

TOWN OF HAVERHILL
Regular Town Council Meeting
January 14, 2010
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 14, 2010 at the Town Hall, 4585 Charlotte Street, Haverhill. Those present were James E. Woods, Mayor; Jay G. Foy, Vice Mayor; Jerry Beavers, Council Member; and Henry Lynch, Council Member. Also present were Town Attorney John Fenn Foster, 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 Council Member Uptegraph.

APPROVAL OF AGENDA

Mayor Woods requested the following additions, deletions and/or substitutions to the Agenda be considered:

Table Item a. of the consent agenda (**Approval of the December 10, 2009 Regular meeting minutes**). Renumber Item g. of the First Reading and Regular Agenda list was moved up to item a. of the First Reading and Regular Agenda list. The remaining items would follow sequentially. **A motion to accept the Agenda as amended was made by Vice Mayor Foy and seconded by Councilman Lynch. Motion passed unanimously by a (4-0) vote.**

COMMENTS FROM THE PUBLIC

Pete Hernandez, 4830 Richmond Mews, Haverhill, FL asked for more information regarding the extra traffic patrol on Belvedere Road. Mayor Woods answered by stating that the Palm Beach County Sheriff's Office was responsible for the enforcement of traffic control on Belvedere Road. Their actions were not the result of any Town directive. Mr. Hernandez commented that the patrols were singling out Belvedere Road and had increased since the Town had lowered the speed limit from 35 MPH to 30 MPH. Mayor Woods took exception to Mr. Hernandez's statement adding that prior to the reduction in speed limit the majority of traffic patrol had been occurred in front of his place of residence.

A discussion ensued between Deputy Newborn and Mr. Hernandez concerning the Sheriff's presence and traffic control on Belvedere Road. Deputy Newborn was surprised that Mr. Hernandez was annoyed by the police presence when he should be appreciative of the additional security in Haverhill. Council Member Lynch concurred.

Mr. James Carlos Celia addressed the Town Council explaining that he had filed an application for a business tax receipt and was waiting on a review of the application by Town Attorney Foster. He had been told earlier in the day that there was a meeting that evening where he might have opportunity to address the Town Attorney and Council. Mr. Celia planned to open a retail jewelry business on Military

Trail. Attorney Foster advised Mr. Celia to call his office to discuss the matter. The Town Administrator agreed to facilitate the contact.

Councilman Beavers explained that Mr. Hernandez had expressed his opinion and concerns about the speed limit on Belvedere Road to him earlier in the day and that he had invited Mr. Hernandez to attend the meeting so to bring the matter before the full Council. Discussion continued among the Council regarding the speed limit on Belvedere Road.

COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S OFFICE

Council expressed their appreciation to PBSO for doing a good job. Deputy Newborn reported on the calls received between 12/10/2009 and 01/14/2010. On January 4, 2010 there had been a burglary at 5130 Club Road. On December 26, 2009 there had been a burglary at 5122 Palo Verde in which the suspects had been caught in progress. He also reported that on January 10, 2010 there had been burglary to a vehicle at 576 Ivywood Road. There had been unlocked vehicles at 5055 Club Road and 500 N Haverhill Road with some items from the vehicles reported missing.

Officer Newman indicated that the Sheriff's Office was prepared for increase in burglaries during and after the holiday season and in preparation, there had been increased patrols using unmarked vehicles for the surrounding areas during the daylight hours.

The Town Administrator reported that a postcard had been sent to the Town's residents advising them of various ways to protect themselves against burglaries during and after the holiday season. The residents appreciated the Town Council's efforts and responded with positive feedback.

Councilman Lynch requested and received from Deputy Newborn a complete listing of speeding violations and their fines.

