

**TOWN OF HAVERHILL
Regular Town Council Meeting
April 22, 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, April 22, 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; Mark Uptegraph, Council Member; and Henry Lynch, Council Member. Also present were Town Attorney John Fenn Foster, Town Administrator, Janice C. Rutan; and Code Enforcement Officer, Joseph Roche.

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.

APPROVAL OF AGENDA

Mayor Woods requested the approval of minutes be removed from the Consent Agenda. **A motion was then made by Council Member Uptegraph, seconded by Vice Mayor Foy and unanimously passed (5-0) to approve the agenda as amended.**

APPROVAL OF THE CONSENT AGENDA

~~a. Approval of the April 8, 2010 regular meeting minutes~~

PRESENTATIONS

None.

COMMENTS FROM THE PUBLIC

None.

COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S DEPARTMENT

Deputy Campbell was present representing the Palm Beach County Sheriff's office. Other than warrants served within the town no crime had been reported during the previous two week period. He did report on an incident that had occurred at a Club on Clematis Street but ended at the 7-11 location on April 16, 2010 that resulted in the recovery of two guns and one person going to jail.

SECOND READINGS AND PUBLIC HEARINGS

None.

FIRST READINGS

REGULAR AGENDA:

RESOLUTION 2005-10: A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL IMPLEMENTING A COURTESY WARNING PERIOD THROUGH MAY 31, 2010 TO MOTORISTS COMMITTING A RED ZONE INFRACTION UNDER THE TERMS OF ORDINANCE NO. 380, ADOPTED FEBRUARY 26, 2009.

The title was read by Attorney Foster. Attorney Foster explained the purpose of the Resolution was to implement a warning period and give public notice through May 31, 2010 for those persons committing a red zone infraction.

A motion was then made by Vice Mayor Foy, seconded by Council Member Beavers and unanimously passed (5-0) to adopt Resolution R2010-05 as presented.

It was reported the signs informing motorists of the photo enforcement program had been installed by ATS.

REPORTS

Town Attorney

None.

Mayor

Mayor Woods reported on the status of **HB325 – Red Light Cameras** and an amendment that was trying to be attached to the bill that would require all cities operating the program to cease. He had contacted Representatives and voiced his opposition to the Bill.

Mayor Woods reported the Census figures had been released for those households that voluntarily returned census forms. The Town's response was at 61%. Census workers would now go door to door to those known addresses that did not respond.

Mayor Woods put the Council on notice that a reporter from the Palm Beach Post had been in contact with himself and the Town Administrator and an article would most probably appear in the next day's paper.

Mayor Woods invited the Town Council to view the final plans for the Club Road sidewalk project. The Town Engineer would be present at the May 4, 2010 workshop. It was his intention to have quotes available at that time. Mayor Woods expressed his desire to have the sidewalks constructed during the summer while school was out of session.

Consultants

None.

Administrator's Report

The Town Administrator reported on the kick off meeting held earlier in the day between the municipalities that had jointly applied for the **Palm Beach County Energy Grant**. Lantana, Atlantis, Ocean Ridge and Haverhill were present as well as the Erin Deady, Attorney from Lewis, Longman and Walker who had put the grant together and the ECM Engineering firm that worked closely with Ms. Deady. Vice Mayor Foy, Janice Rutan and Joseph Roche were present at the meeting representing the Town. The Town of Haverhill had been awarded \$53,000 to retrofit the Town Hall. Although the grant was awarded for specific retrofits, there would be room within the grant to update specific projects as long as the end result was met. The County would be formally awarding the Grants on May 5, 2010.

The productive meeting focused on letting the projects out to bid and whether the municipalities would be able to "piggy back" off one another. Due to the individuality of the many applicants, it would be impossible to let one bid for all projects.

Vice Mayor Foy then reported on the complexity of the Agreement between the Town and the County for Administering the grant and the requirements included therein. He would be studying the Agreement to ensure that Haverhill would be able to meet the requirement of the agreement in bid preparation as well as the federal labor and material specifications.

Vice Mayor Foy suggested the Town consider funneling the grant program through Jeff Renault, the Town's Engineer and he in turn hire specific Engineers where needed. These measures would ensure the Town meet the CCNA requirements as well as its own financial threshold for bid procedures.

The Town Administrator reported that the Town of Lantana will be preparing the reports to the County on behalf of the individual municipalities.

Committee and Delegate Reports

Vice Mayor Foy reported that he had attended the **Palm Beach County League of Cities District III** luncheon meeting at Atlantis on Wednesday. He reported on the legislative process of sending bills through committees and the practice of adopting "shell bills."

Vice Mayor Foy reported on the **Belvedere Road Committee** meeting held on April 21, 2010. John Kim, Traffic Engineer was present at the meeting and suggested the Town obtain the County Model but use the Town's number to do their own analysis.

John Foster reported on the 1990 lawsuit settlement between the Town of Haverhill and Palm Beach County and the stipulations included in that settlement that required the Town to be involved in any intersection improvement reevaluation process. The County has been in breach of the Agreement.

