

**TOWN OF HAVERHILL  
REGULAR TOWN COUNCIL  
THURSDAY, JANUARY 13, 2011  
OFFICIAL MINUTES**

Pursuant to the foregoing notice, the regular meeting of the Haverhill Town Council was held on Thursday, January 13, 2011 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 Lance Fuchs, 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 stood as presented.

**CONSENT AGENDA**

- a. **Approval of the Minutes of the November 18, 2010 Public Hearing of the Local Planning Agency**
- b. **Approval of the minutes of the December 16, 2010 regular meeting.**

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

**PRESENTATIONS**

None.

**COMMENTS FROM THE PUBLIC**

None.

**PALM BEACH COUNTY SHERIFF'S OFFICE**

Deputy Bober was present on behalf of the Palm Beach County Sheriff's office. He reported on burglary to a shed on Trailaway that was believed to have been connected to other break-ins in the area. There had been an incident of embezzlement and fraud. A property located at 4915 Club Road that had been broken into 6 months ago had experienced another incident. There had been a self inflicted shooting on Club Road.

Sergeant Bober confirmed that the entire Town of Haverhill was included in District 1 and that all statistics for crime in the Town were included in District 1's reports.

**FIRST READINGS AND REGULAR AGENDA**

**RESOLUTION 2011-01: A RESOLUTION ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, DESIGNATING THE DATE, TIME AND PLACE FOR FILING FOR THE OFFICES FOR THE POSITION OF TOWN COUNCIL SEATS 3, 4 AND 5 PRIOR TO THE MUNICIPAL ELECTION TO BE HELD TUESDAY, MARCH 8, 2011; SETTING THE DATES AND TIMES TO QUALIFY FOR PUBLIC**

**OFFICE; SETTING THE FILING FEES; AUTHORIZING THE TOWN ADMINISTRATOR TO APPOINT AN ELECTION CANVASSING BOARD FOR PRECINCT NUMBERS 2052, 2053, 6122 AND 6124; AUTHORIZING THE TOWN ADMINISTRATOR TO NOTIFY THE PALM BEACH COUNTY SUPERVISOR OF ELECTIONS OF HER APPOINTMENT TO HANDLE AND CANVASS ALL TOWN ABSENTEE BALLOTS AND TO SERVE AS A MEMBER OF THE MUNICIPAL CANVASSING BOARD AT ALL LOGIC AND ACCURACY TESTS TO BE HELD PRIOR TO THE ELECTION TO BE HELD ON TUESDAY, MARCH 8, 2011.**

The title was read by Attorney Fuchs. A motion was made by Vice mayor Foy, seconded by Council Member Lynch and unanimously passed to approve Resolution 2011-01 as presented.

**A RESOLUTION ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, DESIGNATING THE DATE, TIME AND PLACE FOR THE MUNICIPAL RUN OFF ELECTION (IF NEEDED) FOR THE OFFICE OF TOWN COUNCIL, SEATS 3, 4 AND 5 TO BE HELD ON TUESDAY, MARCH 22, 2011.**

The title was read by Attorney Fuchs. A motion was made by Council Member Uptegraph, seconded by Council Member Lynch and unanimously passed to approve Resolution 2011-01 as presented.

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, APPROVING AN AGREEMENT FOR VOTE PROCESSING EQUIPMENT USE AND ELECTIONS SERVICES WITH THE PALM BEACH COUNTY SUPERVISOR OF ELECTIONS AND AUTHORIZING THE MAYOR AND TOWN ADMINISTRATOR TO EXECUTE SAME; AND PROVIDING FOR AN EFFECTIVE DATE.**

The title was read by Attorney Fuchs. A motion was made by Council Member Uptegraph, seconded by Council Member Lynch and unanimously passed to approve Resolution 2011-01 as presented.

**Consider request of RLM Properties, Inc. for lien reduction to \$12,050 for property located at 5150 Bethany Lane.**

Mayor Woods provided background information on the request of RLM Properties to further reduce the lien on the property located at 5150 Bethany Lane from \$23,058 to \$12,050. Discussion followed. Attorney Fuchs explained that the Council could issue a partial release on the property but could hold the present property owner responsible for the full payment of the liens.

Questions arose as to the fee the Town was charging for the police patrols of the property. Although the Town had permitted for the deputies and they were on duty in the Town, they were taking extra precautions for this property by visiting it at least six times per shift as the property was being overtaken by vagrants. It could be argued that the time they were patrolling the Bethany Lane property, they were being taken away from other areas of the Town.

