beavers and unanimously passed (5-0) to award the contract to Wynn and Sons in the amount of \$29,078. For the final phase of the Briarwood Curb and Gutter drainage improvement project.

Act on notice of intent of SBA to decommission the cell tower site at 4585 Charlotte Street.

Attorney Foster presented Staff's report. He referred to the letter the Town had received from Mark Ciarfella, Senior Vice President of SBA, putting the Town on 30 day notice that SBA would be decommissioning the ball field tower site. SBA's actions were anticipated due to changes in the market. Attorney Foster noted that the main objective now for cell tower sites was to get as close as possible to the end users and that tower sites in residential areas were becoming more and more difficult to be allowed.

He next reported on the conference call that he and the Town Administrator had with Attorney Jonathan Kramer and Attorney Natalia Shparber, telecommunication attorneys out of Los Angeles, California.

The conference call provided the Town with valued information including the suggestion that the Town contact SBA and explain to them that the Town would recognize the termination of the lease, but was asking for a 6 month toll regarding the removal of the tower. The six month stay would allow the Town additional time to find a replacement locator. He further suggested that the Town contact demolition companies to determine the cost to remove only the tower, leaving the tower pad, the generator pad and the building in place for the Town's acquisition. This would allow another carrier easier access to the site.

He suggested the Town request access to the building and that the power be restored to the building in the Town's name.

Should SBA grant the Town a six month stay for the removal of the tower, the Town should obtain quotes for the removal; in any case the antennas should be removed as they could become missiles in the event of a storm. If the Town were able to find a broker for the Tower, it was suggested that an outright commission be paid to the broker in lieu of a percentage of rent collected.

Attorney Foster explained the legal conveyances that would need to occur to ensure the Town retains the right to maintain a tower of the property.

Mayor Foy commented that he preferred to have only the tower removed, maintaining the pads and the building for the Town's acquisition and use.

By general consensus of the Town Council, Staff was authorized to move forward with negotiations with SBA to allow for a 6 month stay to remove the tower and to request SBA's consideration of granting ownership of the building and existing pads to the Town. At a minimum the Town would be requesting access to the building and to change the FP&L meter into the name of the Town.

Act on request for variation for installation of 6' fence for property located at 4753 Belvedere Road
Town Administrator Rutan presented Staff's report. It was explained that due to an internal lack of communication, a building permit had issued for the placement of a six foot fence on the front lot line of the property located at 4753 Belvedere Road without first having received a variation from the requirements of Section 58-319 (b) which states that "fences located between the primary structure and the front lot line shall not exceed four (4) feet in height above the finished lot level unless permitted pursuant to subsection (58-319 (g)).

Subsection 58-319(g) allows the Town Council to consider a variation from the above provided that the variation approving a fence greater than four feet in height not be opaque above four feet in the area between the primary structure and the front lot line.

It was staff's recommendation, that although the permit had been issued prior to a variation being granted, the Town Council approve the request for variation as the fence meets the criteria of Section 58-319(g), and the installation of the fence will ensure the safety of the property and pedestrians during construction and will provide the owner privacy from the vehicular and foot traffic along Belvedere Road.

Discussion followed. Council was concerned that allowing a six foot shadow box fence along Belvedere Road would not be aesthetically pleasing and could be used to hide potential code violations. It was noted that the side and rear yards would be chain link fencing in various heights. Council agreed it would be their preference that the perimeter chain link fence be uniform at 6 feet.

After consideration and discussion, a motion was then made by Council Member Gordon, seconded by Vice Mayor Woods and unanimously passed (5 – 0) to grant a variation to allow for a 6' foot shadow box fence, along the front lot line of the property located at 4753 Belvedere Road provided that there remain a minimum 15' opening in the structure and in accordance with the plans as submitted and received by the Town of Haverhill on August 20, 2013 and the motion being made with the condition that the Code Enforcement Officer of the Town of Haverhill be allowed to enter the property at his or her discretion to ensure compliance.

Authorize Town Administrator to enter into contract with Toshiba to provide for an electronic document management solution for storage, retrieval and archives of all paper documents

Town Administrator Rutan presented Staff's report. Staff had received 3 quotes for a town wide document imaging/records management system. After careful consideration, Staff was recommending

the Town Council authorize the Town Administrator to negotiate with Toshiba to provide the software and scanner for the Town to begin its electronic imaging program.

