

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



TOWN COUNCIL REGULAR MEETING
Thursday, May 26, 2022 - 6:30 p.m.
AGENDA

- I. CALL TO ORDER**
- II. INVOCATION AND PLEDGE OF ALLEGIANCE**
- III. ROLL CALL**
- IV. COMMENTS FROM PUBLIC**
- V. APPROVAL OF AGENDA**
- VI. APPROVAL OF THE CONSENT AGENDA**
 - a. Approval of the Regular minutes for May 12, 2022
- VII. COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S OFFICE**
- VIII. PRESENTATIONS AND PROCLAMATIONS**
- IX. PUBLIC HEARINGS AND SECOND READINGS**
- X. REGULAR AGENDA AND FIRST READINGS**
 - a. Act on request for Waiver for parking of commercial vehicle at 4757 Dorchester Mews as filed by property owners Luis and Nancy Contreras
 - b. Approve Proclamation Declaring the first Friday in June to be National Gun Violence Awareness Day
- XI. REPORTS**
 - a. Town Attorney
 - b. Mayor
 - c. Town Administrator
 - d. Council/Committee/Delegate Report
 - e. Treasurer's Report
- X. UNFINISHED BUSINESS**
- XI. NEW BUSINESS**
- XII. 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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Public comment will be received via e-mail (jrutan@townofhaverhill-fl.gov) up until noon on May 26, 2022. Any public comments received via e-mail, will be made part of the record of the meeting. 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. If you wish to listen to the Town Council Meeting via teleconferencing, dial 1-877-953-1152 and enter participant code 7404157#. Once the meeting begins, all participants will be muted, however, after Council discusses a specific agenda 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.

TOWN COUNCIL REGULAR MEETING

Thursday, May 26, 2022 - 6:30 p.m.

OFFICIAL MINUTES

CALL TO ORDER The regular monthly meeting of the Haverhill Town Council was held on Thursday, May 26, 2022, at the Town Hall, 4585 Charlotte Street, Haverhill, FL. Those present were Mayor Jay G. Foy, Vice Mayor Lawrence Gordon, Council Member Dennis Withington, Council Member Ray Caranci, and Council Member Teresa Johnson. The Town Attorney and Administrator were also present.

CALL TO ORDER

Mayor Foy called the meeting to order at 6:30 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Foy led in the Pledge and offered the Invocation.

ROLL CALL

All members were present.

Mayor Foy exercised his right of privilege and spoke about how wonderful the previous day's Palm Beach County League of Cities Installation Luncheon was during which Vice Mayor Gordon had been sworn in as President. He commended the Vice Mayor on his moving speech and expressed his congratulations to the Vice Mayor. All agreed on how inspiring the speech was and congratulated him on his position. It was acknowledged that in the history of Haverhill, Vice Mayor Gordon would be the first Council Member to serve as President to the Palm Beach County League of Cities.

COMMENTS FROM THE PUBLIC

None.

APPROVAL OF AGENDA

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

APPROVAL OF THE CONSENT AGENDA

Approval of the Regular minutes for May 12, 2022

Council Member Johnson noted the minutes of May 12, 2022, omitted her comments regarding her attendance at the IEMO conference.

The minutes were then pulled from the Consent agenda and a separate motion was made by Vice Mayor Gordon, seconded by Council Member Caranci, and unanimously passed (5-0) to approve the minutes of the May 12, 2022, regular meeting, as amended.

COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S OFFICE

D/S Kayla Schnell was present. She reported that on her way to the meeting there had been a 911 call dispatched to the Briarwood area that was later downgraded to a disturbance. Vice Mayor Gordon reported that when he left the neighborhood the police were still on site.

There had been no property crimes other than the stolen device reported at the last meeting. There had been an armed disturbance between a landlord and tenant in the 4600 block of Grove Street. The victim refused to prosecute so there was no further information to report.

There had been 111 business checks and 95 traffic stops during the month.

Council Member Caranci noted his appreciation in seeing the motor cops along Haverhill Road as traffic speeds have been excessive. Mayor Foy noted there had been a long history of traffic issues on Haverhill Road.

