

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



**TOWN OF HAVERHILL  
TOWN COUNCIL REGULAR MEETING  
Thursday, March 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 for the January 28, 2021 Regular Meeting and the March 2, 2021 Workshop
- VII. PROCLAMATIONS AND PRESENTATION**
  - a. Proclaiming March 2021 as: Women's History Month
- VIII. COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S OFFICE**
- IX. REGULAR AGENDA AND FIRST READINGS**
  - a. Act on request for a variation from 58-319 fences to allow for a 6' decorative metal fence in the front and side yards of 5081 Paloverde Place as applied for by the property owner, Kenya Glenn
  - b. Act on request for a variation from 58-319 fences to allow for a 5' high (36' length) sliding gate to be installed in the front yard, across driveway at 5239 Club Road as applied for by the property owner, Omar Perez.
  - c. Resolution 2021-02: A Resolution of the Town of Haverhill clarifying that fence repair and/or fence replacement of like kind fences do not require a building permit.
  - d. Consider rescheduling April 6, 2021 Workshop due to a conflict in schedules
- X. PUBLIC READINGS AND SECOND HEARINGS**

None.
- XI. REPORTS**

Town Attorney

  - a. Discuss Town Council Rules of Procedure and Order

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  
March 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](mailto:jrutan@townofhaverhill-fl.gov)) up until noon on March 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 and exhibit signs of illness, such as coughing or sneezing, you will not be permitted into 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, March 25, 2021  
OFFICIAL MINUTES**

The regular monthly meeting of the Haverhill Town Council was held at the Town Hall, 4585 Charlotte Street on Thursday, March 25, 2021. Those present Jay Foy, Mayor; Lawrence Gordon, Vice Mayor; Dennis Withington, Council Member; Ray Caranci, Council Member and Teresa Johnson, 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 in Council Chambers.

**COMMENTS FROM THE PUBLIC**

None.

**APPROVAL OF AGENDA**

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

**APPROVAL OF THE CONSENT AGENDA**

**Approval of the minutes of the January 28, 2021 Regular Meeting and the March 2, 2021 Workshop**

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

**PROCLAMATIONS AND PRESENTATION**

**Proclaiming March 2021 as: Women's History Month**

Mayor Foy addressed those present. At the previous meeting, he had been asked to reconsider acceptance of issuing Proclamations. He did his research on Proclamations only to learn that Proclamations on many subjects were proliferous across the United States. There were tens of thousands of Proclamations that could be adopted at any time. He has now come to a different recollection. He commented that it would not be in one's best interest to investigate and put the time into researching all the Proclamations that could be adopted, however, it would also not be in one's best interest to vote against a Proclamation once it was before the Town Council for consideration. He explained that he would not be against the Proclamation itself; however, he would be against the time and resources expended to prepare the Proclamation.

He announced that in the future, he would not be asking for a consensus to place a Proclamation on the agenda, he would instead ask for a vote. He would most probably continue to vote against placing a Proclamation on the Agenda but would consider each Proclamation on its face value.

With that said, he noted that before the Town Council was a Proclamation declaring March 2021 Women's History Month.

**A motion was made by Council Member Johnson and seconded by Vice Mayor Gordon and unanimously passed (5-0) to approve the Proclamation declaring March 2021 Women's History Month in the Town of Haverhill.**

Council Member Johnson commented she had invited several Haverhill residents to attend the meeting to be part of the recognition of Women's History Month. She posed for a photograph with the Proclamation and the residents.

**The vote was then called (5-0).**

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

The permit officer on duty attended the meeting on behalf of PBSO. He did not have crime statistics available; however, he commented that the permit detail was a deterrent for crime in the Town. Council expressed their appreciation to the PBSO for their service.

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

**Act on request for a variation from 58-319 fences to allow for a 6' decorative metal fence in the front and side yards of 5081 Palo Verde Place as applied for by the property owner, Kenya Glenn.**

The Town Administrator offered Staff's report. It was Staff's recommendation that the Town Council approve the request for a variation to allow for a 6' decorative fence. The application package submitted by the Glenn's included several samples of decorative type fences they would be installing.

Kenya Glenn, property owner, was present and addressed the Town Council. She had been a resident of the Town for 15 years and loves living in Haverhill. She explained that they were adding the fence for security purposes. Over the past two years, they have had strangers park in their driveway on several occasions and have had their vehicles broken into. There was also an attempted break into their garage.

Mayor Foy commented that PBSO had explained that when they can see through a fence, they have a better chance in protecting residents.

