

TOWN OF HAVERHILL
Regular Town Council Meeting
August 13, 2009
Town Hall – 4585 Charlotte Street

Pursuant to the foregoing notice, the regular meeting of the Haverhill Town Council was held on Thursday, August 13, 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; and Mark Uptegraph, Council Member. Also present were John Fenn Foster, Town Attorney; Janice C. Rutan, Town Administrator; and Joseph Roche, Code Enforcement Officer.

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 Town Administrator called the roll. All members were present with the exception of Councilman Jerry Beavers who was in Orlando attending the Florida League of Cities Conference.

APPROVAL OF AGENDA

The Town Administrator requested the approval of minutes for the June 25, 2009 regular Town Council meeting be removed from the Consent Agenda as they had been approved on July 9, 2009 and to add the following item:

IX. F. Approve the distribution of \$602,122 of Federal Fiscal year 2009 (FY 2010) Edward Byrne Memorial JAG program funds for Palm Beach County

A motion was then made by Vice Mayor Foy, seconded by Council Member Uptegraph and unanimously passed (4-0) to approve the Agenda as amended.

APPROVAL OF THE CONSENT AGENDA

- a. **Approval of the July 9, 2009 meeting minutes**
- b. **Approval of the July 23, 2009 meeting minutes**

A motion was made by Vice Mayor Foy, seconded by Council Member Lynch and unanimously passed (4-0) to approve the Consent Agenda as amended.

PRESENTATIONS AND PROCLAMATIONS

None.

COMMENTS FROM THE PUBLIC

Anacelis Molina, 797 Briarwood Drive. Mrs. Molina was present to complain about the drainage problems in the Briarwood subdivision. She reported that because of the conditions, both her mother in law and daughter had fallen. She had heard the project would stop before her home. It was explained to Mrs. Molina that the Town had just contracted with Wynn and Sons for a drainage improvement project in the Briarwood subdivision and the improvements will directly benefit her property. Mrs. Molina thanked the Town Council.

COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S DEPARTMENT

None.

REGULAR AGENDA and FIRST READINGS

Vote on final Club Road sidewalk plan

Council Member Lynch addressed the Town Council. He stated that because he had informed the Town Council at a prior public workshop he would not vote against the project, however, he would prefer to abstain from voting rather than vote in favor of placing the sidewalk on the south side of Club Road. Attorney Foster informed Council Member Lynch that as a public official, if he was present for the vote, and had not filed a memorandum of voting conflict, he was required by law to vote on the matter before the Town Council.

Council Member Lynch expressed his concern over placing the sidewalks on the south side of Club Road and likened the inconvenience of it to being handicapped prior to ADA requirements. He commented that he would not be able to ride his bicycle from the path to the park without leaving the sidewalk and crossing over Club Road twice. He believed that the placement of the sidewalk on the south side of the road would hamper travel forcing users to cross over Club Road to travel west. He was saddened that the Town would never build what was envisioned in the Master Plan.

Mayor Woods expressed his preference that the sidewalk be placed on the south side of the road, as close to the pavement as possible until the sidewalk reached Tall Pines where it could then be located the proposed thirteen feet from the road.

Vice Mayor Foy reminded all that other options had been considered such as placing the sidewalk on the north side of the road, then crossing over to the south side at the intersection with Tall Pines Road and continuing west on the south side of the street to Haverhill Road. There had also been discussion about the four way stop at the intersections Club Road, Tall Pines and Ivory Lane.

There was discussion of e-mails between the Town of Haverhill and Jo Ellen Leisinger, the architect that had designed the Master Plan. Council Member Lynch had spoken with Ms. Leisinger earlier in the day and she had expressed her opinion concerning the connectivity of the plan and the placement of the walkway on the north side of Club Road.

Council Member Uptegraph agreed with Vice Mayor Foy. He added that his experience was that the users favor the south side of the road and that the sidewalk would be better used by the children if placed on the south side of the road. He also noted that there had been stronger public support for the south side of the road.

Mayor Woods expressed his desire to see the sidewalk entirely on one side of the road. Mayor Woods reminded all that the purpose of the sidewalk was for the safety of the children. He also noted that the south side would result in less opposition from the property owners. He would prefer to see it on the south side of the road.

Council Member Lynch agreed that there were several existing conditions and hoped that the new project would not add to them. Mr. Lynch argued that this was not just a sidewalk but part of an overall pedestrian path approved through the Master Plan and in his opinion was the part of the plan in the nicest part of Town. Council Member Lynch

also contended that a bicycle could not make the turning radius from Haverhill Road to the proposed sidewalk on the south side of Club Road. The proposed plan on the south side of the road would be contradictory to the flow of the pedestrian path.

Council Member Lynch again commented that for him to ride his bicycle using pedestrian paths, he would need to leave the Town of Haverhill and use the County sidewalks.

Discussion followed.