Council Member Withington complained of the redlight runners at the intersection of Belvedere and Military Trail. Discussion followed. D/S Schnell noted she would pass it on to the motor patrol.

She also reminded all that school was officially out and that residents should be proactive by locking their cars and keeping valuables hidden from view.

PRESENTATIONS AND PROCLAMATIONS

See below.

PUBLIC HEARINGS AND SECOND READINGS

None.

REGULAR AGENDA AND FIRST READINGS

Act on request for Waiver for parking of commercial vehicle at 4757 Dorchester Mews as filed by property owners Luis and Nancy Contreras

The Town Administrator presented Staff's report. She highlighted the unique shape of the lot. Vice Mayor Lawrence noted he had done a drive by of the property, and he was in support of the variation. He noted it was a well-manicured lot surrounded by hedges so it could hardly be seen unless you were directly in the cul de sac. Rico Armstrong, Code Enforcement/Community Services had prepared a report for Council with photographs and recommended that due to the unique shape of the lot and placement of the home on the property located at the end of the cul de sac, a waiver be granted to allow the utility trailer to be parked on the side yard in front of the plane of the home.

Discussion followed. Mayor Foy noted that the lot in fact had five sides due to its proximity in the cul de sac. Council Member Caranci suggested that in the future, applicant requesting a waiver should be required to provide support from neighboring property owners.

A motion was then made by Council Member Withington, seconded by Vice Mayor Gordon and unanimously passed (5-0) grant the request for waiver to allow the Contreras's to park their utility trailer and truck in what could be considered the side yard of the property, yet in front of the plane of the house, specifying the waiver was strictly for the vehicles as shown in the pictures presented and for the current homeowners, any change to vehicles or ownership of property would require new application for waiver.

Approve Proclamation Declaring the first Friday in June to be National Gun Violence Awareness Day

Mayor Foy reminded all that the matter before the Council was to consider a specific Proclamation and not to discuss a policy.

He expressed his belief that guns do not belong in the hands of the people but should be in the hands of law enforcement. Having been a victim of a robbery at gunpoint as a youth in Baltimore, he understands far too well the fear of guns.

He turned to the Proclamation before the Council for consideration and noted the inconsistencies contained therein beginning with the final paragraph that states the "Mayor declares." He explained that under the Town's Charter, the Mayor cannot act alone. Language would need to be changed to read the "Town Council" declares.

He next questioned whether the first Friday in June annually was to be National Gun Awareness Day, and if so, then the reference to June 3, 2022, should be removed.

Any reference to “I” should become “we.”

The first paragraph as written declares that *we as a Country* must do more. The Mayor questioned how the Town Council of Haverhill could declare the Country to do more, they could encourage, but not declare. He suggested the reference to Country be removed.

Mayor Foy went on to note that the next several “Whereas” clauses contained facts, figures and statistics that had not been verified. He questioned how the Town could attest to information that had had not been researched, nor a source cited. He then asked if gun violence be specific to a year or should all gun violence be a problem. He was concerned that the information contained in the Proclamation as written was too loose and not well defined.

Council Member Johnson inquired as to whether the Mayor was looking to cite the source of information. He responded he would get to that later.

To support the 5th Whereas clause, he challenged the Council to determine what Haverhill was doing to end senseless gun violence with evidence-based solutions. Again, he felt that statement would need verification unless Council was satisfied that hiring permit deputies was what they were doing to end gun violence.

He felt the next Whereas clause contained unrelated information.

He suggested the following Whereas clause should be limited to law enforcement and reference to Mayors should be removed.

He noted it was a presumption and not a fact that COVID is a cause of gun violence.

The next paragraphs were specific to a case of gun violence in another state and not relative to South Florida. He questioned why, when South Florida did experience tragedy due to gun violence, it was omitted. Although, he added that all gun violence was a problem

Finally, the second to last Whereas clause contained the word *renew*, which would need to be removed as the Town Council had never committed to reduce gun violence.

Mayor Foy said he would support the passage of the Proclamation once all the inconsistencies and unverified references were removed.

Vice Mayor Gordon then asked Council Member Johnson, who had sponsored the Proclamation, if other cities had passed the Proclamation as written and if she could name them. She responded both Greenacres and the City of West Palm beach had sponsored the Proclamation.

