

Mayor Joseph S. Kroll  
Council Vice President Jay G. Foy  
Council Member Henry "Butch" Lynch  
Assistant Town Administrator / Town Clerk Janice C. Rutan  
Town Attorney John Foster

Council President James E. Woods  
Council Member Jerry E. Beavers  
Council Member Mark C. Uptegraph



**TOWN OF HAVERHILL**  
**Regular Town Council Meeting**  
**January 10, 2008**  
**7:00 p.m.**  
**Town Hall – 4585 Charlotte Street**  
**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 minutes December 13, 2007 meeting**
- VI. PRESENTATIONS AND PROCLAMATIONS**
- VII. COMMENTS FROM THE PUBLIC**
- VIII. COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S DEPARTMENT**
- IX. REGULAR AGENDA:**
  - a. Act on request for a variation to the height restriction of hedge located at 4949 Belvedere Road as per Sec. 58-319 Zoning Code of Ordinances.**
  - b. Consider Interlocal Agreement between the Town of Haverhill and Solid Waste Authority combining the present agreements for Recycling and Solid Waste to one agreement with a shared expiration date of 2010.**
  - c. Consider amendment to personnel policy**
- X. SECOND READINGS AND PUBLIC HEARINGS**
  - a. Act on Request for Special Exception and Site Plan Approval filed with the Town Clerk by Florida Tropic, Ltd., for property located at 559 Haverhill Road, Haverhill, Florida.**
- X. FIRST READINGS**
  - a. ORDINANCE NO. 366: (Continued from December 13, 2007)**  
AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA ANNEXING WITHIN THE CORPORATE AREA OF THE TOWN OF HAVERHILL, FLORIDA, UPON ADOPTION OF SAID ORDINANCE AND APPROVAL BY REFERENDUM, A PARCEL OF LAND CONTAINING

APPROXIMATELY 18.74 ACRES GENERALLY LOCATED ON THE EAST SIDE OF HAVERHILL ROAD WHICH PARCEL IS ALSO ABUTTING AND TO THE NORTHERN MUNICIPAL LIMITS OF THE TOWN, SAID PROPERTY BEING SITUATED IN PALM BEACH COUNTY, FLORIDA, IN ACCORDANCE WITH THE INVOLUNTARY ANNEXATION PROVISIONS OF SECTION 171.0413, FLORIDA STATUTES (2007); PROVIDING FOR A REFERENDUM TO BE HELD ON MARCH 11, 2008 OF THE REGISTERED ELECTORS OF THE AREA PROPOSED TO BE ANNEXED; PROVIDING FOR REDEFINING THE BOUNDARY LINES OF THE TOWN OF HAVERHILL TO INCLUDE THE SUBJECT PROPERTY IN THE TOWN'S OFFICIAL BOUNDARY MAP; PROVIDING FOR THE MAYOR AND CLERK, OR THEIR DESIGNEE TO DO ALL THINGS NECESSARY TO EFFECTUATE THE ANNEXATION INCLUDING SUBMITTING THE BOUNDARY CHANGE TO THE DEPARTMENT OF STATE, STATE OF FLORIDA; AND PROVIDING FOR SEVERABILITY, CONFLICTS AND EFFECTIVE DATE.

**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 OF HAVERHILL**  
**Regular Town Council Meeting**  
**January 10, 2008**  
**Town Hall – 4585 Charlotte Street**  
**OFFICIAL MINUTES**

Pursuant to the foregoing notice, the regular meeting of the Haverhill Town Council was held on Thursday, January 10, 2008 at the Town Hall, 4585 Charlotte Street, Haverhill. Present were Mayor Joseph S. Kroll; Council Vice President Jay G. Foy, Councilmember Jerry Beavers, Councilmember Henry Lynch, Town Attorney John Foster, Town Planner Jack Horniman, Town Clerk Janice C. Rutan and Code Enforcement/Public Works Director Joseph S. Roche.

**CALL TO ORDER:**

Council Vice President Foy called the meeting to order at 7:00 p.m.

**INVOCATION AND PLEDGE OF ALLEGIANCE**

Council Vice President Foy offered the Invocation and led in the Pledge of Allegiance.