For the current fiscal year, the Town had approved a line item of \$9,500 for printing and binding, of which approximately \$7,500 was to be used towards implementing a records management program. In the proposed budget, Staff was recommending an additional \$7,500 part of which would also be used for document preparation and large format scanning of plans and maps.

Based on Staff's recommendation, a motion was made by Vice Mayor Woods, seconded by Council Member Gordon and unanimously passed (5-0) to authorize the Town Administrator to enter into an agreement with Toshiba to provide Docuware (Document Management Software) to implement an electronic document management solution for storage and retrieval of all documents associated with the Town to be financed as follows:

An initial down payment of \$7,500 to be paid for from FY 2012/2013 funds; the balance of \$4,320 to be paid for on October 1, 2013 and to authorize the Town Administrator to enter into a 36 month lease agreement for the Fujitsu Scanner at an amount of \$37.65 per month beginning October 1, 2013.

The Town Administrator explained that there would be an approximate balance of \$2,500 remaining in FY 2013/2014 to be used for outsourcing document preparation and large format scanning.

Funding of Inspector General's office

The Town Administrator presented Staff's report. She reminded Council that at their August 22, 2013 Town Council meeting, Council approved by motion made by Lawrence Gordon and second by James Woods to send payment to fund the Office of Inspector General in the amount of \$1,548 for the 3 quarterly payments of \$397.00 remaining for FY2012 and to pay \$1,480 for FY2013 and to include the amount of \$1,370 in the FY 2013/2014 in the proposed budget. Council did not approve entering into an ILA with Palm Beach County.

When trying to determine where payment would be sent, as Council was specific that payment NOT be sent directly to the office of Inspector General, Staff was told that unless the Town entered into the ILA, the County Clerk would not accept the money until the lawsuit challenging the funding mechanism was settled. Without the voluntary funding agreement (ILA) the money would be returned to the Town.

County Staff explained to the Town Administrator that by entering the ILA, the Town would be "granting" the money to the OIG, and in the event the funding mechanism was determined to be unconstitutional, the money paid by the Town would not be returned to the Town. Further, there was concern that if the funding mechanism was found to be constitutional, the monies paid by the Town through the Interlocal Grant Agreement would not be recognized and/or credited to the Town and they may be required to pay again.

On August 28, 2013, the Town received a letter from BOCC Mayor Steven Abrams once again requesting the Town meet their funding obligation to the OIG through a voluntary grant agreement.

Based on Staff's research and recommendation, a motion was made Vice Mayor Woods, seconded by Council Member Gordon and unanimously passed (5-0) to reconsider Town Council action taken at its August 22, 2013 meeting and Haverhill will now NOT send in payment.

Review and authorization to send letter from Mayor to FEMA re: FEMA FIRM (Flood Maps).

Mayor Foy presented Council with draft letter he would like to send to FEMA on behalf of the Town citing concerns over the errors included in the proposed FEMA FIRM maps and providing preliminary technical data. **Council reviewed and a motion was made by Council Member Gordon, seconded by Vice Mayor Woods and unanimously passed (5 – 0) to authorize the Mayor to send the letter to FEMA on behalf of the Town of Haverhill.**

REPORTS

Town Attorney

None.

Mayor

The Mayor announced that the Town had received notification from the Town of Lantana that the State of Florida was requiring all documentation for the Energy Grant be filed no later than September 30, 2013 and as such, Lantana would be mailing reimbursement checks to the Town of Haverhill to close out the grant monies. The Town was instructed to deposit the checks immediately so Lantana could provide cancelled checks to the State for proof of payment.

Mayor Foy reported that he had been before the Commission on Ethics earlier in the day and three Commissioners had to disclose that they had non conflicting third party affiliation with the members of the Commission. The first was representation of an engineering applicant to ITID, the second the wife of a Haverhill Council Member and a third member because the person making the complaint against Mayor Foy had served as their campaign manager. They were looking into whether his vote as a member of the Water Resources Task Force regarding the C-51 Reservoir had benefitted him personally. The Commission concluded that they could not make an official finding as the complaint was not under their jurisdiction.

Mayor Foy reminded all that it had been the practice of Council to hold only one meeting per month for the months of November and December. A motion was then made by Vice Mayor Woods, seconded by Lawrence Gordon and unanimously passed (5 – 0) to hold the first meeting in November on November 14, 2013 as scheduled and cancel the second meeting of the month scheduled for Thursday, November 28, 2013 and to hold the first meeting in December on December 12, 2013 as scheduled and to cancel the second meeting of the month scheduled for Thursday, December 26, 2013.

