

Jay G. Foy, Mayor
Lawrence Gordon, Vice Mayor
Mark C. Uptegraph, Council Member
Dennis Withington, Council Member
Raymond Caranci, Council Member
John Fenn Foster, Town Attorney
Janice C. Rutan, Town Administrator



**TOWN OF HAVERHILL
TOWN COUNCIL REGULAR MEETING
Thursday, February 25, 2021
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 February 2, 2021 Workshops
- VII. PROCLAMATIONS AND PRESENTATION**

None.
- VIII. COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S OFFICE**
- IX. REGULAR AGENDA AND FIRST READINGS**
 - a. Consider request for variation from the fence height requirement of 10' on the side and rear yard setback and 6' in the front yard setback to allow for a twelve-foot fence on the east side of the front fence as applied for by Yisell Pantaleon, property owner, 5212 Bethany Lane.
 - b. Discuss pole locations within the Town as proposed by Palm Beach County/Palm Beach County School District Digital Inclusion Project
 - c. Resolution R2021-01: A Resolution of the Town Council of the Town of Haverhill extending the Local State of Emergency adopted by the Haverhill Town Council on March 16, 2021 in response to the COVID 19 Pandemic until canceled by vote of the Town Council.
 - d. Discuss proposed Briarwood Wall aesthetics and timeline
 - e. Discuss proposed Ordinances
 - f. Discuss Legislative Priorities
 - g. Update on NPDES Audit Requirements
- X. PUBLIC READINGS AND SECOND HEARINGS**

None.
- 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

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TOWN COUNCIL MEETING

February 25, 2021

IN ACCORDANCE WITH STATE OF FLORIDA, OFFICE OF THE GOVERNOR EXECUTIVE ORDER NUMBER 20-69 (Emergency Management – COVID- 19 – Local Government Public Meetings), the Emergency Declaration issued by the Town, and FS 286.0114, and other applicable federal, state, county and Town declarations, orders, rules and regulations, the Town Hall meeting shall be modified with respect to public access and public comment. Public comment will be received via e-mail (jrutan@townofhaverhill-fl.gov) up until noon on February 25, 2021. Any public comments received via e-mail, will be made part of the record of the meeting. If you prefer to appear in person to address the Town Council, access to the Town Hall by the public will be limited to no more than 10 persons in the Council Chambers including Town Council, Staff and PBSO; provided, however, that those persons exhibiting signs of illness, such as coughing or sneezing will not be permitted in the Town Hall. Each person will be granted 5 minutes to speak either on an agenda item or under Public Comment. If you wish to speak on a specific agenda item, please tell the Administrator prior to your entrance into the Town Hall so she can schedule speakers accordingly. All persons will be required to bring their own mask and wear it when entering Council Chambers to address the Town Council. Those persons gathering outside the Town Hall shall maintain a separation of at least six feet from one another, and it is recommended that masks be worn as well. If you wish to listen to the Town Council Meeting via teleconferencing, dial 1-877-953-1152 and enter participant code 7404157#. Those individuals gathering outside of the Town Hall will need to dial-in to the number above as there will be no speaker outside to broadcast the meeting. Once the meeting begins, all participants will be muted, however, after Council discusses a specific workshop item, the call will be unmuted to allow for questions. Please be courteous of the other participants, speak in turns and do not talk over another speaker. Thank you for your patience and understanding during these uncertain times.

**TOWN OF HAVERHILL
TOWN COUNCIL REGULAR MEETING
Thursday, February 25, 2021
OFFICIAL MINUTES**

The regular monthly meeting of the Haverhill Town Council was held at the Town Hall, 4585 Charlotte Street on Thursday, February 25, 2021. Those present Jay Foy, Mayor; Lawrence Gordon, Vice Mayor (via teleconference); Mark C. Uptegraph, Council Member; Dennis Withington, Council Member and Ray Caranci, Council Member. Also present were John Fenn Foster, Town Attorney and Janice C. Rutan, Town Administrator.

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

All Town Council members were present with Vice Mayor Gordon attending via teleconference.

COMMENTS FROM THE PUBLIC

None.

APPROVAL OF AGENDA

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

APPROVAL OF THE CONSENT AGENDA

Approval of the minutes of the February 2, 2021 Workshops

A motion was made by Council Member Uptegraph, seconded by Council Member Withington and unanimously passed (5-0) to approve the Consent Agenda as presented.

PROCLAMATIONS AND PRESENTATION

None.

REGULAR AGENDA AND FIRST READINGS

Consider request for variation from the fence height requirement of 10' on the side and rear yard setback and 6' in the front yard setback to allow for a twelve- foot fence on the east side of the front fence as applied for by Yisell Pantaleon, property owner, 5212 Bethany Lane.

The Town Administrator presented Staff's report explaining the property owner was asking for a variation to allow for a twelve-foot fence as she has a semi-truck parked in her yard that is visible from the street and neighboring properties which is against the Town's Code of ordinances.

Attorney Foster reported that Staff's recommendation would be to deny the request for variation as the Town Council had been more than liberal in the rewrite of their Ordinance addressing fence height and was allowing up to 10' in the side and rear yards and 8' hedge in the front yards. (Continued until after remarks from Sheriff's Department).

