

James E. Woods, Mayor
Jay G. Foy, Vice Mayor
Jerry E. Beavers, Council Member
Henry "Butch" Lynch, Council Member
Mark C. Uptegraph, Council Member
John Fenn Foster, Town Attorney
Janice C. Rutan, Town Administrator



TOWN OF HAVERHILL
Regular Town Council Meeting
May 14, 2009
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 April 23, 2009 meeting**
- VI. PRESENTATIONS AND PROCLAMATIONS**
- VII. COMMENTS FROM THE PUBLIC**
- VIII. COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S DEPARTMENT**
- IX. REGULAR AGENDA**
 - a. Request of Planet Kids for an amendment to the Special Exception granted on April 23, 2009 to allow for a 24 hour operation.**
 - b. Update from Town Engineer on Club Road Sidewalks, Park Lane and Cyprus Lane and Briarwood drainage**
- X. SECOND READINGS AND PUBLIC HEARINGS**
- XI. REPORTS**
 - Town Attorney**
 - Mayor**
 - Consultants**
 - Administrator's Report**
 - 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, CMC, Town Administrator 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
May 14, 2009
7:00 p.m.
Town Hall – 4585 Charlotte Street

Pursuant to the foregoing notice, the regular meeting of the Town Council was held on Thursday, May 14, 2009 at the Town Hall, 4585 Charlotte Street, Haverhill. Those present were James E. Woods, Mayor; Jay G. Foy, Vice Mayor; Henry Lynch, Council Member; Jerry Beavers, Council Member; and Mark Uptegraph, Council Member. Also present were Code Enforcement Officer Joseph Roche, Jeffrey Renault, Town Engineer, Town Administrator Janice C. Rutan and Marie Couture, Office Assistant.

CALL TO ORDER

Mayor Woods called the meeting to order at 7:00 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Woods offered the Invocation and led the Pledge of Allegiance

ROLL CALL

The Clerk called the roll. All members were present with the exception of Town Attorney John Fenn Foster.

APPROVAL OF AGENDA

There being no additions, deletions or substitutions, the agenda was ordered approved as presented.

APPROVAL OF THE CONSENT AGENDA

- a. Approval of minutes April 23, 2009 meeting

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

PRESENTATIONS AND PROCLAMATIONS

No presentations and/or proclamations were made.

COMMENTS FROM THE PUBLIC

No comments from the public were made.

COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S DEPARTMENT

Deputy C. Campbell was present representing the Palm Beach County Sheriff's office. The deputy reported on the details when it came to traffic infractions, residential checks and automobile crashes.

He was asked his views regarding the installation of cameras at the intersections of Belvedere & Military Trail and Belvedere and Haverhill for the purpose of enforcing traffic laws, specifically red light runners. He indicated that he is in support of the red light running program.

REGULAR AGENDA

Item (a.)

Request of Planet Kids for an amendment to the Special Exception granted on April 23, 2009 to allow for a 24 hour operation (Resolution 2009-05).

Resolution 2009-05 was read by Mayor Woods. Discussion ensued regarding the name of the resolution as well as the number of overnight students and hours of operation.

Mayor Woods indicated that the resolution should be renamed due to the fact that "Resolution 2009-05" had already been approved and the agenda item was to amend said Resolution. Town Administrator, Janice Rutan, suggested it could be named "Resolution 2009-05 (a)"; however general consensus would defer final legal recommendation regarding the Resolution to the Town Attorney.

Vice-Mayor Foy brought up the number of night time students that would be allowed; he stated that he would prefer only 100 children overnight vs. 150 be allowed and that he also would like to limit the hours for outdoor activity to be from 8p.m. to 8a.m. vs. the 10p.m. to 6a.m. being proposed. He reasoned that both the number students and the hours would present a noise factor for the neighbors who would be trying to sleep and/or relax.

Christopher Barry was present representing the applicant. Mr. Barry, who was at the podium, explained that the hours proposed were for events, such as a "dive in" type of movie presentation for parents to watch pool side while their children were swimming. Because the movies would not be shown before dusk on any given night, 10 p.m. would be required.

Council Member Lynch indicated that he was fine with having either 150 or 100 students.

Mayor Woods brought up the fact that the resolution called for Planet Kids to come before the Town Administrator once a year and that the number of students as well as the hours of operation could be re-set based on any complaints that might arise in the interim. The hours of operation would be limited to no later than 10 p.m. and no earlier than 7:00 a.m.