Mayor Foy announced the holiday closings as follows:

Thanksgiving: Town Hall will be closed Thursday November 28, 2013 and Friday, November 29, 2013

Christmas: Town Hall will be closing at noon on December 24, 2013 and closed all day December 25, 2013, reopening December 26, 2013.

New Year's: Town Hall will be closing at noon on December 31, 2013 and closed all day January 1, 2014, reopening January 2, 2014.

Consultants

None.

Administrator's Report

The Town Administrator explained that the Town had recently entered into an Agreement with Essential Net Solutions, "ENS" to provide the Town with computer technical support services. ENS had determined that the Town was in need of a new server. The server presently being used was installed in 2004/2005. ENS provided the Town a quote for services in the amount of \$7,499.00 for the server, installation and configuration. The Town Administrator expressed concern that it had been the custom of the Town Council to obtain three quotes if the expense was above \$3,000 and less than the required \$20,000 to put the purchase out to bid. Due to the relationship between the Town and the vendor, and the confidentiality of same, she was requesting Council approval of the purchase without obtaining three quotes. The Attorney opined that the purchase of the server was piggybacked on the state purchasing contract and as such, he felt comfortable in the Council approving the purchase. The vendor had expressed concern that the Town could be vulnerable if other vendors were aware of the configuration of the Town's server and programs, etc.

Taking Staff's recommendations into consideration, a motion was made by Vice Mayor Woods, seconded by Council Member Uptegraph and unanimously passed (5-0) to authorize the purchase, installation and configuration of the Town's server to ENS in the amount of \$7,499 for the FY 2013/2014.

The Town Administrator reminded all that the Mayor's Literacy Luncheon was scheduled for September 18, 2013 at the Omphoy Hotel on Palm Beach. The Mayor and two elected officials were encouraged to attend. Mayor Foy, Council Member Beavers and Council Member Uptegraph were planning to attend.

Committee and Delegate Reports

Vice Mayor Woods reported on the meeting of the Special Events Committee in preparation of the October 25, 2013 Halloween Event. The Mayor was asked to judge the costume contest.

Council Member Beavers reported on the Palm Beach County League of Cities District II and III meeting held the previous day in Atlantis. Licensing of rental properties was discussed and he inquired as to the licensing of rental properties in Haverhill. There was discussion on whether the municipalities allowed Council Members to participate in meetings via teleconference. Council Member Beavers reported that former Congressman Clay Shaw had passed away; The League's legislative priorities were discussed. Governor Scott had been in Town and addressed sales tax on commercial leasing and business tax receipts at his presentation in Boca Raton. It was confirmed that the legislature sets the rates for FRS contributions. Anne Gerwig of Wellington reported on the Village's Strategic Planning Session. A discussion concerning nepotism followed.

Treasurer's Report

Included in packet.

UNFINISHED BUSINESS

Councilmember Uptegraph reported on the new pathway in the Haverhill Park. He was very happy with its location and how it looked.

Joseph Roche, Director of Public Services reported on an abandoned lift station that was uncovered by the County while doing work in the park. He explained it was a gravity fed line that he believes routes to Haverhill Road.

Mayor Foy reported that the LWDD had still not gotten back to him regarding a meeting with the Town, LWDD and the County to discuss Belvedere Road sidewalks.

Director of Public Services Joseph Roche reported that LWDD was clearing along the L-4 canal. They had left the Royal Palms along the bank (Toronto Road) and were heading toward Ivywood Road.

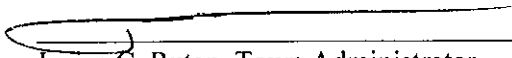
NEW BUSINESS

None.

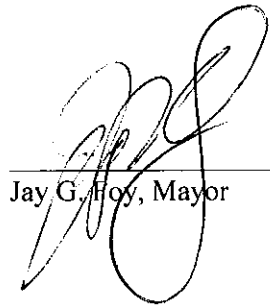
ADJOURNMENT

There being no further business to come before the Town Council, the meeting adjourned at 9:20 p.m.

Approved: October 10, 2013



Janice C. Rutan, Town Administrator



Jay G. Hoy, Mayor