

Jay G. Foy, Mayor  
James 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 ~ October 11, 2012**  
**7:00 p.m.**  
**REVISED AGENDA**

- I. CALL TO ORDER
- II. INVOCATION AND PLEDGE OF ALLEGIANCE
- III. ROLL CALL
- IV. APPROVAL OF AGENDA
- V. APPROVAL OF THE CONSENT AGENDA
- VI. PROCLAMATIONS AND PRESENTATION
- VII. COMMENTS FROM THE PUBLIC
- VIII. COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S OFFICE
- IX. SECOND READINGS AND PUBLIC HEARINGS  
None.
- X. FIRST READINGS AND REGULAR AGENDA
  - a. Consider lien reduction from \$12,450 to \$1,200 as requested by Bernadine Jones of Prodigy Capital on behalf of Tibor Bucko, Registered Agent for S & U Investment, LLC, owner of property located at 1211 Haverhill Road.
  - b. Act on request for variation from fence height regulations as filed Mr. Willem Hartsuiker of 1175 Park Lane.
  - c. Reschedule November 6, 2012 Workshop due to the Town Hall being used as a polling location for the election.
- IX. REPORTS
  - Town Attorney
  - Mayor
  - Consultants
  - Assistant Town Administrator/Town Clerk
  - Committee/Delegate Report
  - Treasurer's Report (included in packet)
- X. UNFINISHED BUSINESS
- XI. NEW BUSINESS
- XII. 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 ~ October 11, 2012**  
**OFFICIAL MINUTES**

Pursuant to the foregoing notice, the regular meeting of the Haverhill Town Council was held on Thursday, October 12, 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 7:00 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 present.

**APPROVAL OF AGENDA**

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

**APPROVAL OF THE CONSENT AGENDA**

None

**PROCLAMATIONS AND PRESENTATION**

None.

**COMMENTS FROM THE PUBLIC**

Sandra Vannick presented her plans for the property located at the northwest corner of Belvedere Road and Concord Avenue. It was her intention to use the property as a single family residence while housing up to 30 rescue animals as permitted by the County's Animal Control code based on acreage. She would not be operating her business, "Misfit Rescue" from the property; however, she would be housing dogs at the site. All animals would be kept inside the home, crated, and would be taken outside in rotated groups of 5-7. She had no intention of using the entire property for the dogs. Presently she was rehabilitating 24 dogs and 12 cats.

Vice Mayor Woods commended Ms. Vannick for her noble cause but reminded all that the property in question was zoned R-1, which was the Town's most restrictive zone. The Town Attorney agreed adding that the only permitted use in R-1 would be a single family residence and accessory uses to a residence such as a cabana, garage, etc. It appeared as though she was trying to make her use conform to a single family residence. Attorney Foster repeated the opinion of the Town Planner that the proposed use was not compatible to the R-1 zoning district.

Ms. Vannick assured the Town Council that she would be using the house as a single family residence, moving in herself, and she would then house 30 animals. She commented that the number of animals was allowed by County Code that the Town had adopted and that the Town could not stop her from housing the animals there.

Again, Attorney Foster commended her philanthropic efforts, but expressed concern that she was conforming her operation to a use allowed in the R-1 residential district.

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

Representative from the Sheriff's office reported there had been no crime reported for the Town for the previous 2 week period. The Council expressed appreciation to the Sheriff's office for their assistance in keeping crime out of the Town of Haverhill.

#### **SECOND READINGS AND PUBLIC HEARINGS**

None.

#### **FIRST READINGS AND REGULAR AGENDA**

**Consider lien reduction from \$12,450 to \$1,200 as requested by Bernadine Jones of Prodigy Capital on behalf of Tibor Bucko, Registered Agent for S&U Investment, LLC, owner of property located at 1211 Haverhill Road.**

The Town Administrator introduced the matter before the Town Council. On September 27, 2012, the Town Council took no action on the request for lien because the applicant had not received permission to act on behalf of the property owner. It was confirmed that the proper authorizations had been received and that Mr. Tibor Bucko was present representing S&U property investment as a registered agent.

Director of Public Services Joseph Roche offered Staff's report. The total lien assessment against the property at 1211 Haverhill Road was \$12,450. The applicants were requesting the lien be reduced to \$1,200 representing actual costs incurred by the Town of Haverhill.

It was explained that the code violation was issued because there was no protective barrier around the pool. The Town of Haverhill had put up a temporary fence. Staff costs and the cost of the fence were not included in the \$12,450.00.