FIRST READINGS AND REGULAR AGENDA

Consider Request of Tower Co. re: future co-locators of additional antennas

Town Administrator Rutan indicated that she had spoken with Jason Maniello of Tower Co. and that, after the discussion, it was agreed that perhaps the Town should work with Tower Co. to allow for an increase in the number of antennas and co-locators on their tower as the Town had done with the AT&T tower. Administrator Rutan then asked if the Council would allow the Mayor, the attorney and herself to negotiate with Tower Co. Results from those negotiations would be presented to Council for consideration. Attorney Foster commented that a part of the amendment would be the clarification of the assignment of the tower from Nextel to Tower Co.

Vice Mayor Foy asked for clarification as to whether the Nextel antennas were being used. Administrator Rutan indicated that after some research it was determined that Nextel did intend to continue to use and maintain its antennas.

Vice Mayor Foy than indicated that he had concerns with increasing the number of carriers and the number of antennas on the tower. Administrator Rutan stated that was why she was asking the Council to authorize the Mayor, the Attorney and herself to go back to Tower Co. for clarification. She referred to the wording in the amended lease agreement with AT&T.

Discussion followed concerning the height of the antennas on the present tower. The site plan incorrectly depicted the antennas at 78 feet when they were actually at 90 feet which was consistent with the agreement. Should the Town agree to increase the

number of antennas a public hearing would need to be held with notification to all abutting property owners within 300 feet.

The consensus was to direct the Mayor, Attorney and administrator to negotiate terms of a lease agreement and bring back a recommendation for Council consideration. Attorney Foster indicated that the site plan would need to be presented first, particularly as to the number, location and elevation of the proposed additional antennas.

Vice Mayor Foy indicated his two (2) concerns with regard to amending the lease agreement included a second carrier and what would be on the ground surrounding the towers.

Betty Tufford was present representing Clearwire. Clearwire was presently negotiating with Towner Co to lease antenna space should the Town agree to allow additional carriers on the antenna. She explained that they would only require forty-nine (49) square feet for the cabinet on a seven (7) by seven (7) foot area on a four (4) foot slab.

Vice Mayor Foy inquired about power outages. Ms. Tufford indicated that, if need be, a very small generator would be brought in and attached to its equipment. She indicated that the FCC required Clearwire to have at least eight (8) hours of backup power and that the company already had that in place in battery form. If for any reason the power would be out for more than eight (8) hours, the FCC's requirements included the installation of a temporary generator. Mayor Woods indicated that the noise from those generators would be a factor. Ms. Tufford indicated that she could provide Council with a fact sheet on the generators to be used and that the proposed generator would not be any noisier than the one already in place.

Ms. Tufford stated that Clearwire was holding off on the drawings until the lease was in place. Once she received a positive feed back from the Town as to how the lease stood, she would have plans drawn up. She further stated that Tower Co. should be able to provide the Town with drawings of how the tower would look and the specifications, e.g. elevation, etc. If Tower Co. could not, then Clearwire would.

Resolution No. 2009-11

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA INITIATING THE CONFLICT RESOLUTION PROCEDURES AS SET FORTH IN CHAPTER 164, FLORIDA STATUTES WITH PALM BEACH COUNTY REGARDING PLANNED ROADWAY IMPROVEMENTS ON BELVEDERE ROAD.

The title as read by Attorney John Fenn Foster

Mayor Woods entertained a motion to approve Resolution 2009-11. **Vice Mayor Foy motioned to approve Resolution 2009-11. The motion was seconded by Councilman Beavers.** Discussion followed.

Mayor Woods asked Attorney Foster if the Resolution was a required step to protest the County's intent to widen Belvedere Road. Attorney Foster indicated that it was and explained that once the Council took action, Chapter 164 required a certified copy of the Resolution and a letter needed to be sent to the County Administrator within five (5) days of the adoption of the Resolution. The letter had to specify the nature of the conflict and the justification for the Town wanting to use the conflict resolution procedure. The letter was to include dates for an initial meeting with staff to set the parameters of the conflict, discuss the matter and address how the Town