**ROLL CALL:**

All members of the Town Council were present with the exception of Council Vice President Woods and Council Member Uptegraph.

**APPROVAL OF THE AGENDA:**

The Clerk reported that minutes were not available for approval.

The property owner at 4949 Belvedere had withdrawn the request for variation and as such the matter (IX. a.) would be removed from the agenda.

Town Attorney Foster reported that Robert Basehart, on behalf of Florida Tropic, Ltd. had requested the public hearing to consider the Special Exception and Site Plan application for Haverhill Self Storage be continued to February 14, 2008. The applicants were still waiting to hear from certain regulatory agencies concerning the proposed site plan. Any action by the Council on this request would occur when the matter came up on the agenda.

**A motion was then made by Council Member Beavers, seconded by Council Member Lynch and unanimously passed (3-0) to approve the agenda as amended.**

**APPROVAL OF THE CONSENT AGENDA**

**Approval of minutes December 13, 2007 meeting  
(Removed from agenda)**

**PRESENTATIONS AND PROCLAMATIONS**

**None.**

**COMMENTS FROM THE PUBLIC:**

Council Vice President Foy requested that those persons present wishing to speak on the annexation matter hold comment until the Public Hearing was opened.

**COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S DEPARTMENT**

(Deferred to later in the meeting as representation had not arrived yet).

**REGULAR AGENDA:**

**Consider Interlocal Agreement between the Town of Haverhill and Solid Waste Authority combining the present agreements for Recycling and Solid Waste to one agreement with a shared expiration date of 2010.**

Based on the discussion of the item at the January 8, 2008 workshop, Council would need to vote to authorize the Mayor to execute the Interlocal Agreement between the Town of Haverhill and the Solid Waste Authority with the deletion Item 16 – Automatic Renewal Policy.

**A motion was made by Council member Lynch, seconded by Council Member Beavers and passed unanimously (3-0) to authorize the Mayor to execute the Interlocal Agreement between the Town of Haverhill and the Solid Waste Authority, as amended by deleting Item 16 – Automatic Renewal Policy.**

**Consider Amendment to Personnel Policy**

Council Vice President Foy explained the matter had been discussed at the January 8, 2008 Workshop. Two of the three items being recommended were minor and the third matter, concerning the hiring of relatives, was being considered under certain conditions.

Council Member Beavers suggested that hiring of relatives should be allowed only when the number of employees hired by the Town reaches a certain number. Presently there were only four employees employed by the Town.

The Mayor explained that the Town had always had the ability to hire relatives of employees; however, this amendment would provide a check and balance by ratification of the hiring by the Town Council. The amendment would be similar to action taken when hiring the Town Clerk; the Mayor hires the Clerk, however the hiring must be ratified by the Town Council.

The proposal being suggested would be more restrictive than what was presently included in the policy. The employee could not be hired if the Town Council did not ratify the hiring of the employee. The Charter allows the Mayor to hire and fire all employees; this provision would add a layer of check and balances.

Council Member Lynch was of the impression that there was a policy in place that prevented the hiring of employees; and if not, the Town should have that policy in place. Although the Town would place restrictions on who could be hired; there were only four families would be affected.

The Mayor responded that the amendment looked further down the line into the future; presently the Town can hire relatives and this amendment would add a check and balance. Council Member Lynch noted that when and if the Town were large enough, he would consider it only if there were no interaction between family members within the same department.

Attorney Foster clarified that the personnel policy as written allowed the hiring of relatives only when the relative was not working directly for or supervising a family member and would not occupy a position in the same line of authority.

Council Member Lynch noted that the way the policy was written, and the size of the Town, hiring of relatives could not occur as everyone was under the same line of authority. The Attorney agreed that essentially, that was a correct interpretation and typically in larger

organizations relatives could be hired and work in separate departments, etc. The practical effect of the policy as written would prevent the Town from hiring relatives because of its size and there being only one line of authority. The Attorney further explained that the amendment being proposed would require that in the case of hiring an employee, it would need to be ratified by the Town Council so that the situation would not lead to conflict.

