

**TOWN OF HAVERHILL
REGULAR TOWN COUNCIL
THURSDAY, JULY 22, 2010
OFFICIAL MINUTES**

Pursuant to the foregoing notice, the Regular Town Council Meeting was held at the Town Hall, 4585 Charlotte Street on Thursday, July 22, 2010. Those present were James E. Woods, Mayor; Jay G. Foy, Vice Mayor; Jerry E. Beavers, Council Member; Henry Lynch, Council Member, Mark Uptegraph, Council Member, Lance Fuchs, Town Attorney and Janice C. Rutan, Town Administrator.

CALL TO ORDER

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

INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Woods led the Pledge of Allegiance and offered the Invocation.

ROLL CALL

The Town Administrator called the roll. All members were present.

APPROVAL OF THE AGENDA

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

APPROVAL OF THE CONSENT AGENDA

Approval of the July 8, 2010 regular meeting minutes

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

PRESENTATIONS

None.

COMMENTS FROM THE PUBLIC

Francis Warwick, Belvedere Road, Haverhill. Mr. Warwick addressed the Town Council regarding a recent incident in which his daughter's vehicle had been towed from Melinda Lane. He explained that on July 3, 2010 his daughter's vehicle had broken down westbound on Belvedere Road just west of Haverhill Road. The vehicle was pushed to the side of Melinda Lane with the intent that Mr. Warwick would determine the cause of the breakdown when he returned from work. At 6:00 p.m., he went to assess the problem and the vehicle was no longer on Melinda Lane. After numerous calls to the PBSO, it was revealed that the car had been towed. Mr. Warwick contended that the car was towed at the request of the Town and as such he was requesting a reimbursement of towing costs in the amount of \$251.63. It was explained to Mr. Warwick that the Town had looked into the matter and learned that a property owner along Melinda Lane called the police as they believed the vehicle was abandoned. Melinda Lane is a private road. When the complaint was made to the PBSO, a Community Service aide was dispatched to the site and ordered the vehicle towed. The Town had nothing to do with the incident, it was not the Town's permit officer that was called to the scene, and because it was a private road, a resident along the road requested the vehicle be towed. Mr. Warwick argued that he was told by Captain Miles of the PBSO that the matter was under the jurisdiction of the Town and he should bring his complaint to the Town. Attorney Fuchs clearly explained that the Town of Haverhill had nothing to do with the matter and therefore could not act on Mr. Warwick's request for reimbursement. Mr. Warwick commented that he would continue to get to the bottom of the matter and report back to the Town.

COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S DEPARTMENT

Deputy Keith Bender, representing Palm Beach County Sheriff's office, reported on activity within the Town from June 24, 2010 to present. There had been several traffic stops, business

and residence checks. There was a domestic incident reported. There had been an assault at 5013 Haverhill Court. There had been calls regarding civil matter and suspicious persons.

In response to Thelma Brandenburg, it was disclosed that there had been a break in on Park Lane over two weeks ago.

SECOND READINGS AND PUBLIC HEARINGS

ORDINANCE NO. 388: Second Reading of Ordinance No. 388, An Ordinance of the Town of Haverhill, Florida, amending Chapter 38, Traffic and Vehicles, by amending Section 38-18 entitled "Dangerous Intersection Safety Act".

The title was read by Attorney Fuchs.

A motion was made by Vice Mayor Foy, seconded by Council Member Lynch and unanimously passed (5-0) to approve Ordinance No. 388 on second reading.

Vice Mayor Foy commented that his support of the Ordinance was based on the written provision that the Town would NOT lose money on the program.

FIRST READINGS

None.

REGULAR AGENDA:

Status of Agreement between Town of Haverhill and ATS, re: Dangerous Intersection Safety Act (Red Light Cameras).

Mayor Woods reported on the conference call held on July 12, 2010 between the Town of Haverhill and ATS representatives. He reported that the contract entered into with the Town and ATS had become void due to the enactment of recent legislation. As such, the Town found it necessary to address certain provisions with ATS such as the need to go out for bid as the contract the Town originally had piggy backed from (Adventura) had been changed. The Town Attorney would require an Attorney General's opinion to the contrary before he would renegotiate the present contract. In addition, the matter of the Code Enforcement officer acting as the Traffic Infraction Enforcement officer was still at issue. The FDLE course certifying the Traffic Infraction Enforcement officer was not available to date. The City of Orlando may be offering the course but calls had not been returned to the Town Administrator.

In addition, all parties were in agreement that the program would not operate at a loss to Haverhill.

The Town's inquiry as to the timeframe for getting the violations to the Code Officer for review was next discussed.

A suggestion that the Town of Juno Beach review the violations on behalf of the Town was not allowable under the terms of the Ordinance.

Discussion will continue with ATS, in the interim the Town will continue to issue warning notices to those persons violating the law.

REPORTS

Town Attorney

None.

Mayor

None.

Consultants

None.

Administrator's Report

The Town Administrator reported the Club Road sidewalk project was progressing along well. The Administrative office was being retiled Saturday. The Code Enforcement officer would be completing the NIMS training program which was required for municipalities to participate in many FEMA programs.

Committee and Delegate Reports

Vice Mayor Foy reported on the meeting of the Belvedere Road Committee held earlier in the week. The consultants (John Foster, John Kim and Chris Barry) would be meeting on August 2, 2010 to strategize prior to the next meeting scheduled for August 3, 2010 at 11:00 a.m. The Town Administrator reported that John Kim had received a phone call from Allan Ennis (PBC Traffic Division) earlier in the day asking for an update on the Town's status concerning Belvedere Road.

The Town Administrator would be scheduling a Code & Ordinance meeting.

Council Member Beavers reported that he had attended a PBC District 3 League meeting in Atlantis and spoke with Shelly Vana regarding roadblocks that prevent businesses from relocating to Palm Beach County. He listed many items and would be forwarding same to Commissioner Vana for her effort to stimulate business in Palm Beach County.

Vice Mayor Foy reported that the most recent NPDES draft regulations would require an inspection of the structural integrity of all pipes which would result in a severe financial impact on the Town. Through the Palm Beach County League of Cities Environmental Committee, a language change was suggested that would ease the burden. Vice Mayor Foy would report back on the matter.

Treasurer's Report

(Included in packet)

UNFINISHED BUSINESS

The Town Administrator reminded all that it had been requested to support a newly established grant program that allows local governments to form partnerships to create energy efficient programs for individual property owners. Council requested the information be forwarded and the matter be scheduled for the August 3, 2010 workshop.

Ben Whitecavage had forwarded information for Council review in support of his request to install a hydrogen fuel cell generator at the AT&T compound. At the last Council meeting, the Council expressed concern, among other things, as to the danger of the hydrogen cells. Locations of other sites were forwarded to Council and it was suggested Council visit the sites to determine noise and size factors. Vice Mayor Foy expressed his concern over the potential "torpedo" factor should the nozzle break from the hydrogen cylinder. It was agreed to invite Mr. Whitecavage to the August 3, 2010 work session so all questions and concerns could be addressed.

NEW BUSINESS

None.

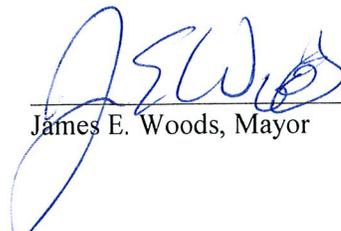
ADJOURNMENT

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

Approved:

August 12, 2010


Janice C. Rutan, Town Administrator


James E. Woods, Mayor