

Jay G. Foy, Mayor  
James E. Woods, Vice Mayor  
Jerry E. Beavers, Council Member  
Lawrence Gordon, Council Member  
Mark C. Uptegraph, Council Member  
John Fenn Foster, Town Attorney  
Janice C. Rutan, Town Administrator



**TOWN COUNCIL REGULAR MEETING**  
**Town Hall Council Chambers**  
**Thursday ~ February 9, 2012**  
**7:00 p.m.**  
**AGENDA**

- I. **CALL TO ORDER**
- II. **INVOCATION AND PLEDGE OF ALLEGIANCE**
- III. **ROLL CALL**
- IV. **APPROVAL OF AGENDA**
- V. **APPROVAL OF THE CONSENT AGENDA**
  - a. **Approve Minutes of the and January 12, 2012 and January 26, 2012 Regular Council Meeting**
- VI. **PROCLAMATIONS AND PRESENTATIONS**
- VII. **COMMENTS FROM THE PUBLIC**
- VIII. **COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S OFFICE**
- IX. **PUBLIC HEARING**
- X. **FIRST READINGS AND REGULAR AGENDA:**
  - a. **Briarwood Drainage Improvement Project**
- XI. **REPORTS**
  - Town Attorney**
  - Mayor**
  - Consultants**
  - Town Administrator**
- XII. **Committee/Delegate Report**
- XIII. **Treasurer's Report (included in packet)**
- XIV. **UNFINISHED BUSINESS**
- XV. **NEW BUSINESS**
- XVI. **ADJOURNMENT**

Notice: If any person decides to appeal any decision of the Town Council at this meeting, he/she will need a record of the proceedings and for this purpose; he/she needs to ensure that a verbatim record of the proceedings is made. The record must include the testimony and evidence upon which the appeal is to be based, pursuant to F.S. 286.0105. The Town of Haverhill does not prepare nor provide such verbatim record.

In accordance with the provisions of the American with disabilities Act (ADA), this document can be made available in an alternate format (large print) upon request. Special accommodations can be provided upon request with three (3) days advance notice of any meeting, by contacting Janice C. Rutan, Town Administrator at the Haverhill Town Hall, 4585 Charlotte Street, Haverhill, Florida. Phone Number (561) 689-0370 Facsimile Number (561) 689-4317

**TOWN COUNCIL REGULAR MEETING  
Town Hall Council Chambers  
Thursday ~ February 9, 2012  
OFFICIAL MINUTES**

Pursuant to the foregoing notice, the regular meeting of the Haverhill Town Council was held on Thursday, February 9, 2012 at the Town Hall, 4585 Charlotte Street, Haverhill. Those present were Jay G. Foy, Mayor; James E. Woods, Vice Mayor; Jerry Beavers, Council Member, Lawrence Gordon, Council Member and Mark C. Uptegraph, Council Member. Also present were Town Attorney John Foster, and Town Administrator, Janice C. Rutan.

**CALL TO ORDER**

Mayor Foy called the meeting to order at 7:01 p.m.

**INVOCATION AND PLEDGE OF ALLEGIANCE**

Mayor Foy 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 additions, deletions or substitutions, the agenda stood as presented.**

**APPROVAL OF THE CONSENT AGENDA**

Approve Minutes of the January 12, 2012 and January 26, 2012 Regular Meetings.

**A motion was made by Council Member Uptegraph, seconded by Vice Mayor Woods and unanimously approved (5-0) to approve the Consent Agenda as presented.**

**PROCLAMATIONS AND PRESENTATIONS**

None.

**COMMENTS FROM THE PUBLIC**

None.

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

Palm Beach County Sheriff's office reported on a vehicle burglary that occurred in Town. There had also been reports of graffiti and larceny. The PBSO had conducted over 200 traffic stops that resulted in arrests made for outstanding warrants and possession of drugs.

**PUBLIC HEARING**

None.

**FIRST READINGS AND REGULAR AGENDA:**

**Briarwood Drainage Improvement Project**

The Town Administrator presented quotes to the Town Council from Wynn and Sons as follows:

- Drainage Improvements for Briarwood Drive at Berkeley Mews   \$21,126.05
- Drainage Improvements for Berkeley Mews                               \$24,534.12
- Drainage Improvements for Briarwood and Berkeley Mews       \$44,010.17

Prices quoted were based on a current contract between Wynn and Sons and the City of West Palm Beach. The proposals also contained a 10% contingency that was not automatic; it would only be used in the event of an unforeseen circumstance or a change order.

A discussion followed. \$43,274 had been included in the 2011/2012 budget for paving and drainage improvements with an additional \$8,500 for storm drainage repair.