In addition, Attorney Foster located an Ordinance that required the County Engineer to submit a quarterly report to the "Five Year Road Program and Oversight and Advisory Council" which was comprised of a specific membership representing certain disciplines and geographic sections of the County.

The Town has options available to it with the information researched as well as the settlement agreement that was not adhered to. The Town has been excluded from any plans with the County and he was looking forward to reach out to the Oversight Committee.

Vice Mayor Foy expressed concern over the potential cost of the litigation should the County fight the Town all the way to the Supreme Court. Between Attorney fees, Engineers fees, etc. the Town could be tied up for seven to ten years and cost thousands of dollars.

Attorney Foster 's recommendation to the Town Council would be that now would be the time for the Town to move forward with its fight as the County does not have the funding for the projects let alone the litigation. The Town has been successful since 1990 in delaying the widening of Belvedere Road and costs should be ammortized since that time.

Again, Mr. Foster reiterated that now would be the time to move forward and have Belvedere Road removed from the five year plan and the 2035 plan.

Vice Mayor Foy agreed adding that the Town's Traffic Engineer supports the Town as well.

Mayor Woods agreed expressing that if the Town waits, the County would continue to move forward. Mayor Woods concurred with Vice Mayor Foy adding that the Traffic Engineer, John Kim, was passionate for the Town's cause and with his support behind the Town, the Town should move forward.

The Town Attorney agreed adding that if the Town does not act now, it would most probably have to enter into an immediate lawsuit. Now, the Town may be able to remedy the situation administratively.

The Town had received a proposal for transportation related services associated with the modification of Belvedere Road's designation in the Palm Beach County Comprehensive Plan from a six lane to four lane facility. The services would be completed by McMahan and Associates for a fee not to exceed \$13,500.

Vice Mayor Foy commented that if John Kim was not the Traffic Engineer of record than the next closest would be a Traffic Engineering firm out of Orlando as they would not have a conflict with Palm Beach County.

Secondly, the proposed turn lane at Haverhill and Belvedere, going west to go north on Haverhill, solves the problem at that intersection. The County's plan to put a "through" lane, Military to Haverhill going west and to press for six lanes were the areas the Town would be addressing.

Attorney Foster responded that the following would need to occur:

- Remove the through lane from the County's five year road plan
- Initiate a Comprehensive Plan Amendment which would remove the six-laning of Belvedere from the Thoroughfare Identification Map
- Remove the six-laning from the 2035 Long range Master Plan

The Town Administrator reported that there was \$22,000 presently in the Planning Budget.

Council Member Lynch stated that the Town needed to move forward as the fight had been going on for twenty years and needed to be resolved.

A motion was then made by Council Member Beavers, seconded by Vice Mayor Foy and unanimously passed (5-0) to approve the letter of engagement from McMahan and Associates to perform Traffic Engineering Services in an amount not to exceed \$13,500. and to authorize the Mayor, Town Attorney and Town Administrator to proceed with negotiations on behalf of the Town and to authorize the expenditure of up to \$13,500 from the Planning Budget.

Council Member Beavers reported that the **Emergency Management Committee** had met on Tuesday. One item of discussion was the Continuation of Operation Procedures. Council Member Beavers requested the matter be placed on the May 4, 2010 Agenda for further discussion.

Mayor Woods announced the **Neighborhood Garage Sale** that would be held April 24, 2010 7:00 a.m. - noon. Signs had been posted, ads placed and Council Member Lynch was driving the truck throughout Town announcing the event. Thirteen spaces had been sold.

Council Member Beavers reported that he had been on the **WEB-EOC** monitoring Weather Bug and learned the site was updated every ten seconds.

Treasurer's Report (included in packet)

UNFINISHED BUSINESS

Joseph Roche, Public Works Director had met with Jeff Renault, Town Engineer at the Briarwood subdivision to look at Drainage Improvements proposed for the neighborhood. Funding would be available should the Town wish to move forward. Discussion of whether funding would be contingent upon money anticipated from the red light camera program followed. The Town Administrator reported that the money set aside for the Drainage Projects came from reserves, but the overall budget was dependent on the red light program income, which was unknown.

In response to Vice Mayor Foy, the Town has not reviewed red light infractions as of yet. Joseph Roche would be attending an ATS Conference in Arizona May 5-9, 2010.

NEW BUSINESS
None.

ADJOURNMENT:

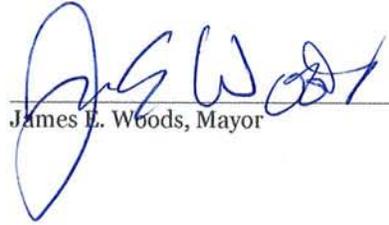
With no further business to come before the Town Council, the meeting adjourned at 7:45 p.m.

Approved:

May 6, 2010
Date



Janice C. Rutan, Town Administrator



James E. Woods, Mayor