Vice Mayor Foy commented that regardless of where the sidewalk was placed, it would be better than what was there now. He confirmed there would be pedestrian striping and signage on the roadway and cross walks. It was also confirmed that there would be no curbing; the sidewalk would be placed as close to the road with the minimum setback, west of Tall Pines Road. Except for the area west of Tall Pines at the very west end of Club Road where the sidewalk would be at four feet wide, the proposed sidewalk would be six feet.

It was agreed that the Town would not go out to public bid, but would accept piggy back bids from two contactors with public contracts.

A motion was made by Vice Mayor Foy and seconded by Council Member Uptegraph to move forward with the sidewalk plans for the south side of Club Road; with a minimum non curb setback west of Tall Pines Road and a six foot walk way east of Tall Pines; to expend up to \$100,000 with a minimum of two piggy back bids to be received and the contract being awarded by the Town Administrator to the lowest and most qualified bidder. The vote was called and passed 3- 1 with Council Member Lynch voting against the motion.

Resolution R2009-07 re: Supporting the petition for rulemaking to amend Florida Water Quality Standards

The title was read by Mr. Foster. **A motion was made by Vice Mayor Foy, seconded by Council Member Lynch and unanimously passed (4-0) to adopt Resolution R2009-07.**

Vice Mayor Foy reported that this was one of several Resolutions supporting this effort.

Resolution R2009-08 re: Reduction in the speed limit on Belvedere Road to 30 mph

Attorney Foster presented Staff's report. He commented that although the Resolution would be brought forth at the next meeting, he was seeking Town Council consensus to move forward with modifying the speed limit at a public meeting.

Mayor Woods commented that he was in favor of setting the speed limit to 30 mph east and west on Belvedere Road through the Town's limits for safety reasons. He explained that Haverhill road does have reduced speed provisions due to the school crossings at Haverhill Baptist and now at the intersections of Haverhill and Belvedere Roads due to the Stacy Street School.

Attorney Foster agreed adding that reducing the speed limit would be in the best interest of health, safety and welfare for the residents. The State legislature supports setting the speed limit to 30 mph for any road going through a residential area. The intent of the

Town Council was to protect the safety of the citizens, residents and the children attending the Haverhill Baptist School, the Stacy Street school, the Boys and Girls Club and the Haverhill Park. There would be 900 students attending the new Stacy Street School.

Vice Mayor Foy commented that he had read the statute, and any speed lower than 30 mph would require a completed study. He added that reducing the speed would be an irritant to the residents of the Town with Council Members being equally affected. He would be willing to make the sacrifice as the Town has the right to set the speed. For the safety of the children he would reluctantly support the setting the speed limit to 30 mph along Belvedere Road.

Mayor Woods commented that he used to drive into West Palm Beach using Olive Avenue; but since the improvements and reduction in speed limit, he no longer prefers Olive Avenue. Concerning Belvedere Road, he commented that although the 30 mph speed limit may be an irritant, a positive side benefit could be a reduction in traffic.

Attorney Foster reminded all that the Town of Haverhill is close to 90% residential and Belvedere Road runs through a residential area. As such, it should not be used as a thoroughfare. Reducing the speed limit would protect the lifestyle and residential quality of the Town of Haverhill.

Code Enforcement Officer Joseph Roche commented that there were approximately 40 private residential homes facing Belvedere Road.

It was the general consensus of Town Council to authorize the Town Attorney to proceed with setting the speed limit to 30 mph on Belvedere Road, east and west, through the Town of Haverhill.

It was agreed that residents would be notified through the web site and newsletter.

Review and approve Town's response to the County's proposed widening of Belvedere Road

Town Council reviewed a letter being sent to Palm Beach County Traffic and Engineering Division resulting from the meeting held between the Belvedere Road Study Committee and representatives from Palm Beach County.

Vice Mayor Foy commented the intent of the letter was to argue the technical aspect of widening and to remove any reference to the political or legal aspect.

Attorney Foster clarified language in the letter to simply request the County delete the any through land improvements to Belvedere Road.

It was the general consensus of the Town Council to send the letter to the engineering, road production and traffic divisions of Palm Beach County. The letter would be signed by the Town Administrator on behalf of the Town Council and the Belvedere Road Study Committee.

Update on status of negotiations with Southern Waste Systems

The Town Attorney, Mayor and Town Administrator had met with representatives of Southern Waste Systems to review the proposed contract between the Town and SWS.

Council Member Lynch commented that he would prefer to use the single stream method of recycling. Attorney Foster noted he would add a provision to the contract between the Town of Haverhill and SWS that would protect the Town when the Interlocal Agreement between the Town of Haverhill and SWA expires.

The Mayor explained that once the contract between the Town and SWS was executed, the Town would be in contact with SWA to discuss the terms of the Interlocal Agreement.

Attorney Foster commented that SWS maintains a lease for a facility that would store hurricane debris benefitting the Town by resulting in a much quicker clean up for the Town of Haverhill.

Approve the distribution of \$602,122 of Federal Fiscal year 2009 (FY2010) Edward Byrne Memorial JAG Program funds for PB County

The Town Administrator offered Staff's report. Palm Beach County had been the recipient of grant funding and for them to receive additional federal grant funding for programs within Palm Beach County, the jurisdictions within the County must approve the distribution of the grant funding.