Council member Lynch thought that because of the size of the Town there would be a conflict in hiring a relative and referenced it to a personal situation. He did not want to amend the policy to allow for the hiring of family members.

Council Vice President Foy surmised that the matter before the Council was to either amend the personnel policy to allow for the hiring of relatives, or to keep the policy with regard to the hiring of relatives as written. He suggested Council make a motion.

The Town Attorney suggested that Council could adopt the policy as recommended by Staff, adopt part of the policy or table the matter to a later date.

The Mayor responded that there were variations to the direct line of supervision. He offered an example of the Town Clerk's relative working in the field under the Director of Public Works. He added that the Town does not often receive a lot of applications from qualified applicants.

Council Member Lynch opined that in all of Palm Beach County, the Town should be able to find a qualified applicant other than a relative of the Town's present four employees.

Mayor Kroll once again explained that the hiring of a relative would take the pressure off the Mayor and would place the decision to do so on the Town Council. He suggested the matter be tabled until a full Council was present.

Attorney Foster offered other suggestions and other options that could be considered in the amendment such as requiring a super majority vote of the Town Council; the hiring be done under certain conditions, etc. in an effort to be sure the appropriate safeguards were in place to eliminate the direct line of supervision. The Attorney relayed a concern raised by the Council President that often times because of the size of the Town; the Town has a limited pool of applicants to draw from. As such, the most qualified candidate may be a relative of someone who may have a vested interest in the Town. Attorney Foster added that if the Town were to choose to allow the hiring of relatives, doing so should be with any elimination of conflict.

The other two policies (discrimination policy and operating hours) were explained in detail. The provision to the equal opportunity language would provide continuity and uniformity by having the same language throughout the policy and the job application form.

**Council Member Lynch felt the matter was getting too complicated and moved to adopt the amendments to the personnel policy with the exclusion of the amendment that would allow the hiring of family members.**

The Mayor again noted that the Town can hire family members in the present policy; the amendment called for the ratification by the Town Council when a relative was being recommended for hire.

Discussion continued with regard to the direct line of authority and the hiring of relatives. The Mayor explained that although he hires and fires employees, he is not the sole line of authority.

Due to the complicated nature of the subject, Attorney Foster suggested the matter be tabled. He wanted to be sure that all Council Members were in complete understanding of the proposed amendments to the personnel policy and he would prefer to adopt all changes at one time.

**Because Council Member Lynch was still formulating his motion, and the motion had not been seconded, he then made a motion to table consideration of amendments to the personnel policy. The motion was seconded by Council Member Beavers.**

Council Vice President Foy commented that before the item could be placed on an agenda for further consideration, it be removed from the table.

**The motion passed unanimously (3-0).**

### **FIRST READINGS**

**ORDINANCE NO. 366:** (Continued from December 13, 2007)

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA ANNEXING WITHIN THE CORPORATE AREA OF THE TOWN OF HAVERHILL, FLORIDA, UPON ADOPTION OF SAID ORDINANCE AND APPROVAL BY REFERENDUM, A PARCEL OF LAND CONTAINING APPROXIMATELY 18.74 ACRES GENERALLY LOCATED ON THE EAST SIDE OF HAVERHILL ROAD WHICH PARCEL IS ALSO ABUTTING AND TO THE NORTHERN MUNICIPAL LIMITS OF THE TOWN, SAID PROPERTY BEING SITUATED IN PALM BEACH COUNTY, FLORIDA, IN ACCORDANCE WITH THE INVOLUNTARY ANNEXATION PROVISIONS OF SECTION 171.0413, FLORIDA STATUTES (2007); PROVIDING FOR A REFERENDUM TO BE HELD ON MARCH 11, 2008 OF THE REGISTERED ELECTORS OF THE AREA PROPOSED TO BE ANNEXED; PROVIDING FOR REDEFINING THE BOUNDARY LINES OF THE TOWN OF HAVERHILL TO INCLUDE THE SUBJECT PROPERTY IN THE TOWN'S OFFICIAL BOUNDARY MAP; PROVIDING FOR THE MAYOR AND CLERK, OR THEIR DESIGNEE TO DO ALL THINGS NECESSARY TO EFFECTUATE THE ANNEXATION INCLUDING SUBMITTING THE BOUNDARY CHANGE TO THE DEPARTMENT OF STATE, STATE OF FLORIDA; AND PROVIDING FOR SEVERABILITY, CONFLICTS AND EFFECTIVE DATE.