PALM BEACH COUNTY SHERIFF'S OFFICE

Mayor Foy requested the regular agenda be continued until after the PBSO report. The Deputy reported on Crime Statistics for the period December 2020 to current. There had been car break

ins, but the additional detail has assisted with other crimes such as burglaries. Council expressed their appreciation to the Sheriff's office for their assistance.

Continued:

Attorney Foster continued by confirming Staff's position to deny the request for variance.

A motion was then made by Council Member Withington, seconded by Vice Mayor Gordon, and unanimously passed (5-0) to deny the request for variation from the fence height requirement of 10' on the side and rear yard setback and 6' in the front yard setback to allow for a twelve-foot fence on the east side of the front fence as applied for by Yisell Pantaleon, property owner, 5212 Bethany Lane.

Discuss pole locations within the Town as proposed by Palm Beach County/Palm Beach County School District Digital Inclusion Project

The Town Administrator updated the Town Council on the Palm Beach County Digital Inclusion project. She provided a revised list of pole locations, adding that the pole located at the entrance to the Briarwood subdivision was being moved to Grove Street per the request of the Town Council.

Discussion followed as to the location of the poles. It was suggested the Town Engineer review the proposed locations. At a minimum, the Town should require the plans be signed by a registered Engineer.

Resolution R2021-01: A Resolution of the Town Council of the Town of Haverhill extending the Local State of Emergency adopted by the Haverhill Town Council on March 16, 2021 in response to the COVID 19 Pandemic until canceled by vote of the Town Council.

The title was read by Attorney Foster. He gave Staff's report explaining that by adopting the resolution, the Mayor would no longer have to formally extend the Local State of Emergency on a week-to-week basis.

With no Public Comment, **a motion was made by Council Member Caranci, seconded by Council Member Withington, and unanimously passed (5-0) to approve Resolution R2021-01 as presented.**

Discuss proposed Briarwood Wall aesthetics and timeline

The Town Administrator requested Town Council guidance regarding the aesthetics of the wall project. She commented that at one point during a discussion, there had been discussion about appointing a committee to choose the color of the wall, landscaping, etc.

By consensus, it was agreed there was no need to appoint a committee and the decision should be left to the Town Administrator with input from the Town Council.

Discuss proposed Ordinances

As a follow up to the Code and Ordinance meeting held earlier in the week, the Town Attorney offered a recap of the discussion. He would be bringing forth an Ordinance addressing Accessory Dwelling Units.

There had been discussion about imposing a 60-day moratorium on the enforcement and/or the requirement that a permit issue for the repair or replacement of like kind fences.

A motion was then made by Council member Withington, seconded by Council Member Uptegraph, and unanimously passed (5-0) implement a 60-day moratorium on the enforcement of requiring a permit for the repair and/or replacement of like kind fences.

Discuss Legislative Priorities

The Town Administrator reported that she would submit the list of Council legislative priorities to Representative Willhite. She would include amendments to the Campaign Finance requirements as they related to opening campaign finance accounts; amendments to the medical marijuana legislation as well as the priorities put forth by the League of Cities.

Attorney Foster reported that he had been informed that there were no amendments being introduced to amend the medical marijuana legislation so therefore it should be excluded from the list of legislative priorities.

Discussion followed. The Town Attorney recommended and would prepare an Ordinance prohibiting Medical Marijuana establishments within the Town.

Update on NPDES Audit Requirements

Mayor Foy reported that since the Town had written a formal complaint to the FDEP regarding additional reporting requirements being imposed on the Town, the Town had received yet another notice of non-compliance, requiring additional staff time to prepare a response.

Discussion followed. It was suggested the matter be brought up at the local NPDES Steering Committee for input from other municipalities.

It was then agreed by consensus to send a letter to the FDEP representative who oversees the audits/reports and ask for an extension to October 31, 2021 to respond to his most recent list of deficiencies. The e-mail would explain that the additional thousands of dollars expended by the Town were a direct result of the requests for additional information and had not been budgeted. Therefore, until the Town can properly budget for the additional costs, it will be requesting an extension to file any response to his notice of deficiencies.

Mayor Foy went on to explain that of the 41 municipalities only 17 had submitted. The reviews are so far behind schedule due to the recently enacted protocols that are not planned for and have been occurring cycle to cycle.

The Town Administrator would circulate a draft of the memo for Council input prior to sending.

PUBLIC READINGS AND SECOND HEARINGS

None.

REPORTS**Town Attorney**

Attorney Foster reported on the Charter Review Committee meeting that had been held immediately preceding the Council meeting. He noted that it was a very robust meeting, and the Committee would be forwarding its recommendations to the Town Council as they related to term limits, tie votes, residency requirements, etc.

He anticipated the Committee would be finishing up its review and recommendations by April.

Mayor

None.

Town Administrator

None.

Committee/Delegate Report

Vice Mayor Gordon reported on the Palm Beach County League of Cities Criminal Justice Committee meeting. He reported on an upcoming amnesty program.

He would be attending the FBC LEO conference in Orlando March 18-20, 2021. CDC Guidelines would be adhered to.

Treasurer's Report

Included in packet.

UNFINISHED BUSINESS

Council Member Uptegraph inquired as to the status of the light pole to be installed on Ivory Lane.

ADJOURNMENT:

With no further business to come before the Town Council, the meeting adjourned at 7:42 p.m.

Approved: April 8, 2021



Janice C. Rutan, Town Administrator



Jay G. Foy, Mayor