**A motion was then made by Lawrence Gordon, seconded by Vice Mayor Woods and unanimously passed (5-0) to approve the proposal submitted by Wynn and Sons and to authorize an expenditure of up to \$43,274, as budgeted, for the Briarwood Road and Berkeley Mews drainage project.**

## **REPORT**

### **Town Attorney**

Attorney Foster reported on the meeting scheduled for February 15, 2012 at 3:00 p.m. between representatives from ATS and the Town of Haverhill. He and the Town Administrator would be meeting with the legal team for ATS to discuss the present status of the red light camera program.

Attorney Foster reported that the Town would need to have resolution to the following outstanding items prior to moving forward with the program:

- fee schedule as anticipated in the Agreement that was no longer attainable
- the Town's Code Enforcement Officer could no longer issue citations
- the Town had piggy backed off the Adventura/ATS Agreement which was no longer valid

Attorney Foster noted that the Town would be very interested in hearing how ATS could overcome those issues.

Discussion followed. Attorney Foster noted that early in the process, during the Business Rules Questionnaire (BRQ) session that lasted several hours, the Town's focus was on the Code Enforcement Officer issuing the citations. In addition, because the Town did not have its own law enforcement agency, an alternative to the NLETS vehicle registration system would need to be found.

Attorney Foster reiterated that the Town had been upfront with its expectations of the program and because of the legislation that was passed subsequent to the Town entering into the Agreement, those expectations could no longer be met.

It was noted that the ATS equipment installed at the intersection of Haverhill and Belvedere Road was in the County's ROW and may be affected by the County's proposed intersection improvements. He reminded all that the Town had tried to negotiate with the County to take over the program and ATS had offered to work with the County toward that end as well, however, the County was not interested. At a minimum, the Town would have to go out for a re-bid as the piggy back with Adventura was no longer valid.

Mr. Foster reported that the Town's traffic engineer John Kim responded that the County would conduct traffic counts in January and February. He had also spoken with Bashar Khan and it was anticipated that the intersection improvement project at Haverhill and Belvedere Roads would be let out to bid in May of 2012.

### **Mayor**

Mayor Foy confirmed with the Town Attorney that there was a provision in the Town's code that stated if no site plan was submitted, or the first plat not recorded or a non conforming use not established within 18 months of final approval of the rezoning by the Town Council, the Town Council would review the zoning of the property and may instruct the Town Clerk to file an application to a more restrictive zoning district and/or comprehensive land use category.

Mayor Foy reported that he had conversation with the former Building Official, Joseph Iagrossi, earlier in the day and it had reminded him that at the time of separation, the Town Council agreed that within six months it would revisit the suggestion that the Town present Mr. Iagrossi with a plaque acknowledging his many years of service with the Town.

Although all agreed the Mr. Iagrossi had served the Town well for many years, the separation between the parties was final and no further action should be taken.

### **Consultants**

None.

### **Town Administrator**

It was the general consensus of the Town Council to take no action on the Town Administrator's suggestion to pass a Resolution expressing the Town's objection toward the passage of legislation that would ban the issuance of business tax receipts. The League of Cities was representing all municipalities in this matter.

**Committee/Delegate Report**

Council Member Beavers reported on the ongoing lawsuit between several municipalities and the Office of the Inspector General concerning the funding mechanism.

Mayor Foy and Council Member Beavers shared anecdotes resulting from the Palm Beach County District II and III luncheon meeting held in Atlantis the previous day.

Mayor Foy reported there would be a Code and Ordinance meeting on February 23, 2012 at noon.

Vice Mayor Woods reported that the annual picnic had been moved to April 21st due to a conflict with Buddy Powell, the provider of the steam engine exhibition.

Council Member Beavers reported that he had been asked by the Director of the Palm Beach County League of Cities if he would open up the District II and III meeting to the other Palm Beach County League Districts and allow US Representative Ted Deutch to be a guest speaker as Representative Deutch was unable to attend the general membership meeting. Mr. Beavers was not in favor of the idea as the purpose of the District II and III meeting was to allow an informal atmosphere that municipalities could share common interests and not a venue for guest speakers.

A brief discussion followed regarding the status of a Briarwood Homeowners Association. There had not been a formal organization since 1993.

It was reported that Jamie Titcomb, former Executive Director of the League of Cities had been appointed interim manager for the Town of Lake Park.

**Treasurer's Report**

Included in packet.

**UNFINISHED BUSINESS**

None.

**NEW BUSINESS:**

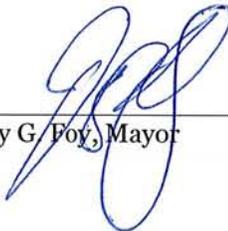
None.

**ADJOURNMENT:**

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

Approved: March 8, 2012

  
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Janice C. Rutan, Town Administrator

  
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Jay G. Foy, Mayor