Tibor Bucko, registered agent for S&U Investment, LLC addressed the Town Council. He explained that within 6 days of purchasing the property, it was brought into compliance. He has renovated the property but cannot get any further permits for further improvements or to install the A/C units because of the outstanding lien.

Mr. Roche noted that he had not received a response from the bank but once the property was sold, the corrections were made.

Council Member Gordon noted that had Mr. Bucko done his due diligence on the property, he would have been aware of the outstanding liens. He then made a motion to reduce the lien to \$5,000. There being no second, the motion failed.

Discussion ensued.

Mayor Foy passed the gavel to Vice Mayor Woods. He commented that the Town should not penalize someone who was moving forward in good faith. In an effort to encourage business within the Town, he made a motion to reduce the lien to \$2,500, but to add the costs incurred by the Town to install the fencing around the pool to the \$2,500.

Again, there being no second, the motion failed.

The history of the property was next discussed. The lien was placed on the property on February 29, 2012 against the bank as the property had been foreclosed on. On May 21,

2012, the property was purchased by Prodigy Investments. On May 24, 2012, the property was turned over to S&U Investments.

Mr. Bucko did confirm that there was an application pending to subdivide the property into two lots.

**Act on request for variation from fence height regulations as filed by Mr. Willem Hartsuiker of 1175 Park Lane.**

Mr. Willem Hartsuiker of 1175 Park Lane was requesting Council approve his request to erect a 5' foot fence in front of his home. He was requesting a variation from the requirements of Section 58-319 (b). He presented the Town Council with a drawing of the fence.

**A motion was then made by Jerry Beavers, seconded by Vice Mayor Woods and unanimously passed (5-0) to approve the request for variation to install a five foot fence at the property located 1175 Park Lane.**

**Reschedule November 6, 2012 Workshop due to the Town Hall being used as a polling location for the election.**

Due to the General Election being held on November 6, 2012, the general consensus of the Town Council was to reschedule the monthly workshop to Tuesday, November 13, 2012 at noon.

**REPORTS**

**Town Attorney**

None.

**Mayor**

Mayor Foy reported on the NPDES Steering Committee meeting.

He also reported on the Town's involvement with the "Read Across America" event that took place on October 4, 2012. He had read to the children at the Haverhill Baptist Church; Council Member Beavers read to children at the Whiz Kids and Rainbow Kids day care centers and the Town Administrator read to children at Hope Centennial Elementary; Wynnebrook Elementary and the Marjory Fisher Boys and Girls Club.

**Consultants**

None.

**Town Administrator**

None.

**Committee/Delegate Report**

Vice Mayor Woods reported on the annual Halloween event scheduled for October 30, 2012 at 7:00 p.m. He also noted that the Neighborhood Yard Sale was scheduled for December 1, 2012.

Council Member Beavers reported on the Palm Beach County District II & III meeting. Red light camera programs were discussed; Errors and Omissions insurance for elected officials was also discussed; the pending challenge to the 1,000 foot separation between group homes was reported on and the proposed constitutional amendments were a topic of discussion at the meeting.

The Town Administrator inquired as to the whether the status of the IPARC and Intergovernmental Coordination Interlocal Agreement had been addressed by the league. She explained that the Town had entered into these interlocal agreements several years ago, but in light of the new ethics regulations, the format of the groups has changed and not longer meet. However, the Town was still being assessed dues. Mr. Beavers was unaware of other Town's actions regarding same. The Town Administrator agreed to contact the league directly.

**Treasurer's Report**

Included in packet.

**UNFINISHED BUSINESS**

Council Member Gordon asked the Town Council to reconsider the request for a lien reduction on the property located at 1211 Haverhill Road. He commended Mr. Bucko for moving quickly to do good things to the property and felt the reduction to \$5,000 would be fair.

Mayor Foy agreed with Council Member Gordon. Discussion followed. Attorney Foster expressed concern that the quick turnover of properties may have not complied with the foreign tax requirements. Homeland Security would follow up if there were compliance issues.

**NEW BUSINESS**

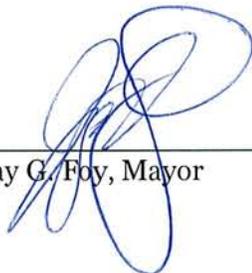
None.

**ADJOURNMENT**

With no further business to come before the Town Council, the meeting adjourned at 8:00 p.m.

Approved: October 25, 2012

  
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Janice C. Rutan, Town Administrator

  
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Jay G. Foy, Mayor