The Title was read by Attorney Foster. Staff's report was delivered by the Town Attorney. Attorney Foster explained the procedure for the adoption of the Ordinance in detail.

**A motion was made by Council member Beavers and seconded by Council Member Lynch to prove Ordinance No. 366 on first reading.**

The floor was opened to public comment.

**Ed Kramer, 1214 Park Lane:** Mr. Kramer asked what the benefits of annexation would be other than additional taxes.

Council answered that the benefits would include a better voice in government, better police protection, trash pick up was provided by the Town and there would be utility tax savings. Council Vice President Foy noted that there was an annexation committee of which he was a member.

Mr. Kramer informed the Town Council that the only notice he had received concerning this annexation informed him of the public hearings. It was explained that notification of the public hearing was required by law and that the informational annexation meetings were posted and courtesy notices were mailed by interested parties.

Further, it was explained that the annexation process was long into the process and the merits of the annexation were not on the agenda for this evening. Consideration of the ordinance was what the Council was acting on at this point. Mr. Kramer said the only prior notification was when gentlemen appeared in his driveway asking him to sign a petition to annex into the Town.

Town Planner Jack Horniman explained to Mr. Kramer that his property was listed as one of the properties that had not responded to any of the previous attempts.

Mr. Kramer was instructed to call the Town Hall for annexation committee member contact information.

Mr. Kramer confirmed that the even if the Ordinance was adopted, it would not become effective until after the election on March 11, 2008 provided it passed with a majority vote. It was explained a majority vote would require 50% plus 1 of the registered electors of the annexation area would need to vote in the affirmative.

The Mayor asked that Mr. Kramer leave his name and number so that the President of the Annexation Committee could contact him directly.

Council Vice President Foy explained to Mr. Kramer that he had a choice in the annexation. It was not a decision of the Council.

Mr. Kramer just wanted to be sure that everyone in his neighborhood was aware of the annexation.

**Merry Lindbergh, 1253 & 1261 Park Lane.** Ms. Lindbergh explained that the residents in the area had been involved in the annexation process for months ever since receiving the notice about the proposed 3 story apartment building complex located on the west side of Haverhill Road. They had placed signs up, handed out fliers, all in an attempt to get all the residents of the area involved in the annexation process. She was glad to see more people involved as the surrounding area was not improving and she was trying to protect her home. Her property was originally purchased in the early 50's. The residents were only trying to preserve the present way of life which they believe would be protected by annexing into the Town.

Council Vice President Foy gave the background of the three story apartment complex which the Town was now supporting as a day care center and has requested a CRALLS designation in an effort to secure the alternative use. Mr. Horniman confirmed Mr. Foy's explanation. Again Vice President Foy stated the Town was not forcing the annexation; it would be the decision of the voting residents.

**Thelma lee Brandenburg,** Ms. Brandenburg explained that there may be confusion as the proposed annexation has expanded since the initial informational hearings.

The proposed annexation area was discussed in great detail. Maps were reviewed.

Mr. Foster reminded all that the benefit of annexation would provide a much better chance to influence legislation. The protection of the lifestyle that the residents want would be supported by

the Town of Haverhill. He referred to the County's preference to reduce residential development around the airport. The opportunity to impact and influence legislation was far more possible with local government than it would be in Palm Beach County.

**Dave Abbott, 1262 Park Lane.** In support of annexation. He was one of the original petitioners to protect his property from the stance of the County to develop any more open land into infill projects. He believed the County would develop all land into Workforce or Attainable projects through infill projects and transfer of TDR's. He felt the Town would have a better chance of bucking the system. Being in the Town would allow more uses of land and permits would be easier to obtain. He would be part of a community, to be a good neighbor and have the right to use property.

