

Mayor Joseph S. Kroll

Council Vice President Jay G. Foy  
Council Member Henry "Butch" Lynch

Council President James E. Woods

Council Member Jerry E. Beavers  
Council Member Mark C. Uptegraph

Assistant Town Administrator / Town Clerk Janice C. Rutan

Town Attorney John Foster



**TOWN COUNCIL REGULAR MEETING**

**Town Council Meeting  
Town Hall Council Chambers  
Thursday ~ August 9, 2007**

**7:00 p.m.  
AGENDA**

- I. CALL TO ORDER**
- II. INVOCATION AND PLEDGE OF ALLEGIANCE**
- III. ROLL CALL**
- IV. APPROVAL OF AGENDA**
- V. APPROVAL OF THE CONSENT AGENDA**
  - a. Approval of the minutes of the July 12, 2007 Regular Meeting
  - b. Approval of the minutes of the July 26, 2007 Regular Meeting
- VI. COMMENTS FROM THE PUBLIC**
- VII. COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S DEPARTMENT**
- VIII. PROCLAMATIONS AND PRESENTATIONS**
  - a. Review of FY 2006/2007 Proposed Budget
- IX. SECOND READINGS AND PUBLIC HEARINGS**

None
- X. ~~FIRST READINGS AND~~ REGULAR AGENDA**
  - a. Maintenance Agreement for Military Trail Medians
  - b. Procedure for acceptance of Parkview Place
  - c. Drainage Swale on Durham Street
- XI. REPORTS**

Town Attorney  
Mayor  
Consultants  
Assistant Town Administrator/Town Clerk  
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, Assistant Town Administrator and Town Clerk, 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 Council Meeting**  
**Town Hall Council Chambers**  
**Thursday ~ August 9, 2007**  
**7:00 p.m.**  
**OFFICIAL MINUTES**

Pursuant to the foregoing notice, the regular meeting of the Haverhill Town Council was held on Thursday, August 9, 2007 at the Town Hall, 4585 Charlotte Street, Haverhill. Those present were Joseph S. Kroll, Mayor; James E. Woods, Council President; Jay Foy, Council Vice President; Jerry Beavers, Council Member; Henry Lynch, Council Member; Mark C... Uptegraph, Council Member; Lance Fuchs, Town Attorney; Joseph Roche, Code Enforcement Officer and Janice C. Rutan, Town Clerk.

**CALL TO ORDER**

Council President Woods called the meeting to order at 7:05 p.m.

**INVOCATION AND PLEDGE OF ALLEGIANCE**

Council President Woods delivered the Invocation and led the Pledge of Allegiance.

**ROLL CALL**

The Town Clerk called the roll. All members were present.

**APPROVAL OF AGENDA**

Council President Foy requested the minutes of the July 12, 2007 Regular Council meeting be pulled from the Consent Agenda.

**A motion was then made by Council Vice President Foy, seconded by Council Member Beavers and unanimously passed (5-0) to approve the Agenda as amended.**

**APPROVAL OF THE CONSENT AGENDA**

**a. — Approval of the minutes of the July 12, 2007 Regular Meeting**

**b. Approval of the minutes of the July 26, 2007 Regular Meeting**

**A motion was made by Council Vice President Foy, seconded by Council Member Lynch and unanimously passed (5-0) to approve the Consent Agenda as amended.**

**COMMENTS FROM THE PUBLIC**

**Tec Shoumate, 1231 Haverhill Road North:** Mr. Shoumate addressed the Town Council in reference to the proposed 39 unit, three story affordable housing complex to be constructed on Haverhill Road known as the "Residences at Haverhill". Mr. Shoumate reported that at the August 2, 2007 meeting of the Palm Beach County Zoning Commission, the Palm Beach County Zoning Commission tabled action on the application until the owner of the property, Manny Serria, could meet with the neighbors. An informational meeting between the parties had been held on August 8, 2007. Mr. Serria, in response to the opposition expressed by the neighbors, stated his desire to construct a day care facility on the property. Mr. Serria owns a franchise of day care facilities known as "Planet Kids." Because, according to County standards, a day care center would generate extensive traffic during peak hours, the proposed facility

could not meet concurrency. Because concurrency could not be met, the plan for the day care center was pulled and replaced with the proposed Residences at Haverhill.

Mr. Shoumate requested the Town Council consider sending a letter to the Board of County Commissioners requesting a CRALLS designation for the portion of the roadway that was unable to meet concurrency.

Mr. Shoumate added that the majority of the neighbors were in support of a day care center in lieu of a 39 unit housing complex.

**Manny Serria, 11141 Black Willow Lane, Wellington:** Mr. Serria addressed the Town Council and reported originally he had planned to build a child care center on the property but when he learned that the day care center would not meet traffic concurrency, he moved on to the proposed affordable housing project. He noted that it would be his preference to construct a day care facility as that was his business. He has built many facilities throughout Palm Beach County known as "Planet Kids". He noted that he had originally presented a plan to the Haverhill Town Council to construct a day care facility on the site a year earlier. At the same time, he had expressed an interest in annexing the property into the Town of Haverhill.