would try and resolve the conflict. The letter would need to indicate the representatives the Town would want involved in the assessment, e.g. the traffic engineer and someone from the County Attorney's office. Attorney Foster stated that his office would draft the letter and send it out with the Resolution. Vice Mayor Foy asked Attorney Foster whether the conflict resolution addressed the through lane from Military Trail to Haverhill. Attorney Foster said that it did. Vice Mayor Foy also asked if it addressed the widening of Belvedere Road from four (4) lanes to six (6) lanes; Attorney Foster indicated that it did. Attorney Foster stated the through lane specifically allowed the Town to address the five (5) year plan relative to the Belvedere Road widening. The thoroughfare identification map and the 2035 long range transportation plan. Attorney Foster indicated that Resolution 2009-11 would be presented to the Mayor for execution. Vice Mayor Foy wanted to insure that the Council fully understood the time and expense involved in going forward. After a brief discussion and determination that a motion to table took precedence over the motion on the floor, **a motion was made by Vice Mayor Foy to table the matter until the next meeting affording the Belvedere Road committee time to review the proposed Resolution. Councilman Lynch seconded the motion to table. The motion was then approved by a (4-0) vote.**

Resolution No. 2010-01

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL DECLARING SUPPORT TO PURSUE GRANT OPPORTUNITIES FOR ENERGY CONSERVATION AND ENERGY EFFICIENCY PROJECTS

The Title was read by Mayor Woods.

Vice Mayor Foy stated that the Resolution did not obligate the Town to pursue Grants. If the Grants were awarded, it would lead to changes having to be made to the Town's Comprehensive Plan with respect to energy efficiency. The Resolution merely stated that the Town intended to make its facility energy efficient through retro fits, etc.

Vice Mayor Foy motioned to adopt Resolution 2010-01. The motion was seconded by Councilman Lynch and passed by a (4-0) vote.

Resolution No. 2010-02

A RESOLUTION ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, DESIGNATING THE DATE, TIME AND PLACE FOR FILING FOR THE OFFICES FOR THE POSITION OF TOWN COUNCIL SEATS 1 AND 2 PRIOR TO THE MUNICIPAL ELECTION TO BE HELD TUESDAY, MARCH 9, 2010; SETTING THE DATES AND TIMES TO QUALIFY FOR PUBLIC OFFICE; SETTING THE FILING FEES; AUTHORIZING THE TOWN ADMINISTRATOR TO APPOINT AN ELECTION CANVASSING BOARD FOR PRECINCT NUMBERS 2052, 2053, 6122 AND 6124; AUTHORIZING THE TOWN ADMINISTRATOR TO NOTIFY THE PALM BEACH COUNTY SUPERVISOR OF ELECTIONS OF HER APPOINTMENT TO HANDLE AND CANVASS ALL TOWN ABSENTEE BALLOTS AND TO SERVE AS A MEMBER OF THE MUNICIPAL CANVASSING BOARD AT ALL LOGIC AND ACCURACY TESTS TO BE HELD PRIOR TO THE ELECTION TO BE HELD ON TUESDAY, MARCH 9, 2010.

The Title was read by Town Attorney Foster.

Councilman Beavers motioned to adopt Resolution 2010-02. The motion was seconded by Councilman Lynch and passed by a (4-0) vote.

Resolution No. 2010-03

A RESOLUTION ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, DESIGNATING THE DATE, TIME AND PLACE FOR THE MUNICIPAL RUN OFF ELECTION (IF NEEDED) FOR THE OFFICE OF TOWN COUNCIL, SEATS 1 AND 2 TO BE HELD ON TUESDAY, MARCH 23, 2010.

The Title was read by Attorney Foster.

Vice Mayor Foy motioned to adopt Resolution 2010-03. The motion was seconded by Councilman Lynch and passed by a (4-0) vote.