**Dave Pierce, Ivywood Road.** He requested the Town Council to reconsider annexation of the Ivywood area into the Town. Mayor Kroll reminded all that the initial annexation from several years back had met with problems due to the road being private. Council concurred and agreed to notify the Chair of the annexation committee of the expressed interest and to arrange for a meeting.

**William Hartsauer, 1175 Park Lane.** Mr. Hartsauer noted that he had just purchased his property and had settled on this property because there were no restrictions in parking his motor home. He had now learned that the Town had an ordinance against parking motor homes on residential properties. Code Enforcement Officer Joseph Roche explained the terms of the Ordinance in detail stating that the Ordinance allows for a permit system. The mayor explained the permit system in detail.

Council Vice President Foy requested suggestions for an alternative to the permit system. He announced the next Code & Ordinance Committee would be held January 22, 2008.

**Patricia Ronze, 1160 North Haverhill Road.** Ms. Ronze had not received notification of the meetings until the Public Hearing. She asked if projects had already begun, would they be allowed to continue and who would do inspections if the project was in process. She would like to be aware of the Town's rules and regulations. Ms. Ronze also asked about the effective date of the Ordinance.

Council Vice President Foy responded that the Ordinance would become effective either September 30, 2008 or December 31, 2008. He added that the Town would permit faster. Ms. Ronze was invited to stop by the Town Hall or to visit the Municipal Code website. Utilities would remain the same; the only advantage would be the decrease in the utility tax.

Ms. Ronze would have preferred to have been involved in the process.

It was also announced that the Town of Haverhill had paid for the debris removal resulting from all of the hurricanes.

Council Vice President Foy invited all to become involved in Committees and Council. The Mayor invited all to attend the Dinner & Movie scheduled for the next evening.

**With no further discussion, the vote was then called and passed unanimously (3-0).**

**PALM BEACH COUNTY SHERIFF'S DEPARTMENT:**

Deputy Blackman reported that there had been few calls for vehicle burglaries on Grove Street outside of the Town's limits. He attributed the low crime rate to the permit system.

**SECOND READINGS AND PUBLIC HEARINGS**

**Act on Request for Special Exception and Site Plan Approval filed with the Town Clerk by Florida Tropic, Ltd., for property located at 559 Haverhill Road, Haverhill, Florida.**

Town Attorney Foster wanted the record to reflect that the request for Special Exception and Site Plan approval would be continued to Thursday, February 14, 2008 at 7:00 p.m. to allow the applicant to obtain addition input from other regulatory agencies.

**REPORTS**

**Town Attorney**

Attorney Foster had scheduled a meeting for February 5, 2008 at 10:00 a.m. with the School Board to work out the details of an agreement between the Town of Haverhill and the Palm Beach County School Board. Blair Little John, the Attorney for the School Board had requested the Town's Attorney draw up the terms of the Agreement in advance of the meeting. There was a Council Workshop scheduled for that day so the Attorney would be able to report to the Town Council immediately following the meeting.

Council Vice President Foy commented that the Town's best interests would be served with Mr. Foster drawing up the Agreement. It was confirmed that the Council President and the Mayor would accompany the Attorney to the meeting.

**Mayor**

None.

**Consultants**

None.

**Assistant Town Administrator/Town Clerk**

The Clerk reported that Dorothy Gravelin, Licensing & Permitting Coordinator would be reporting back to work on February 1, 2008 from her medical leave.

**Committee/Delegate Report**

Mr. Foy reported that he could not attend the Environmental Studies meeting as it was in conflict with the scheduled NPDES meeting.

**Treasurer's Report**

None.

**UNFINISHED BUSINESS**

Robert Roessler thanked the Town Council for their assistance in the relocation of the Boys & Girls Club from the Haverhill Park to an alternate location.

Council Vice President Foy once again noted that the Town was able to protect the residents by negotiating with the County to secure an alternate location.

**NEW BUSINESS**

None.

**ADJOURNMENT**

**With no further business to come before the Town Council, the meeting was adjourned at 8:10 p.m.**

Approved: 1/24/08

  
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Janice C. Rutan, Town Clerk

  
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Jay G. Foy, Council Vice President