Council Member Lynch confirmed that if the Town collected the entire assessment, it would be upwards of \$209,000. At the December 16, 2010 meeting, the Council voted to reduce that lien to \$23,058. He took exception to the request to further reduce the lien from a total reduction of 89% to 94%. He argued that because of the lack of action by the bank to mitigate the violations, the Town and residents would suffer. He did not agree with any further reduction from the \$23,058.

A motion was made by Vice Mayor Foy to grant the request of Roger L. Moore on behalf of RLM Properties for a lien reduction to \$12,050 for the property located at 5150 Bethany

Lane. The motion was seconded by Council Member Uptegraph and passed 3 to 2 with Council Members Lynch and Beavers voting against the motion.

**New Park View Homeowners Association's intent to remove and relocate retention area fence.**

Joseph Roche, Director of Public Services provided Staff's report. He explained that the Homeowner's Association had contacted him requesting approval to remove and relocate the fence located at the north end of the property surrounding the retention area. They would be reinstalling the fence to the perimeter of the property.

He confirmed that Staff had researched the approvals and could not find that the installation of the fence was a condition of approval. He reviewed files with Council in response to questions raised.

With no further discussion, a motion was made by Vice mayor Foy, seconded by Council Member Beavers and unanimously passed (5-0) to approve the request and allow Park View Place to remove and reinstall fencing provided the necessary permits were obtained.

**REPORTS:**

**Town Attorney**

None.

**Mayor**

Mayor Woods reported on a meeting held earlier in the day with the property owners of 4968 Cyprus Lane. The owners of the property were put on notice that they must apply for a Rezoning and a Special Exception if they want to use the property as a Church.

**Consultants**

None.

**Administrator's Report**

The Town Administrator reported that she had met with Iris Thomasson of Power Financial Credit Union earlier in the day. Power Financial Credit Union has provided financial services for Florida Power and Light and was offering those same services to employees and officials of the Town of Haverhill. The Town Administrator invited her to the February 1, 2011 workshop to explain the benefits to Council and Staff.

In response to Vice Mayor Foy, the Town Administrator reported that there still had been no determination in awarding the State Energy Grant.

**Committee and Delegate Reports**

Council Member Beavers reported on the Palm Beach County League of Cities meeting he had attended. He suggested the Town look into using gas tax monies for bus stop improvements within the Town. He also commented on unfunded mandates that may result from Ethics Commission participation. He suggested the Town beef up its errors and omissions coverage.

Because the Town could not spend public funds on private properties, Council Members Beavers suggestion that the Town install alarms at abandoned residences was not considered.

Vice Mayor Foy reported that the NPDES Committee would be meeting next week with the Water Resources Task Force meeting the following week.

Mayor Woods reported that the Neighborhood Yard Sale held the previous weekend was a success with 15 spots rented and 13 showing up. He suggested that if the Town were to do it again next year, it be held the following week and not so close to the holidays.

The Town Administrator would schedule a meeting of the Special Events Committee to plan for the annual picnic.

Palm Beach County would be considering blanket authorization for funding the FY2011 projects in five year road improvement program. It was noted that no funds had been set aside for Belvedere Road for FY 2011; however, funds for construction were included in the FY 2012 budget.

**Treasurer's Report**

(Included in packet)

**UNFINISHED BUSINESS**

Vice Mayor Foy commented that the robbery that had occurred on Trailaway Lane, although not to his property, had left him and the other residents feeling quite violated. He noted it was quite an unsettling feeling.

**NEW BUSINESS**

In an overabundance of caution, Mayor Woods handed the gavel to Vice Mayor Foy and addressed the Town Council. He requested Town Council consideration in granting John C. Cassidy a waiver to continue to do business with the Town of Haverhill. He explained that he is an employee of John C. Cassidy and although they service the Town's A/C units he has realized no financial gain in the relationship.

Council Member Lynch commented that he had been employed by John C. Cassidy A/C many years before and would vouch for the integrity of the company.

A motion was then made by Council Member Uptegraph, seconded by Council Member Beavers and unanimously passed (4-0) to accept the disclosure and authorize John C. Cassidy to continue to conduct business with the Town of Haverhill following the standard business and bidding processes. Mayor Woods abstained from the vote and completed Form B - Memorandum of Voting Conflict.

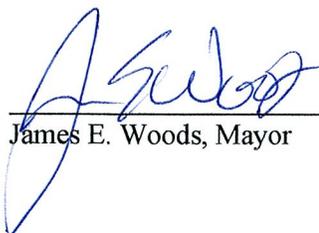
Vice Mayor Foy returned the gavel to Mayor Woods.

**ADJOURNMENT**

With no further business to come before the Town Council, the meeting adjourned at 7:50 p.m.

**Approved:** January 27, 2011

  
\_\_\_\_\_  
Janice C. Rutan, Town Administrator

  
\_\_\_\_\_  
James E. Woods, Mayor