**A motion was the made by Council Member Johnson, seconded by Council Member Caranci, and unanimously passed (5-0) to approve the request for variation to allow for a six-foot decorative fence as applied for by Kenya Glenn, property owner at 5081 Palo Verde Place.**

**Act on request for a variation from 58-319 fences to allow for a 5' high (36' length) sliding gate to be installed in the front yard, across driveway at 5239 Club Road as applied for by the property owner, Omar Perez.**

The Town Administrator offered Staff's report. The applicant was asking for pillars on either side of their driveway and a 5' gate across the driveway.

Council confirmed through Staff that 15' of the gate would be able to be seen through.

**A motion was then made by Council Member Withington, seconded by Council Member Johnson, and unanimously passed to approve the request for variation as applied for by Omar Perez, 5239 Club Road.**

**Resolution 2021-02: A Resolution of the Town of Haverhill clarifying that fence repair and/or fence replacement of like kind fences do not require a building permit.**

The title was read by Attorney Foster. He offered Staff's report and made a very clear distinction between new, repair, and replacement of fences of like kind in the Resolution. He referred to the conflict in definitions that was the root of the confusion. This Resolution would only address residential properties.

Mayor Foy expressed his concern that this change was being considered by Resolution and not Ordinance. The Town Attorney responded that the Resolution made a distinction and clarified the interpretation of the Ordinance.

It was suggested that the next newsletter explain the newly adopted fence permit requirements.

The Attorney suggested the Town Council consider amending the Florida Building Code – Chapter 1 to address this specific issue. In the meantime, it was his recommendation the Town Council move forward with the adoption of Resolution 2021-02.

Council Member Caranci was concerned about the history of permits on record. Attorney Foster then added that it could have been that at the time in history that the fence was installed, a permit may not have been required.

The Town Administrator agreed, adding that Town Staff was going through a period of discovery with regard to many type permits throughout the Town, not just fence permits.

**The vote was the called and the motion passed unanimously 5-0.**

**Consider rescheduling April 6, 2021 Workshop due to a conflict in schedules.**

**A motion was made by Council Member Withington, seconded by Vice Mayor Gordon, and unanimously passed (5-0) to reschedule the regular monthly workshop of April 6, 2021 to April 14, 2021 and to combine the workshop with a meeting of the Code and Ordinance Committee.**

**PUBLIC READINGS AND SECOND HEARINGS**

None.

**REPORTS**

**Town Attorney**

**Discuss Town Council Rules of Procedure and Order**

Attorney Foster presented Council with a **Town Council Orientation Information** memo. (Attached hereto made a part hereof).

Attorney Foster began his presentation on page 5 of the memo, Practice Pointers. He went over the memo in its entirety and in great detail.

After the presentation, Mayor Foy invited Council Members to comment on the information presented. Mayor Foy stated that it had been his experience in other municipalities that the strongest elected officials were those that most often interfered with Staff. He reminded all that an individual Council Member cannot represent themselves as "the Town", without the authority to do so. He thanked Attorney Foster for the presentation and content of the memo.

Vice Mayor Gordon reminded those of a prior Council Member who had used Town Hall as his private office and would often stay for several hours, making Staff quite uncomfortable. He cautioned against that practice.

Council Member Withington referred to the expected behavior of the Council to be that of the "Chain of Command".

Council Member Johnson expressed her appreciation to Attorney Foster adding the presentation and memo was quite helpful and provided insight as she moved forward in elected office.

Mayor Foy commented in his 29 years of service on Council, he had no recollection of negative civility issues, but he did recall elected officials that had far exceeded their authority.

The Town Administrator thanked the Attorney as the clarity of the memo would also assist Staff.

Mayor Foy commented that perception can be worse than reality and cautioned all to be careful.

Attorney Foster cited specific cases of ethics violations. He suggested honesty and disclosure to be the best course of action.

Council Member Caranci agreed adding that ex-parte communication gets all contact and prior discussion on a subject out on the table. He reminded all that they were elected to serve the residents of the Town, a big responsibility they should be thankful for. Mayor Foy agreed.

### **Reports:**

#### **Town Administrator**

The Town Administrator reported that Florida Power and Light had filed a rate increase. It should be a minimum increase for municipalities. FP&L offered to address the Town Council at a workshop if Council desired.

She reported on the event being put forth by Inlet Grove Charter School. They had sent the Town an invite for sponsorship. Vice Mayor Gordon noted that he and his wife were sponsors of Dr. Banks, Principal of Inlet Grove and would be attending the event as private citizens.

She commented that she had received correspondence from the Manager's Association of the stimulus funds and how they are to be spent. She anticipated the Town would be receiving \$900,000. Mayor Foy added the amount to be received was based on a percentage of the Town's budget.