A motion was made by Council Member Lynch, seconded by Council Member Uptegraph and unanimously passed (5-0) to amend Resolution R2005-09 by changing the applicant from Residences at Haverhill, LLC to Planet Kids VII, Inc. and by allowing Planet Kids VII, Inc. to operate a twenty-four hour, seven day a week day care center limiting the number of overnight children to one hundred fifty (150) with there being outdoor activity between the hours of 10:00 p.m. and 7:00 a.m., however, in the event that the Governor of the State of Florida issues an executive order declaring a state of emergency, the maximum capacity of 350 children would be permitted until such time as the state of emergency is lifted.

REGULAR AGENDA

Item (b.)

Update from Town Engineer on Club Road Sidewalks and Park Lane, Cyprus Lane and Briarwood drainage.

Jeffrey Renault, Town Engineer, was asked to report on the state of the **Pump Station** being installed at the Town Hall. He reported that the package to PBC Utilities would be hand delivered with a pre-construction meeting to occur next week and that everything but the road cut would be finished. He estimated the job would be completed week of May 26, 2009. He would recommend a company to maintain the Town Hall lift station, once completed.

The Club Road sidewalks

Mr. Renault would be meeting with surveyor to go over the installation of the Club Road sidewalks project and would put together a cost estimate for the Town Council's review.

Park Lane, Cyprus Lane and Briarwood Drainage

Engineer Renault indicated that the study plans for the Briarwood drainage project had already been completed but that only the preliminary engineering studies had been done for Park & Cyprus Lanes.

Discussion of the Briarwood plans would be continued at the June 2, 2009 Council Workshop.

SECOND READINGS

There were none to be read.

REPORTS

Mayor

Mayor Woods announced that he was appointing a committee to study and review all solid waste removal proposals that were submitted on May 5, 2009 in response to the Town's request for proposal.

The following individuals were appointed:

Janice S. Rutan, Chair

Joe Roche, Vice-Chair

Henry Lynch

Reniar Hanin

Mayor Woods also disclosed that his friends, Patti Hamilton and Ruth Sherman, worked for SWS, one of the companies who submitted a proposal; because of that he would not be serving on the committee. However, he would vote on the solid waste contract when it comes before the Town Council.

Follow up letters would be sent to the MPO and Palm Beach County concerning the neighborhood plan and the widening of roads within the Town's limits.

Town Administrator

Ms. Rutan began her report by announcing the receipt of the Fire/Rescue annual report and that said report had been copied to all Council Members.

She then went on to say that all cities, towns and municipalities were being asked to fly the flag at half mast to honor the sheriffs and/or police officers who were killed in the line of duty.

The Town of Haverhill's newsletter has been completed and is now ready for the Council's review and comment, mailing to occur the week of May 18.

Council Member Reports

Vice Mayor, Jay Foy announced the next Code & Ordinance Committee scheduled for May 26, 2009. Also there is no new news regarding the Woodland drainage project. The PBC NPDES Group had received comments back from DEP. Haverhill is on review list, scheduled for June 12, 2009.

Council member Jerry Beavers spoke about his attendance at the League of Cities meeting. Supervisor of Elections, Susan Bucher addressed the league and announced that all municipalities were to begin paying for future elections. She went on to say that there were some excessive legal fees that her office had not budgeted for as a result from the Town of Palm Beach's municipal election. Representatives from the Palm Beach County Economic Council were also present at the League meeting.

UNFINISHED BUSINESS

Code Enforcement Officer, Joe Roche, explained that Palm Beach County had scraped the ROW swales at the edge of pavement to prepare for hurricane season.

The subject of mosquito spraying was discussed and it was determined that spraying would occur prior to the Special Event- Dinner and a Movie- which is set for June 5, 2009, beginning at 6:30 p.m.

NEW BUSINESS

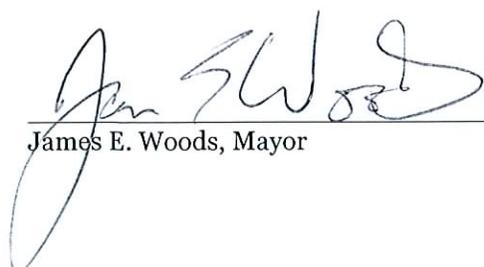
The Special Events committee's next meeting would be held on Tuesday, May 19, 2009 at Noon in the Town Hall.

ADJOURNMENT

With no further business to come before the Town Council, the meeting adjourned at 7:48 p.m.

Approved: 5-28-09
Date


Marie Couture, Office Assistant


James E. Woods, Mayor