The affordable housing complex met opposition with the neighbors and as such Mr. Serria agreed to revisit the plan to construct a day care center, provided he would be able to meet traffic concurrency issues.

In response to Council President Woods, Mr. Serria reported that he had originally intended to build a 20,000 square foot building but has since changed the plans for the three acre parcel to net 11,000 square feet of space, excluding bathrooms, etc. As such, they now plan to build an 11,000 square foot (11,000 net square footage) facility on the 3 acres of land.

Mr. Serria explained that Haverhill Road could meet concurrency, however, there were problems resulting from the intersection at Belvedere Road. Mr. Serria agreed to annex his property into the Town of Haverhill if Haverhill assisted with obtaining the CRALLS designation.

Council Vice President Foy reintroduced himself to Mr. Serria, reminding him of work his firm had done for him over 15 years ago, as well as when Mr. Serria had come before both the Indian Trail Improvement District and the Haverhill Town Council. Council Vice President Foy confirmed with Mr. Serria that he had built a day care facility on Summit Boulevard, and that he was the original owner of the day care facility on Haverhill Road now known as "Whiz Kidz". Mr. Serria gave a brief history on how he used to own the franchise known as "Pixie Private Schools" and then how "Planet Kids" day care facilities came to be. Council Vice President Foy attested to the quality of product built by Mr. Serria. Once again, Mr. Serria expressed his desire to annex into the Town of Haverhill.

Mr. Serria noted that the day care facility being proposed would be one third the density of the present day care facility (Whiz Kidz) located adjacent to the property. Plans still need to be drawn up for the new facility.

Council Vice President Foy asked about access to the property and although he would not be in competition with the "Whiz Kidz" facility, Mr. Serria thought it unlikely he would be granted permission by "Whiz Kidz" to share a driveway.

Council President Woods reported on the informational meeting held the previous evening with the neighbors abutting Mr. Serria's property. The consensus of the residents present was to support the day care center in lieu of the affordable housing project. In addition, the residents that were not already within the Town of Haverhill, expressed a desire to annex into the Town as well.

Mr. Woods suggested that staff move forward in reaching an agreement with Mr. Serria relating to the CRALLS designation and future annexation of the property into the Town.

**COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S DEPARTMENT**  
Sergeant Burt Thomas of the Palm Beach County Sheriff's Office addressed the Town Council. Although new to the area, Sgt. Tomas was not new to law enforcement. Crime statistics from July 26<sup>th</sup> through August 8<sup>th</sup> were presented.

During that time period, twenty calls for service were received. Three crimes were reported. A stolen vehicle resulted in an arrest, there had been a vehicle burglary on Club Road; a vandalism on Grove Street during the night during resulted in a window being smashed, There had been a domestic disturbance and various alarm calls, none of which resulted in an arrest.

Council Vice President Foy commented on how pleased he was with the protection being provided through the contract with the PBSO. The crimes reported were crimes of opportunity. As such he was proud to live in the Town but reminded the residents that they still needed to be proactive in deterring crime by locking their doors and looking out for their neighbors.

**PROCLAMATIONS AND PRESENTATIONS**  
**Review of FY 2006/2007 Proposed Budget**

Mayor Joseph Kroll presented proposed budget for the 2007/08 fiscal year. It was reported that the Town had been informed by the Department of Revenue that because of the calculated growth rate, the Town would be required to levy millage rate at 95% of the 4.2952 roll back rate, unless an alternate rate was adopted by a unanimous vote of the Town Council

Council Vice President Foy expressed his disappointment that the Town was penalized for not having gotten the AA Alpine Storage property on the Tax Rolls prior to this fiscal year.

Council Vice President Foy inquired as to the proposed millage rates. Mayor Kroll recommended that the Town Council adopt the proposed millage rate of 4.2952 but cautioned that under the newly enacted tax reform legislation the Council would need to pass the millage rate unanimously. He explained that the 4.2952 represented a strait rollback rate, whereas the proposed millage rate of 4.163 represented rollback at 97% and the proposed millage rate of 4.0805 represented rollback at 95%.

For the record, Council Vice President Foy stated that if the Town had not received a 20% increase in property values, due mostly from the Alpine Storage facility coming online, he would have voted for the 95% of rollback. But because the property was not on the books prior to this year, the Town, in effect, was being penalized for the increase in valuations caused by the addition of the property to the tax rolls. Council was reminded that AA Alpine had been fined \$16,000 during FY 2006/07 for not having the project completed in a timely manner.

Capital Improvement projects were next discussed. The Town Clerk noted that the proposed budget included the funding through reserves for the following Capital Improvement Projects:

- Road Regrade (Briarwood Swale & Sidewalk repair)
- ~~Road resurfacing~~
- Beautification (Club Road Sidewalks)
- Rutherford Road
- Lift Station

The Mayor reported that Commissioner Santamaria had agreed to fund the Rutherford Road improvements from his discretionary funds should that part of the County budget get approved. In addition, the Town Clerk was looking into grants that may be available to the Town for improvements such as the Town Hall lift station, etc.