**First Reading of the Town of Haverhill's Landscape Ordinance No. 386
AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, AMENDING DIVISION 6, LANDSCAPING REQUIREMENTS, OF CHAPTER 58, ZONING, BY DELETING ALL OF DIVISION 6 AND SUBSTITUTING IN ITS PLACE AND STEAD NEW LANDSCAPE REGULATIONS REGARDING PURPOSE AND INTENT, LANDSCAPE DESIGN PRINCIPLES AND CONCEPTS, APPLICABILITY AND EFFECT OF PREVIOUSLY PERMITTED PROJECTS, EXEMPTIONS, TYPES OF PLANS, LANDSCAPE STANDARDS FOR DIFFERENT LAND USES, PROHIBITED PLANT SPECIES, TREE CREDITS, WATER CONSERVATION, PARKING LOT LANDSCAPING REQUIREMENTS, LANDSCAPE BUFFER STRIPS, UPLAND BUFFERS/LITTORAL PLANTING, MAINTENANCE AND IRRIGATION, PRUNING STANDARDS, ALTERNATIVE LANDSCAPE PLANNING, VARIATION, VEGETATION REMOVAL, ADMINISTRATION, FEES, AND ENFORCEMENT; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AUTHORITY TO CODIFY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

The Title was read by Attorney Foster.

Vice Mayor Foy made a motion to accept the first reading of Ordinance 386. The motion was seconded by Councilman Lynch and passed by a vote of (4-0).

Consider request of Code Enforcement Officer re: lien release for 820 Woodland Avenue

Joseph Roche, Code Enforcement officer requested Town Council consideration to release the lien on the property located at 820 Woodland Avenue. The property has been brought into compliance and was being considered for short sale by the bank holding the mortgage. Attorney Foster indicated that the Town would be made whole by its release. The action would not prevent the Town from filing another lien against the property should a violation occur.

As such, Attorney Foster noted that the letter of request from the bank was inappropriate because it referred to future code violations. He wanted to make it clear that the settlement being considered was only for the pending order imposing fines.

Mayor Woods asked if there was a motion to accept the staff's recommendation for the release of lien as modified by the Town's Attorney.

A motion to accept the staff's recommendation for the release of the lien through January 14, 2010 on 820 Woodland Avenue was made by Councilman Lynch, seconded by Councilman Beavers and passed by a vote of (4-0).

REPORTS

Town Attorney Report

NONE.

Mayor Report

The Mayor reported on an offer to the Town made by Unison Site Management to purchase the tower leases from the Town. He explained that the Town had spoken with Unison in the past when there was only one tower, now Unison had upped it ante. Unison's previous offer had been in the \$250,000 range and their present offer was for \$767,232. This would be a lump sum payment for all of the Town's present and future leases and would require the Town giving Unison an easement. Mayor Woods indicated that he was satisfied with the Town's current arrangements with the individual carriers netting the Town \$126,000 per year. Councilman Beavers agreed with Mayor Woods. Vice Mayor Foy asked if the extra carrier would add to the offer and Mayor Woods indicated that it would. A short discussion ensued regarding the present carriers, it was the general consensus was to continue with the current arrangement.

Mayor Woods revisited red light camera program and the right turn on red infractions which had been addressed at the recent Town Council Workshop. He requested Town Council reconsideration in removing the right turn on red as a violation. Attorney Foster added that other jurisdictions were also considering abandoning it due to its problematic nature. **A motion to remove the photo enforcement of Right Turn on Red light infractions from the agreement (BRT) between the Town of Haverhill and ATS was made by Councilman Beavers, seconded by Vice Mayor Foy and approved by a (3-0) vote. (Councilman Lynch was away from the dais.)**

Consultants Report

NONE

Administrator's Report

Administrator Rutan reported that Supervisor of Elections Susan Bucher had agreed to allow the Town to remove the automatic provision clause from its agreement providing the Town give notice of its intention to continue using the Supervisor of Elections' services at each year end. Administrator Rutan indicated that it had to be done via a resolution because of the agreement presented by the Ms. Bucher. Administrator Rutan read the Supervisors letter to the Council.

Discussion followed.

Vice Mayor Foy confirmed that a letter of commitment would suffice as notice to the Supervisor of Elections.

