

**TOWN OF HAVERHILL
REGULAR TOWN COUNCIL
THURSDAY, OCTOBER 14, 2010
OFFICIAL MINUTES**

Pursuant to the foregoing notice, the regular meeting of the Haverhill Town Council was held on Thursday, October 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; 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 recorded all members were present.

APPROVAL OF AGENDA

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

CONSENT AGENDA

Approval of the September 9, 2010 and September 23, 2010 Public Budget Hearings and regular meeting minutes

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

PRESENTATIONS

None.

COMMENTS FROM THE PUBLIC

None.

FIRST READINGS AND REGULAR AGENDA

REVIEW AND DISCUSS PROPOSED AMENDMENTS TO THE CAPITAL IMPROVEMENT ELEMENT OF THE TOWN OF HAVERHILL COMPREHENSIVE PLAN

Chris Barry of Jon Schmidt and Associates, in his capacity as Town Planner, presented Staff's report. He explained that by December 1, 2010 of each year, municipalities must update the Capital Improvement Element of their Comprehensive Plans. He noted that with second reading planned for November 18, 2010, the Town would be on schedule. In response to Vice Mayor Foy, Mr. Barry confirmed that the Water Quality Amendments being proposed would require an amendment to the Town's plan if they were adopted.

COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S DEPARTMENT

Palm Beach County Sheriff's Officer presented statistics for the period ending October 14, 2010. There had been several traffic stops and unwanted guests at the 7-11. Mayor Woods asked the patrols to watch for the bus stop in the 5100 block of Belvedere Road that occurs at approximately 4:30 p.m. as the westbound traffic fails to stop.

Update on Agreement between Town of Haverhill and American Traffic Solutions

Attorney Foster reported that he and Geoffrey Sluggett of American Traffic Solutions had been trading phone calls and he did not have much to report.

Update on Belvedere Road Conflict Resolutions Proceedings

(postponed until the arrival of John Kim, Traffic Engineer)

REPORTS

Town Attorney

None.

Mayor

Consultants

None.

Administrator's Report

None.

Committee and Delegate Reports

Vice Mayor Foy reported that he had attended the Palm Beach County District 3 luncheon and learned that a Councilmember cannot represent themselves before the Council as a citizen. They could have someone represent their interests; however, they cannot represent themselves.

He discussed the various powers and responsibilities of the State Ethics Commission, the State Attorney's Office and the newly formed Palm Beach County Ethics Division.

It was announced that Palm Beach County would no longer provide response to the removal of dead animals within the Town's jurisdiction.

Royal Palm Beach will do away with its red light cameral program and is also considering the adoption of a storm water utility.

Mayor Woods recommended Harry Porter be appointed to serve on the Emergency Management Committee. Council raised no objection and by general consensus accepted the appointment.

Treasurer's Report

(Included in packet)

Update on Belvedere Road Conflict Resolutions Proceedings

John Kim, Traffic Engineer from McMahon and Associates addressed the Town Council. He reported on the meeting he had with George Webb and Motasem Al Turk from Palm Beach County Traffic Engineering. He explained that he and the County did not see eye to eye when it came to the methodology being used in their justification for the construction of a through lane on Belvedere Road.

Mr. Kim represented to the County that the Town would be amenable to the westbound turn lane at the intersection of Haverhill and Belvedere Road. Palm Beach County Engineer, George Webb had completed an analysis that would convert the proposed thru lane from east of Military Trail to west of Haverhill Road to an 800' thru lane west of Military.

Mr. Kim questioned the County's cost benefit analysis and explained that McMahon and Associates looked at only the peak hour failure, whereas the County was looking at 7 hours and

when dividing the seven hours of benefit, the construction of the through lane was justified. It was in this regard and through this process of methodology being used by the County that the Town did not agree with the County's findings. The County's argument was that the benefit should not be limited to the one peak hour of failure as they believed the benefits would be realized all day. However, the Town's argued that with only one peak hour of failure, the cost could not be justified.