The Town Administrator had received a call from Senator Powell's office as they would be co-sponsoring the appropriations request the Town had made through Representative Willhite's office. In conversation with Senator Powell's office, she learned that Representative Willhite had introduced legislation addressing Campaign Financing. Thinking it was the legislation requested by the Town she obtained a copy of the bill and it had only to do with penalties for late filing of reports. She once again reached out to Representative Willhite's office with suggested language that would exempt candidates from



municipalities with smaller populations that raise less than \$500.00 from having to open a campaign finance account. She requested his office amend the proposed bill to include the Town's requested language.

She explained that the appropriation request was for highway safety signage.

### **Mayor**

Mayor Foy reminded the Town Administrator that the Annual NPDES Report was due March 31, 2021.

### **Committee/Delegate Report**

Vice Mayor Gordon reported on his attendance at the Florida Black Caucus of Local Elected Officials (FBC LEO) conference in Orlando. He commented on the CDC guidelines that had been followed during the conference. The keynote speaker, from the National League of Cities, spoke about the Stimulus Funds and the four major categories of the spending bill. Vice Mayor Gordon emphasized that the money would need to be spent within two years and could be used for the following:

- To respond to Corona Virus health impacts or economic impacts
- Providing premium pay for essential workers up to \$13.00 per hour with an annual cap of \$25,000
- To cover for loss revenues in providing services
- Investments in water, sewer, or broadband infrastructure.

The funds cannot be used to cover loss revenues if the losses were due to tax cuts or pension shortfalls.

Mayor Foy commented that sewer could possibly include storm sewer. Council would like to look into septic to sewer conversion.

Discussion followed. Mayor Foy noted that the time limit is quite short especially if the any of the projects would need to be put to bid. Council will need to put together list on how to use the funding so they can be prepared once the funds are let.

Vice Mayor Gordon reported on the Palm Beach County League of Cities Board Meeting. The legal report included a recent case in Fort Meyers whereby the City had changed zoning during a renovation project of a restaurant. When the restaurant tried to reopen, the City denied the license due to the recent zoning change and would not grandfather the use. The City had won the first case, however, the second DCA overturned the first decision.

### **Treasurer's Report**

Included in packet.

### **UNFINISHED BUSINESS**

The Town Administrator reported that the construction of the Briarwood wall was being held up because the mortgage companies had not signed the Consent forms. The Town Administrator would follow up.

### **PUBLIC COMMENT:**

**Salesia Smith Gordon, Berkeley Mews.** Ms. Smith Gordon requested the Town Council consider offering their meetings via Zoom or another social platform including a YouTube channel so the residents can be informed of the Town Council's actions.

Mayor Foy responded the matter would be considered during the budgeting process.



## NEW BUSINESS

Council Member Caranci commented that when he had first moved to the Town, almost 16 years ago, he served on the Beautification Committee and was part of the House of the Month program. He offered to serve as the Town Council liaison should the Town Council want to reinstate the Committee and the House of the Month program.

Mayor Foy supported the idea adding that as long as there was a Council Member willing to volunteer the program could work. He expressed concern that the House of the Month program could get stale.

**Salesia Smith Gordon, Berkeley Mews.** She suggested the award be granted quarterly.

Council Member Johnson supported the idea and commented that during her campaigning she had met several residents and could suggest volunteers to serve on the Committee.

**Cassandra Williams Sims, Tall Pines:** She has been a resident of the Town for 15 years. She supported the Beautification Committee and the House of the Month Program having had won the award twice.

She strongly supported the Town promote local government through YouTube and Zoom as many in her neighborhood do not even know who the Council Members are.

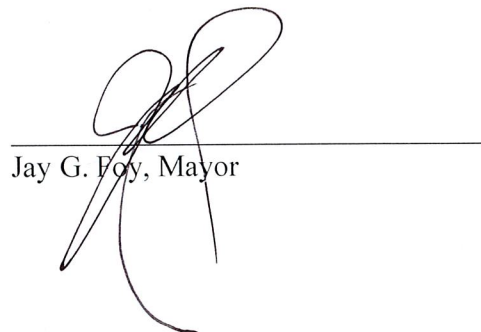
She expressed her concern over safety and domestic issues throughout the Town. She noted there were safety issues in the park. She loves living in the Town of Haverhill and wants it to remain safe. She asked for additional patrols through the park area.

## ADJOURNMENT

With no further business to come before the Town Council, the meeting adjourned at 8:25 p.m.

Approved: April 8, 2021

  
Janice C. Rutan, Town Administrator

  
Jay G. Foy, Mayor

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