Ms. Rutan reported on the Palm Beach County Grant applications. Vice Mayor Foy, Mr. Roche and herself had a conference call with Erin Deady, AICP/Attorney of Lewis Longman and Walker to discuss the Town's grant application. Ms. Deady is working with the Town as well as with five (5) other Palm Beach County

municipalities. All of the municipalities had joined ranks to apply for Grants. The conference entailed the Town's wish list and grant availability. The Town Administrator detailed what would be included in the grant request (retro fitting Town Hall, purchase of hybrid vehicles and updates to the Town's Comp Plan and Building Code. **The general consensus approved the Town Administrator's recommendations for the grant application.**

Committee/Delegate Report

Vice Mayor Foy reported that a Code and Ordinance committee meeting was necessary to address animal control ordinance.

Administrator Rutan announced that a Census Committee meeting would be held on January 19, 2010 at NOON to discuss ways to educate/inform the Town's residents. Mayor Woods asked how active the members of the committee were and Ms. Rutan reported that the members were proactive but that the Town had not yet procured anyone to represent St. Christopher Church. She felt that St. Christopher was a large influence in the community and that she intended to pursue her attempt to procure a representative from the church.

Mayor Woods reported on the up coming Neighborhood Garage Sale which had been scheduled for January 23, 2010 from 7:00 a.m. to 1:00 p.m. He indicated that sixteen (16) families had signed up for the event as well as three (3) local businesses. He further stated that King's Academy would be handling refreshments and that the Florida Department of Health would be administering free H1N1 vaccinations.

The Town's Annual Picnic which had been scheduled for March 20, 2010 was announced.

Councilman Beavers reported on his attendance as the League of Cities appointment to the Impact Fee Advisory Committee meeting. He indicated that an impact fee had been proposed on a fourteen hundred to a nineteen ninety-nine square foot house to go from \$10,000 to \$13,000 dollars and that he had made a motion not to raise the impact fees and voted against the impact fee.

Vice Mayor Foy spoke about the Numeric Nutrients Standards that had been scheduled to be published by the EPA. Ha had not received it as of yet. He indicated that he would report the new standards once the information was received.

UNFINISHED BUSINESS

None.

NEW BUSINESS

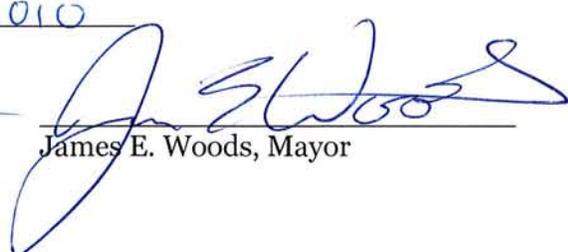
None.

ADJOURNMENT

With no further business to come before the Town Council, the meeting adjourned at 8:37 p.m.

Approved: February 11, 2010
Date


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
January 14, 2010
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 December 10, 2009 Regular meeting minutes**
- VI. PRESENTATIONS AND PROCLAMATIONS**
- VII. COMMENTS FROM THE PUBLIC**
- VIII. COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S DEPARTMENT**
- IX. SECOND READINGS AND PUBLIC HEARINGS**

None
- X. FIRST READINGS AND REGULAR AGENDA**
 - a. Resolution No. 2009-11: A Resolution of the Town Council of the Town of Haverhill initiating the Conflict Resolution Procedure**
 - b. Resolution No. 2010-01: A Resolution of the Town Council of the Town of Haverhill declaring support to pursue Grant opportunities for energy conservation and energy efficiency**
 - c. Resolution No. 2010-02: A Resolution of the Town Council of the Town of Haverhill designating the date, time and place for filing for the position of Council Seats 1 and 2 for the March 9, 2010 Municipal Election and for other purposes**
 - d. Resolution No. 2010-03: Resolution of the Town Council of the Town of Haverhill designating the date, time and place for the Municipal Run-Off election to be held on March 23, 2010 if necessary**
 - e. Ordinance No. 386: First Reading of the Town of Haverhill Landscape Ordinance**
 - f. Consider request of Code Enforcement Officer re: lien release for 820 Woodland Avenue**
 - g. Consider Request of Tower Co. re: future co-locators of additional antennas**
- 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