

Jay G. Foy, Mayor  
Lawrence Gordon, Vice Mayor  
Mark C. Uptegraph, Council Member  
Remar M. Harvin, Council Member  
Daniel H. Sohn, Council Member  
John Fenn Foster, Town Attorney  
Janice C. Rutan, Town Administrator



## **TOWN COUNCIL REGULAR MEETING**

**Town Hall Council Chambers**

**Thursday ~ February 28, 2019**

**7:00 p.m.**

### **AGENDA**

- 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 of the January 24, 2019 regular meeting and February 4, 2019 workshop
- VII. PROCLAMATIONS AND PRESENTATION**
- VIII. COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S OFFICE**
- IX. REGULAR AGENDA AND FIRST READINGS**
  - a. Request of Dayani Chirino re: Request for Lien Reduction for 5215 Bethany Lane
  - b. Consider extending Contract between Waste Pro and the Town of Haverhill for a period not to exceed three (3) years per Section 2-66 (c) of the Town of Haverhill Code of Ordinances.
  - c. Consider attendance at the Palm Beach County League of Cities Annual Gala
- X. SECOND READINGS AND PUBLIC HEARINGS**
- XI. REPORTS**
  - Town Attorney
  - Mayor
  - 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 ~ February 28, 2019**

**7:00 p.m.**

### **OFFICIAL MINUTES**

The regular monthly meeting of the Haverhill Town Council was held at the Town Hall, 4585 Charlotte Street, Haverhill on Thursday, February 28, 2019. Those present were Mayor Foy; Vice Mayor Lawrence Gordon; Council Member Mark C. Uptegraph; Council Member and Council Member Daniel H. Sohn. Also present were John F. Foster, Town Attorney; Janice C. Rutan, Town Administrator and Joseph Roche, Director of Public Services.

### **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 followed by the Pledge of Allegiance. He also requested a moment to pray for Council Member Remar Harvin who had suffered a medical setback.

### **ROLL CALL**

The Town Administrator called the roll. All members were present with the exception of Council Member Harvin.

### **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 January 24, 2019 regular meeting and February 4, 2019 workshop**

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

### **PROCLAMATIONS AND PRESENTATION**

None.

### **COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S OFFICE**

Deputy A. Raja addressed the Town Council. He noted that he was the Crime Prevention Officer assigned to the Town of Haverhill and he would be working hard to prevent crime within the Town. He reported on a new design practice being used by other municipalities, Palm Beach Gardens being one, referred to a C-PED "Crime Prevention by Environmental Design". The program requires that all new developments be reviewed by a C-PED trained employee to look at things such as lighting, landscaping, etc. All things that can deter crime from happening in a neighborhood. Council expressed an interest in the program and asked Deputy Raja to attend the April 2, 2019 workshop to further explain the program.

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

**Request of Dayani Chirino re: Request for Lien Reduction for 5215 Bethany Lane**

The Town Administrator presented Staff's report. She gave the history of the property. She explained that since September of 2018, the property owner at 5215 Bethany Lane had made attempts to come before Council to request a reduction of lien that had accumulated on her property for 75 days, totaling \$9,000.00.

The property owner, Dayani Cherino, had cited a conflicting work schedule, travel out of the country and being a single mother as some of the reasons she was unable to attend the evening meetings. Her realtor, Omar Sanchez, did attend one Council meeting to act on her behalf, however, he did not have the proper authorization from the property owner so the matter could not be heard.

Both Ms. Cherino and Mr. Sanchez were scheduled to be heard by Council on January 24, 2019 but the matter had been pulled from the agenda by Staff as it was discovered there had been extensive renovations done to the residence without a permit.

The property owner was given a time certain to apply for the permit(s) with said application to be accompanied by an engineer's letter outlining the work done and certifying the work was done in accordance with Florida Building Code. The certifications were received in a timely manner and the permits issued on February 26, 2019.

