

**TOWN OF HAVERHILL
REGULAR TOWN COUNCIL
THURSDAY, AUGUST 12, 2010
OFFICIAL MINUTES**

Pursuant to the foregoing notice, the regular meeting of the Haverhill Town Council was held on Thursday, August 12, 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 recorded all members were present with the exception of Mayor Woods.

APPROVAL OF AGENDA

There being no corrections, additions or deletions the agenda would stand as presented.

APPROVAL OF THE CONSENT AGENDA

Approval of the July 22, 2010 regular meeting minutes

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

PRESENTATIONS

None.

COMMENTS FROM THE PUBLIC

None.

COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S DEPARTMENT

Deputy Sergeant Campbell addressed the Town Council. He presented crime statistics from July 8, 2010 through August 12, 2010. There had been reported motor vehicle crashes, residential alarms, warrants issued and domestic calls. There had been two break-ins at 1089 No. Military Road at the Hair Salon and the Boost Mobile phone store. There was a suspect in the case. A stolen vehicle had also been recovered.

SECOND READINGS AND PUBLIC HEARINGS

None.

FIRST READINGS

Ordinance No. 396: An Ordinance of the Town of Haverhill deleting the powers and responsibilities of the Zoning Board of Appeals

The title was read by Attorney Foster. Mr. Foster gave a brief staff report.

A motion was made by Council Member Lynch, seconded by Council Member Beavers and unanimously passed (4-0) to approve Ordinance No, 396 on first reading.

REGULAR AGENDA:

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

Attorney Foster reported on a conference call held with the Town Mayor, Attorney and Administrator with representatives from ATS. He explained that due to the recently enacted legislation, the Agreement the Town has with ATS is no longer legal. The Code Enforcement Officer cannot issue the citations and the Town can no longer pay a per ticket fee. It was Mr. Foster's belief that the matter would need to be put out to competitive bid.

In addition he opined that the Town cannot enter into an Agreement that would contemplate a loss of revenue to the Town. Included in the Agreement would be the indemnification to the Town by ATS and that ATS would cover all legal fees.

Attorney Foster would like to obtain an Attorney General's opinion on the matter.

ATS did agree to terminate the Agreement should the Town lose money. Mr. Foster, at a minimum, recommends the Agreement allow for a revenue neutral provision. Another possibility would be to enter into an Interlocal Agreement and allow ATS and/or the County operates the camera program within the Town.

Joseph Roche, Code Enforcement Officer reported that there had been 232 warnings issued for the month of July and reminded all that July had five weekends.

The Town will schedule another conference call with ATS the week of August 16 to iron out the issues.

Authorize the Town Attorney to begin the process of assessing a non ad valorem assessment for the solid waste and recycling program.

Authorize the Town Attorney to begin the process to increase the Town of Haverhill's Telecommunication Franchise Fee

Attorney Foster explained that in light of the budgetary constraints of the Town, alternative funding methods should be explored. He explained that a memo outlining the procedure to assess a non ad valorem assessment as well as increasing the franchise fee would be forthcoming. He suggested the Town Council consider assessing a Stormwater Assessment fee to those properties that receive a direct benefit from the Town's stormwater /drainage improvement and maintenance program.

Vice Mayor Foy expressed support of user fees. He commented that the franchise fee is more of a tax than a user fee. With regard to the Stormwater Assessment Fee, he noted that as more and more program rules get promulgated, an assessment should be considered. Regarding the non ad valorem assessment for solid waste, he would support provided millage was reduced to offset the assessment.

Council Member Beavers asked if the franchise fee was assessed to the property address or the property owner. The Town Administrator replied that she is required to update the address list annually to be sure that all properties within Haverhill are accounted for. He too would support the non ad valorem assessment for solid waste.

The Town Attorney commented that prior to assessing a Stormwater fee, the Town would need to demonstrate improvements to the drainage system. Notification to all property owners would be required as well.

Attorney Foster would present a memo outlining the requirements to the Town Council for consideration.

REPORTS

Town Attorney

None.

Mayor

Vice Mayor Foy reported on the Belvedere Road Committee. The matter of the five year road plan would be on the August 17, 2010 agenda of the Board of County Commissioners. The Town would be sending a letter informing the County that it had initiated the Conflict Resolution procedure and further informing them that a formal package containing the justification to remove Belvedere Road from the 5-year road program would be forthcoming.

Consultants

None.

Administrator's Report

The Town Administrator reported she would be on vacation August 18th through the 23rd, returning for the August 24, 2010 primary as the Town Hall would be used as a polling location.

Committee and Delegate Reports

Vice Mayor Foy reported that the Code and Ordinance Committee had met earlier in the day and had settled on the provisions of the pain clinic ordinance that would be coming before the Town Council. The sign ordinance would be presented to Council for consideration in two ways; for free standing signs the applicant could apply for "an alternate **free standing sign plan**" that can 1.) Be presented with no restriction for Council's approval or 2.) If the alternate plan calls for more than a 100% variation, it must be approved by a 4/5 vote; above 200% variation, it must be approved by a 5/5 vote and no application will be accepted for over 300%. The Landscaping Ordinance would need to be updated to address tree removal. Presently there is a penalty for removing a tree without a permit; however, obtaining a permit is not required to remove a tree.

Vice Mayor Foy attended the Palm Beach County League District II/III league meeting Wednesday in Atlantis where it was discussed that because Jeff Koons was the Chairman of the Water Resource Task Force, the task force may be undergoing changes due to the lack of communication between the task force and the Commissioners. Shelly Vana would be Mr. Koons replacement.

Council Member Beavers reported that a special legislative session had been called and by the time representatives from the Palm Beach County League had reached Orlando, the session was adjourned.

Treasurer's Report

(Included in packet)

UNFINISHED BUSINESS

The Town Administrator learned that the State Grant in the amount of \$250,000 was still in the process and was looking good for the Town.

Joseph Roche, Code Enforcement Officer reported that he had completed the required NIMS (Emergency Management) classes resulting in the Town now being NIMS compliant.

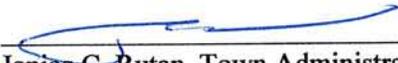
NEW BUSINESS

None.

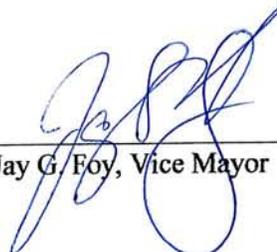
ADJOURNMENT

With no further business to come before the Town Council, the meeting adjourned at 8:02 p.m.

Approved: August 26, 2010



Janice C. Rutan, Town Administrator



Jay G. Foy, Vice Mayor