

**TOWN OF HAVERHILL**  
**Regular Town Council Meeting**  
**May 27, 2010**  
**OFFICIAL MINUTES**

Pursuant to the foregoing notice, the regular meeting of the Haverhill Town Council was held on Thursday, May 27, 2010 at the Town Hall, 4585 Charlotte Street, Haverhill. Those present were 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**

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

**INVOCATION AND PLEDGE OF ALLEGIANCE**

Vice Mayor Foy 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 Mayor Woods.

**APPROVAL OF THE AGENDA**

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

**CONSENT AGENDA**

**Approval of the May 6, 2010 regular meeting minutes**

A motion was made by Council Member Beavers and seconded by Council Member Uptegraph and unanimously passed to approve the Consent Agenda as presented.

**PRESENTATIONS**

**Representative Mark Pafford**

Representative Mark Pafford addressed the Town Council by updating them on the most recent legislative session and the recently enacted laws. He highlighted the bills he supported and those he was against. Discussion followed. Vice Mayor Foy expressed his concern about the Environmental Protection Agency's recent changes to the numeric standards. He commented that it would be a twenty year process to meet the goals of the Environmental Protection Agency.

Council Member Beavers commented that a lot of the recently enacted legislation had resulted in unfunded mandates to the municipalities.

Vice Mayor Foy noted that in light of the recently formed Ethics Commission and the appointment of the Ethics Commissioner, ethics could not regulate the ego and desire for control of some politicians.

**COMMENTS FROM THE PUBLIC**

None.

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

Deputy Dudek was present representing the Palm Beach County Sheriff's Department. His report covered the period May 13<sup>th</sup> through May 27, 2010 and included nine calls for suspicious persons, three residential burglaries, domestic violence calls and trespassing vagrants. There were vehicle accidents and one juvenile had been arrested and released to his parents.

The Town Council thanked the Palm Beach County Sheriff's Department for their assistance.

**SECOND READINGS AND PUBLIC HEARINGS**

None.

**FIRST READINGS AND REGULAR AGENDA:**

**Resolution No. 2010-06: A Resolution calling for the extension of the warning period through July 2010 prior to the implementation of the red light camera safety program**

The title was read by Attorney Foster. Mr. Foster offered Staff's report. He explained that due to recent legislation governing the red light camera program entitled "the Mark Wandall Traffic Safety Act", the Agreement that the Town has with American Traffic Solutions is no longer valid as is inconsistent with the Statute. In addition, The Florida Department of Transportation is promulgating rules and specification requirements. American Traffic Solutions had provided the Town with a sample Ordinance and Agreement for review and consideration.

**A motion was then made by Council Member Beavers, seconded by Council Member Uptegraph and unanimously passed (5-0) to Approve Resolution R2010-06.**

**Review proposed Lease Agreements and site plans between the Town of Haverhill and Tower Co. and Clearwire and authorizing the Mayor and Town Administrator to sign the Agreements upon finalization of the terms and conditions.**

Attorney Foster presented Staff's report. He explained that the Council had two lease agreements before them for consideration. Staff had been negotiating with Tower Co. to allow an additional carrier and with Clearwire to lease ground space from the Town. Staff is still negotiating with TowerCo, the outstanding items include the assignment of the tower from Nextel to TowerCo. For the most part, the language in the Clearwire Agreement is complete.

Mr. Foster requested Town Council approve the ground site lease agreement with Clearwire subject to the Mayor and Town Administrator negotiating successfully with Tower Co., an amendment to Section 5 concerning the annual payment of rent and the clarification of the size of the space to be leased.

Betty Tufford was present representing Clearwire. The proposed site plan showed a lease area of 35 square feet (5' x 7') whereas the lease was specific to 49 square feet (7 x 7). Ms. Tufford would confirm the lease area as well as obtain a corporate resolution from the company authorizing the signatory on the agreement.

In response to Mr. Foy's inquiry, Mr. Foster commented that there were still language issues to work out with Clearwire, however, the lease agreement with Clearwire would be subject to the TowerCo lease.

Discussion followed as to conflict resolution and insurance requirements.