The Mayor suggested that the Rutherford Road improvement project move forward as the Town has already paid for the design and had already begun the permitting process through the County. He stated this would be the last of the road improvement projects.

He suggested the funds be included in the budget and then if the Town received funding from Commissioner Santamaria, the funds could be re-appropriated.

Discussion followed as to the cost of improvements to the Briarwood subdivision (\$210,000).

A budget workshop was then scheduled for August 23, 2007 at 6:00 p.m.

Council Vice President Foy prioritized the proposed Capital Improvement projects as follows:

- Rutherford Road
- Briarwood
- Lift Station

It was suggested that Briarwood be completed in phases. It was the general consensus that Rutherford improvements be funded. If money was received from the County, the Council could re-appropriate the funds set aside for that project. In addition, it was confirmed that the Club road sidewalks were included in the budget.

Council President Woods confirmed the Public Hearing dates for the Town of Haverhill to be September 13, 2007 and September 27, 2007.

The Mayor received consensus that the Council would vote unanimously for setting the millage at the rollback rate of 4.2952.

Council expressed appreciation to staff for presenting a comprehensive budget for consideration.

Examples of the difference that each of the proposed millage rates would have on the individual property owner was presented. It was noted that the difference between the rollback rate and 95% of the rollback rate was approximately \$53.00 for a \$300,000 home.

**Rusty Gordon, 1156 Park Lane:** Rusty Gordon asked to speak as it was necessary for her to leave the meeting. She commended Mr. Manny Serria for his willingness to work with the residents to change the proposed use of his property from an affordable housing complex to a day care center.

## **SECOND READINGS AND PUBLIC HEARINGS**

**None**

## **REGULAR AGENDA**

### **Maintenance Agreement for Military Trail Medians**

The Town Clerk reported that she had notified the Department of Transportation that the Town Council had decided not to enter into an agreement accepting the maintenance of medians along the Military Trail corridor in light of the unanswered questions concerning staffing and long term costs in this time of budgetary constraints.

### **Procedure for acceptance of Parkview Place**

The Clerk reported that the matter had been placed on the agenda in error. Town Attorney Lance Fuchs noted the memo would be on the next agenda for Council consideration.

### **Drainage Swale on Durham Street**

By general consensus the matter was tabled in the absence of the Town Engineer.

## **REPORTS**

### **Town Attorney**

Town Attorney Lance Fuchs invited Chris Couture to the podium to address his potential purchase of the Orlowski property.

Chris Couture addressed the Town Council asking what would be required of him in an effort to address the liens against the property that had been filed by the Town of Haverhill. Attorney Fuchs reported that there was litigation and liens against the property and asked Mr. Couture to provide an offer to the Town of Haverhill. In addition, the property was in foreclosure, as well as tied to foreclosure of property in Lake Worth also owned by Mr. Orlowski.

Council President Woods expressed his desire to see the Town made whole, specifically that it be reimbursed for all costs incurred associated with the property. In addition, he would want the concerns expressed by the Building Official to be addressed as they related to the demolition of the unsafe buildings on the property. Council President Woods noted that time was of the essence.

**Treasurer's Report (included in packet)**

The Town Clerk reported that the audit had begun.

**UNFINISHED BUSINESS**

Council Member Beavers asked that the Capital Improvement section of the budget be supported by maps, etc., showing the specific improvements, dates of improvements and life expectancy of the improvements. Such a program would give the Council a better picture of the future of the Town.

Council Vice President Foy explained that the Town of Haverhill was somewhat limited in technical mapping resources.

The Mayor would meet with Jeff Renault to come up with a system that may address the suggestion of Council Member Beavers.

**NEW BUSINESS**

Mayor Kröll announced that he had accepted a position with the City of Lake Worth as their Director of Public Services. Prior to accepting the position, he did confirm that there would be no conflict to interest in serving as the Mayor and that the City of Lake Worth had no objection to his position with the Town.

Council Vice President Foy reported that his former partner (Commissioner Warren Newell) had been indicted earlier in the week. Council Vice President Foy was under an agreement not to discuss the matter.

The Mayor did ask that the Town Council consider changing the time of the noon workshops to later in the day as attending noon meetings will prove to be very difficult in his new position.

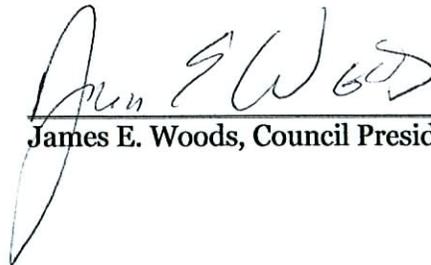
**ADJOURNMENT**

With no further business to come before the Town Council, the meeting adjourned at 8:15 p.m.

Approved:

9/27/07  
\_\_\_\_\_  
Date

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Janice C. Rutan, Town Clerk

  
\_\_\_\_\_  
James E. Woods, Council President