Mayor Foy recalled Cassandra Williams, who had been present at the previous Council meeting representing Mom’s Demand Action said that 21 cities had passed the Proclamation.

Vice Mayor Gordon commented that Proclamations are generated to show support and generate good will and good feelings. He did not believe that footnotes supporting data should be included as part of the Proclamation. Documentation should not have to be given. Figures need to be accurate and crisp. He added the intent of this Proclamation was to support the gun violence awareness and that is what the sponsors are asking the Town to do.

Mayor Foy agreed adding that the specific unverified statistics should be removed. To that, Vice Mayor Gordon questioned whether the Town could change the document that was presented to the Town. He asked whether the Town should ask the sponsors if they would approve the proposed changes the Town was making.

Council Member Johnson next addressed the Council. She stated that at the very core, the Town should stand with the sponsors in recognition of gun violence, period. She noted that it is customary for an organization to cut and paste the document and present it to the sponsors. She has never seen a Proclamation get reworded. She reiterated it was customary to pass what was presented.

She then asked what was next.

Mayor Foy continued to support his concern about incorrect statements and verbiage being included in the Proclamation. In response to Council Member Johnson, Mayor Foy explained the Proclamation could be approved, approved as amended or denied. It could be deferred, and it could be sent back to the author with the Town's changes for consideration.

Attorney Foster commented that the Proclamation before the Town Council was to designate the first Friday in June National Gun Violence Awareness Day. The Council can do that. He suggested the Town Council approve designating the first Friday in June National Gun Violence Awareness Day with the direction that the requested changes be worked on by Staff and Moms Demand Action to change the written verbiage and/or to get the supporting statistics.

Vice Mayor Gordon then made a motion to designate the first Friday in June National Gun Violence Awareness Day. The motion was seconded by Council Member Caranci.

Council Member Johnson amended the motion to move forward with adopting the Proclamation as presented with the only change being the removal of the word "renew."

Discussion and clarification followed as to whether this should be an amendment to the main motion or a separate motion. The Attorney recommended Council vote on the motion on the floor. Council Member Johnson again offered her amendment. It was noted that the Charter conflict was still outstanding and there were still many inconsistencies. Attorney Foster responded he will address those issues if the amendment passes.

The amendment to the main motion did not get a second. The main motion was then voted and passed 4-1 with Council Member Johnson voting against the motion.

Council Member Caranci addressed the Town Council. He spoke about growing up in northeast Ohio where his father had taught him the appropriate use of guns. He emphasized there is gun safety vs. gun violence. He cannot understand the cruel and inhuman use of guns in this country and prays nightly that answers can be found.

Council Member Johnson commented that this would not be the last policy she brings before the Town Council and was requesting the policy of the Town for the adoption of Proclamations so that in the future she could avoid going around in circles.

Mayor Foy responded that in the past, if a Council Member wanted a Proclamation to be placed on the agenda, they would bring it up to Council to get a vote of approval to place in on a subsequent agenda. She asked if the policy was in writing.

Mayor Foy responded that there is no written policy but that it would be a topic of discussion at the June workshop. Attorney Foster added that he intended to bring up meeting policies in general.

REPORTS:

Town Attorney

Attorney Foster expressed his congratulations to Vice Mayor Gordon for being installed as the Palm Beach County League of Cities President for the ensuing year. In his forty-year history with the Town, he could not remember a member of the Haverhill Town Council serving as an officer to the League of Cities.

All remembered that Council Member Jerry Beavers had served on the Board.

Attorney Foster asked all to remember those who had served and lost their lives on this upcoming Memorial Day Weekend.

Mayor

Mayor Foy echoed the congratulatory sentiments expressed by Attorney Foster adding that he was sorry he had forgotten to “Call the Meeting to Order” in reference to the Vice Mayor’s speech given at the Installation Luncheon.

He reported that the Town had heard back from the County about the placement of an additional wi-fi pole on Woodland Avenue. Since the pole had not yet been installed, they would be willing to meet with the town to determine an alternate location.

Discussion followed and it would be the Council’s recommendation that the pole be placed in the Woodland Drainage area, provided it does not interfere with the piping and or/mowing.