A motion was then made by Vice Mayor Foy, seconded by Council member Lynch and passed unanimously (4-0) to approve the distribution of \$602,122 of Federal Fiscal year 2009 (FY2010) Edward Byrne Memorial JAG Program funds for PB County.

SECOND READINGS AND PUBLIC HEARINGS

None.

REPORTS

Town Attorney

None.

Mayor

Mayor Woods reported that he and the Town Clerk had met with the owners of the **Verbo Church property.**

Mayor Woods updated the Town Council by explaining that in 1996 a Special Exception to construct a church was granted, however, because no construction permit was issued, the exception expired within 6 months of granting. The Church was inquiring into another Special Exception as well and obtaining a tax exemption for the property. When asked about the possibility of receiving another Special Exception for a church, Mayor Woods explained to the property owners that the Town Council had recently denied an application for that use. Further, because the property was not being used as a Church, they did not qualify for an exemption from property taxes.

Mayor Woods requested Town Council ratification to the appointment of Paul Tripp to the **Make it Count Committee** for the 2010 census to represent the Briarwood subdivision. A motion was made by Council Member Uptegraph, seconded by Council Member Lynch and unanimously passed (4-0) to ratify the appointment of Paul Tripp to the 2010 Census Make it Council Committee.

Mayor Woods spoke briefly on the pending lawsuits against the **red light camera program**. The Town intends to move forward with implementation of the program for safety reasons.

Mayor Woods noted that the Mayor and two Council Members had been invited to attend the Palm Beach County Literacy Coalition luncheon scheduled for September 9, 2009 at the Ritz Carlton in Manalapan. Due to conflicting schedules, no one was available to attend.

Consultants

None.

Administrator's Report

The Town Administrator reported that Walgreen's Pharmacy expressed an interest in providing flu shots at the Town Hall for Haverhill residents. The program would take place in September. The Town Administrator was requested to look into the program further provided there would be no cost to the Town. The recipients of the shots would be responsible for payment.

Committee/Delegate Report

Vice Mayor Foy reported on a joint meeting of the Town Council and **Code and Ordinance Committee** scheduled for August 20, 2009. Invited to attend the meeting and to speak on the proposed Landscape Ordinance would be representatives from the Village of Wellington and Jon Schmidt and Associates.

Discussion followed concerning the need for a meeting of the **Charter Committee**. The Town Administrator reported that she would be attending a meeting of the Clerk's Association where there would be an update on the Ad Hoc Committee appointed to discuss the election charges and changes being proposed by the Supervisor of Elections. The Council would postpone amending the terms of elections in the Charter until the report on uniform election dates was completed by the Ad Hoc Committee.

Mayor Woods requested a meeting of the **Special Events Committee** be scheduled for the first week in September to plan for the Halloween themed Dinner and Movie.

Treasurer's Report

(included in packet)

UNFINISHED BUSINESS

The Town Administrator

The Town Administrator reported that she had not heard back from the gentlemen who had addressed the Town Council about opening a home schooling facility at the Haverhill Baptist Church.

Joseph Roche reported that he had been working with the Construction Company working for the Palm Beach County School District to be sure that the plantings and vegetation were installed correctly in the easement along the wall abutting the Town's boundaries. He had noticed that there was an opening adjacent to the wall that would allow foot traffic through to Trailaway from Stacy Street along the school's eastern boundary.

It was agreed that the opening would need to be secured. Mr. Roche would look into securing the wall to the existing fence.

Vice Mayor Foy inquired as to when the Town had been notified that there would be a traffic signal at Stacy Street. The Town Administrator reported that she had only been recently notified and that was because she had called the County to inquire about the signalization at the intersection of Haverhill and Belvedere.

NEW BUSINESS

None.

ADJOURNMENT

With no further business to come before the Town Council, the meeting adjourned at 8:20 p.m.

Approved:

Sept. 24, 2009

Janice C. Rutan, Town Administrator

James E. Woods, Mayor

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
August 13, 2009 - 7:00 p.m.
(immediately following Budget Workshop)
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 the July 9, 2009 meeting minutes**
 - b. Approval of the July 23, 2009 meeting minutes**
- VI. PRESENTATIONS AND PROCLAMATIONS**
- VII. COMMENTS FROM THE PUBLIC**
- VIII. COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S DEPARTMENT**
- IX. REGULAR AGENDA and FIRST READINGS**
 - a. Vote on final Club Road sidewalk plan**
 - b. Resolution R2009-07 re: Supporting the petition for rulemaking to amend Florida Water Quality Standards**
 - c. Resolution R2009-08 re: Reduction in the speed limit on Belvedere Road to 30 mph**
 - d. Review and approve Town's response to the County's proposed widening of Belvedere Road**
 - e. Update on status of negotiations with Southern Waste Systems**
 - f. Approve the distribution of \$602,122 of Federal Fiscal year 2009 (FY2010) Edward Byrne Memorial JAG Program funds for PB County**
- 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