The Town of Haverhill's fee schedule states that work without a permit would be charged 4 times the regular permit fee.

Ms. Cherino was before the Town this evening to request the following:

- 1.) A reduction in the original lien amount of \$9,000
- 2.) A rebate of permit fees that had been charged at 4 times the regular permit fee. Had Ms. Cherino applied for the permits prior to the work being completed the fees would have been \$430.50. However, Staff charged 4 times the fee (as per the fees schedule adopted by Council) resulting in permit fees of \$1,722.00.

3.)

Attorney Foster opined that the Town Council could not waive the 4 times the fee penalty as it was adopted as part of the fee schedule and Council cannot violate its own policy.

Vice Mayor Gordon learned that the cost of the engineer to certify the work was \$3,000. It was noted that the closing of the property was dependent on the settlement of the lien.

Vice Mayor Gordon confirmed that the permit fee of \$1,722 must stay as is, however, he would be willing to reduce the lien to \$5,000. With a total due the Town \$6,722.00. Discussion followed.

**A motion was then made by Vice Mayor Gordon to reduce the lien from \$9,000 to \$4,500 exclusive of the permit fee in the amount of \$1,722.00 bringing the total due the Town of Haverhill to \$6,222.00. The motion was seconded by Council Member Uptegraph and passed 3-1 with Council Member Sohn voting against the motion, as he would have preferred the fine be reduced to only \$5,000.**

**Consider extending Contract between Waste Pro and the Town of Haverhill for a period not to exceed three (3) years per Section 2-66 (c) of the Town of Haverhill Code of Ordinances.**

By general consensus, the Town Council authorized the Town Administrator to write a letter to Waste Pro expressing the Town's interest in extending the contract per the Town's Code of Ordinances and the existing agreement between the Town of Haverhill and Waste Pro.

**Consider attendance at the Palm Beach County League of Cities Annual Gala**

The Palm Beach County Annual Gala would be held on May 22, 2019. By a show of hands Mayor Foy, Vice Mayor Gordon, Council Member Uptegraph and Town Administrator Rutan expressed an interest in attending.

## **SECOND READINGS AND PUBLIC HEARINGS**

None.

## **REPORTS**

### **Town Attorney**

None.

### **Mayor**

In response to his inquiry, Mayor Foy was told by the Director of Public Services that the annual NPDES report would be forthcoming.

### **Town Administrator**

The Town Administrator reported on the newly appointed Supervisor of Elections, Wendy Link, who had addressed the Palm Beach County Municipal Clerks Association earlier in the day.

The Town Administrator had been notified by the Inspector General that Haverhill had been chosen for them to conduct a revenue audit.

### **Committee/Delegate Report**

Daniel Sohn reported on the Legislative Delegation.

Vice Mayor Gordon reported on the League of Cities General membership meeting. Items discussed included:

- City of Jacksonville appeal to a circuit court whereby the court ruled in favor of the City for denying a developer's development plan stating the City controls discretionary decisions.
- There was a rehash of the AIRBNB vacation rentals and whether a City can enforce licensing.
- There was Census information handed out and talk of setting up a census committee in Haverhill. The 2020 census would be conducted digitally.

### **Treasurer's Report**

Included in packet.

## **UNFINISHED BUSINESS**

None.

## **NEW BUSINESS**

Director of Public Services reported on planned renovations to the women's bathroom at the Town Hall

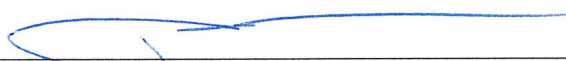
He next reported on a possible drainage issue on Concord Road. He would be meeting with the Town Engineer to determine the problem.

Council Member Sohn reported on recent renovations to the Homestead City Hall.

## **ADJOURNMENT**

With no further business to come before the Town Hall, the meeting adjourned at 8:12 p.m.

Approved: March 28, 2019

  
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Janice C. Rutan, Town Administrator

  
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Jay G. Foy, Mayor