The Town Administrator would arrange for Staff to meet with the County to determine an alternative location.

Mayor Foy announced that the County had sent out correspondence putting the cities on notice that they would need to file a Wastewater and Stormwater needs analysis. The Town, not having a Wastewater system would only need to file the Stormwater report. Because the report would need to be both administrative and factual, both Karen Brandon and Todd McLeod would need to be involved. The report needs to be filed with the County by the end of June and the County needs to file with the State by end of July.

He then announced that the Town Administrator would be resigning her position, retiring from the Town of Haverhill, and moving up to Indian River County. Her last day at the office would be July 22, 2022. A succession plan will need to be discussed. Referring to the speech made the previous day, Vice Mayor Gordon added that she would be missed. Council agreed.

She announced that she had been in contact with Lori Laverriere, who had been the City Manager in Boynton Beach, and Lori may be interested in serving as the interim administrator assisting the Town with the search and transition. She may be interested in the position full time but at this point cannot make a commitment.

Council Member Johnson asked if the Town should begin to advertise. A brief discussion followed, and it was agreed that if the Town were to find an interim administrator the hiring process would not need to be so rushed.

The Town Attorney reminded Town Council that they appoint the Town Administrator and that the present Town Administrator serves as the Town Administrator, Risk Manager, Town Clerk,

Treasurer, Clerk to Council, Capital Improvements, etc. The Town will find it difficult to hire someone at the same salary who will perform those same duties.

The Town Administrator recommended Jean Wible, Deputy Town Clerk be appointed Town Clerk and Records Management Liaison Officer. She will be attending the Clerk's Institute in June and should be receiving her Certified Municipal Clerk designation although that had never been a requirement in the past. She added that she serves as the Clerk in many areas already serving as Clerk to the Council at workshops, elections supervisor, etc.

The matter will be discussed at the workshop. Council will need to discuss and make it part of the entire budget process. Council hoped that Lori Laverriere would be interested as she has served both large and small cities and would assist the Town throughout the process.

The Town Administrator expressed her appreciation to the town Council and to the Town for giving her the opportunity to have served as the Town's first Administrator. She has enjoyed her tenure with the Town and has appreciated the continued support throughout the years.

Council Member Johnson expressed her sentiments to the Town Administrator and wished her well.

TOWN ADMINISTRATOR

The Town Administrator reported on a meeting she had earlier in the day with Edward Staph and his realtor to discuss the Belvedere Property and permitted uses.

In response to Council Member Johnson, the Town Administrator responded that she had not been in touch with Senator Powell's office about available funding for septic to sewer, however, she had found information on appropriation deadlines. She would follow up.

COUNCIL/COMMITTEE/DELEGATE REPORT

Mayor Gordon expressed his appreciation to the Town Council for the support shown to him in serving as President to the League of Cities.

He reported the Criminal Justice Committee was still making recommendations to the Chief Judge that bail be reduced for lesser crimes. The bail bond lobby is very strong, so they are meeting opposition.

Council Member Johnson had participated as a delegate at the Ethical Government Day at Dwyer High School. It focused on the importance of voting.

The Town Administrator had scheduled a meeting with the school board and Council Member Johnson to discuss a summer intern program.

The presentation on human trafficking would be rescheduled.

TREASURER'S REPORT:

Included in packet.

UNFINISHED BUSINESS

Council Member Caranci reported that he had sent a follow up letter to Ian Cotner of AT&T to try to resolve the numerous outstanding issues still lingering from the October 2021 accident in which wires were brought down by a WastePro truck. It was returned explaining Mr. Cotner was out of the office due to illness. Council Member Caranci would follow up.

He explained in detail to the Town Council how the poles still needed to be replaced and that AT&T still has not moved their equipment to the new poles and how they have left stub poles throughout the neighborhood, some with equipment still attached, some without.

A lengthy discussion followed. Council member Caranci will request Mr. Corner meet him onsite so he can see the problems firsthand.

He would report back at the next meeting.

NEW BUSINESS

None.

ADJOURNMENT:

With no further business to come before the Town Council, the meeting adjourned at 7:50 p.m.

Approved: June 9, 2022


Janice C. Rutan, Town Administrator


Jay G. Foy, Mayor