With no further discussion, a motion was made by Council Member Lynch, seconded by Council Member Uptegraph and unanimously passed (4-0) to authorize the Mayor and Town Administrator to approve and execute a Ground Site Lease Agreement with Clearwire on behalf of the Town.

**Appoint William Doney of Caldwell and Pacetti Special Magistrate for the Town of Haverhill; appoint Douglas MacGibbon, P.A. Special Magistrate in the absence or unavailability of William Doney.**

It was explained that William Doney, formally of Vance, Doney and MacGibbon, PA has been serving as the Town's Special Magistrate. In his absence, Douglas MacGibbon would act in his stead. The firm of Vance, Doney and MacGibbon is no longer active and Mr. Doney moved his practice to the law firm of Caldwell and Pacetti, while Mr. MacGibbon is in solo practice.

A motion was then made by Council Member Uptegraph and seconded by Council Member Lynch and unanimously passed to appoint William Doney of Caldwell and Pacetti Special Magistrate for the Town of Haverhill; appoint Douglas MacGibbon, P.A. Special Magistrate in the absence or unavailability of William Doney.

## **REPORTS**

### **Town Attorney**

Mr. Foster reported that he would be addressing the amendments to Ordinance 380, Dangerous Intersection Safety Act Ordinance at the Code and Ordinance Committee meeting scheduled for May 28, 2010. He would hope to have the Ordinance ready for adoption in June.

Discussion followed. The Town agreed that its main goal for the Ordinance was safety; however, it did not want to operate the program if it resulted in a loss of revenue.

In response to Vice Mayor Foy, Attorney Foster responded that the Town was enabled to enact the 30 mph speed limit through home rule. They would need to justify why the speed should be further reduced if that was the intent of the Council. There is not a mandatory process to be followed when reducing the speed through corporate boundaries.

### **Mayor**

The Vice Mayor reminded all that there was a Code and Ordinance meeting scheduled for May 28<sup>th</sup> and the Regular Workshop was scheduled for June 1, 2010.

### **Consultants**

None.

### **Administrator's Report**

None.

### **Committee and Delegate Reports**

Vice Mayor Foy commented that the Code and Ordinance Committee would also be addressing the sign code at its meeting.

Vice Mayor Foy announced that the Town had received word that it had been awarded the State Energy Grant in the amount of \$250,000.

He also announced the Dinner and a Movie under the Stars would be held on Friday, June 4, 2010. There would be a luau theme to the evening.

The Town Administrator reported that she had received the annual audit and for the second year *in a row, there were no findings reported.*

Council Member Beavers reported that Dennis Thomas had resigned (along with others) from the City of Pahokee. He had attended the District 3 meeting in Atlantis where it was stated that the Town of Glen Ridge may merge with the County.

He along with Joseph Roche, Director of Public Works had attended a meeting at the Emergency Operation Center where the Continuity of Operations Plan was discussed. The Town would need to secure a trailer to continue services in the event the Town Hall was damaged during a hurricane. The Town Administrator would contact the School District as it was suggested they may have trailers available.

He commented that a Hurricane Watch would go into effect 48 hours prior to the storm event and a hurricane warning would go into effect 36 hours prior. He commented that there was a Hurricane Preparedness workshop scheduled at the Holiday Inn in West Palm Beach and that the hurricane predictions are between 14 -23 storms and that we were on the five year cycle. He noted the temperature in the Atlantic is the same as in 2005.

Council Member Beavers complained that there were no minutes available on the Impact Fee Committee website.

Council Member Beavers would be attending the Farmers Market on Saturday to buy the vegetables for the Dinner & Movie.

Mr. Foy commented that a meeting of the Belvedere Road Committee would be scheduled once Mr. Kim has completed the transportation model.

**Treasurer's Report**  
(Included in packet)

**UNFINISHED BUSINESS**  
None.

**NEW BUSINESS**  
None.

**ADJOURNMENT**  
With no further business to come before the Town Council, the meeting adjourned at 8:18 p.m.

Approved: 6.24.2010  
Date

  
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Janice C. Rutan, Town Administrator

  
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Jay G. Foy, Vice Mayor