The Town would need to communicate to the County Administrator that it had reached an impasse and that the next step in the Conflict Resolution process would be mediation with the Board of County Commissioners.

Discussion followed and it was clear the Town Council was in agreement that the intersection of Belvedere Road and Military Trail was under stress one hour per day when using the projected traffic figures for the year 2017. Traffic Engineer John Kim stood firm behind his analysis.

Vice Mayor Foy took exception to the tone of the e-mail sent to John Kim from Mr. Al Turk and added that the intersection analysis completed by the County did not take into account delays resulting from ingress and egress to the 7-11 property. In addition, he expressed concern that the analysis used by the County could be used at all intersections thereby negating the Town's effort to remove the 6-laning of Belvedere Road from the 2035 Traffic Improvement map.

Again it was revealed that the County would be willing to restrict the thru lane to end at Concord Avenue and could be a tapered lane instead of a forced right turn onto Concord. Council expressed a desire to see the proposed sketches of the plan. Although relieved that the plan for the Belvedere Road through lane to west of Cheryl Lane was being reconsidered, Council was not satisfied with the analysis done by the County.

It was agreed that the Town, through a letter from the Mayor, would put the County on notice that relative to the proposed through lane at Belvedere Road and Military Trail, the analysis provided to the Town resulted in a disagreement as to the methodology used and the assumptions made in the justification of the benefit cost analysis. As such, the Town's contended the differences to be substantial enough to warrant the continuation and completion of the Conflict Resolution Process.

In the meantime, Traffic Engineer John Kim would draft an e-mail to Mr. Turk thanking him for his time, but confirming the fundamental disagreement in their methodology that supported the Town's contention that the additional 6 hours included in Mr. Turk's methodology would provide no benefit.

The Town would notify the residents along Belvedere Road affected by the County's proposed plans of the potential through lane.

Mayor Woods reminded all that the **Special Events** Halloween Party was scheduled for October 29, 2010 at 6:30 p.m. This year the Town would not be showing a movie but instead would be holding costume contests, dance contests, games and raffles. A "DJ" would facilitate the games and contests.

Vice Mayor Foy reported on the **NODES** steering committee meeting and the discussion of the EPA permit.

UNFINISHED BUSINESS

Capital Improvement Element Amendment to the Comprehensive Plan

Per the request of the Town Administrator, a motion was made by Council Member Lynch, seconded by Council Member Beavers and unanimously passed (5-0) to authorize an additional \$500.00 to be paid to Jon E. Schmidt and Associates for additional work not covered in the original Professional Services Agreement dated July 21, 2010 in the amount of \$2,750.00 for the preparation, coordination and submittal of the annual Capital Improvement Element Amendment to the Comprehensive Plan.

NEW BUSINESS

Council Member Beavers reported on the introduction by Michael Jawdy, Council Member from the Town of Glen Ridge that would protect smaller municipalities from unfunded mandates that could prove to be cost prohibitive.

Vice Mayor Foy reported on the League of Cities golf tournament held the previous Friday that the Town had participated in.

Council Member Lynch reported that the access gate to the canal on the west side of Pineway Drive had been left open and was concerned that it would invite crime. Vice Mayor Foy offered to contact Lake Worth Drainage District on behalf of the Town. Joseph Roche would look into it as well, determining if signage prohibiting access could be placed on the fence.

Vice Mayor Foy reported on radio controlled water heaters that would notify the property owner of excess water usage. The County was looking into the program.

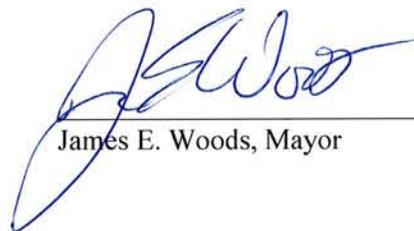
ADJOURNMENT

With no further business to come before the Town Council, the meeting adjourned at 8:10 p.m.

Approved: November 18, 2010



Janice C. Rutan, Town Administrator



James E. Woods, Mayor