

Jay G. Foy, Mayor  
Lawrence Gordon, Vice Mayor  
Mark C. Uptegraph, Council Member  
Remar M. Harvin, Council Member  
Daniel H. Sohn, Council Member  
John Fenn Foster, Town Attorney  
Janice C. Rutan, Town Administrator



**TOWN COUNCIL REGULAR MEETING**  
**Town Hall Council Chambers**  
**Thursday ~ April 12, 2018**  
**7:00 p.m.**  
**AGENDA**

- I. CALL TO ORDER**
- II. INVOCATION AND PLEDGE OF ALLEGIANCE**
- III. COMMENTS FROM THE PUBLIC**
- V. ROLL CALL**
- VI. APPROVAL OF AGENDA**
- VII. APPROVAL OF THE CONSENT AGENDA**
  - a. Approval of the minutes of the March 8, 2018 and March 22, 2018 regular meetings and the March 6, 2018 Workshop**
- VIII. PROCLAMATIONS AND PRESENTATION**
  - a. Matt Gaffney, District Chief Palm Beach County Fire Rescue: Presentation of the Annual Report October 1, 2016 – September 30, 2017**
- IX. COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S OFFICE**
- X. SECOND READINGS AND PUBLIC HEARINGS**
- XI. REGULAR AGENDA AND FIRST READINGS**
  - a. First Readings: ORDINANCE NO. 461**

**AN ORDINANCE OF THE TOWN OF HAVERHILL, FLORIDA, DECLARING ZONING IN PROGRESS AND IMPOSING A MORATORIUM ON THE ACCEPTANCE AND PROCESSING OF NEW APPLICATIONS FOR THE ESTABLISHMENT OF MEDICAL MARIJUANA TREATMENT FACILITIES, INCLUDING DISPENSING FACILITIES, UNTIL SEPTEMBER 28, 2018; PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

- b. First Reading: ORDINANCE NO. 462**

**AN ORDINANCE OF THE TOWN OF HAVERHILL, FLORIDA DECLARING A ZONING IN PROGRESS AND IMPOSING A MORATORIUM ON THE ACCEPTANCE AND PROCESSING OF NEW APPLICATIONS FOR REZONING, ZONING TEXT AMENDMENT, SITE PLAN APPROVAL, CHANGE IN LAND USE UNDER THE COMPREHENSIVE PLAN, AND THE SUBDIVISION, PLATTING AND REQUIRED IMPROVEMENTS (CHAPTER 54 OF THE TOWN OF HAVERHILL CODE OF ORDINANCES) UNTIL JULY 27, 2018; PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE; AND FOR OTHER PURPOSES**

**c. Designation of Voting Delegate and Alternate(s) to the Palm Beach County League of Cities, Inc.**

**XII. REPORTS**

**Town Attorney**

**Mayor**

**Town Administrator**

**Committee/Delegate Report**

**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 ~ April 12, 2018**  
**OFFICIAL MINUTES**

The regular monthly meeting of the Haverhill Town Council was held on Thursday, April 12, 2018 at the Town Hall, 4585 Charlotte Street, Haverhill, Florida. Those present were Jay G. Foy, Mayor; Lawrence Gordon, Vice Mayor; Remar Harvin, Council Member and Daniel Sohn, Council Member. Also present were John Foster, Town Attorney and Janice C. Rutan, Town Administrator.

**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 in the Pledge of Allegiance.

**ROLL CALL**

The Town Administrator called the roll. All members were present with the exception of Council Member Uptegraph.

**COMMENTS FROM THE PUBLIC**

None.

**APPROVAL OF AGENDA**

**A motion was made by Council Member Harvin, seconded by Vice Mayor Gordon and unanimously passed (4-0) to approve the agenda as presented.**

**APPROVAL OF THE CONSENT AGENDA**

**Approval of the minutes of the March 8, 2018 and March 22, 2018 regular meetings and the March 6, 2018 Workshop**

**A motion was then made by Council Member Harvin, seconded by Council Member Sohn and unanimously passed (4-0) to approve the consent agenda as presented.**

**PROCLAMATIONS AND PRESENTATION**

**Matt Gaffney, District Chief Palm Beach County Fire Rescue: Presentation of the Annual Report October 1, 2016 – September 30, 2017**

Matt Gaffney, District Chief, Palm Beach County Fire Rescue presented the Town of Haverhill Annual report for the period October 1, 2016 through September 30, 2018. Chief Gaffney spoke of the emergency response teams and times and new protocols regarding CPR.

He spoke at great length about early CPR and the protocol implemented by Dr. Shepley and the increase in survivability resulting from Dr. Shepley's techniques.

**David London, 760 Palm Tree Lane:** Mr. London inquired as to the use of plungers in administering CPR as well as their use of Bariatric Cooling devices.

Chief Gaffney responded that Fire Rescue did not usually have the patient in their care long enough to use the bariatric method. He was familiar with the plunger method.

Methods of CPR and new phone apps to encourage the public to get involved were discussed. Persons acting on behalf of the Good Samaritan Act would have no liability.

Discussion followed regarding the affect sober homes and the number of service calls related to opioid use and overdoses had on Fire Rescue crews.

Discussion next addressed the type vehicles and age of vehicles, etc. and the overall view of fire rescue operation.

Council expressed their appreciation to Chief Gaffney for his presentation.

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

The officer present at the meeting echoed Chief Gaffney's comments concerning the epidemic of drug overdoses in Palm Beach County. He noted that from January 1, 2017 to present, there had been 15 overdoses in the Town of Haverhill. In north County there had been a total of 234. He then noted that there had been no crimes reported in Haverhill for the previous 2 week period.

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

None.

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

##### **ORDINANCE NO. 461**

**AN ORDINANCE OF THE TOWN OF HAVERHILL, FLORIDA, DECLARING ZONING IN PROGRESS AND IMPOSING A MORATORIUM ON THE ACCEPTANCE AND PROCESSING OF NEW APPLICATIONS FOR THE ESTABLISHMENT OF MEDICAL MARIJUANA TREATMENT FACILITIES, INCLUDING DISPENSING FACILITIES, UNTIL SEPTEMBER 28, 2018; PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

The title was read by Attorney Foster. Attorney Foster offered Staff's report. He reminded all that this was a continuation of the present moratorium. He added language to the proposed ordinance that would alleviate any conflict from doctor's prescribing or persons having been prescribed medical marijuana.

**A motion was then made by Council Member Harvin, seconded by Voce mayor Gordon and unanimously passed (4-0) to approve Ordinance 461 on first reading.**

##### **First Reading: ORDINANCE NO. 462**

**AN ORDINANCE OF THE TOWN OF HAVERHILL, FLORIDA DECLARING A ZONING IN PROGRESS AND IMPOSING A MORATORIUM ON THE ACCEPTANCE AND PROCESSING OF NEW APPLICATIONS FOR REZONING, ZONING TEXT AMENDMENT, SITE PLAN APPROVAL, CHANGE IN LAND USE UNDER THE COMPREHENSIVE PLAN, AND THE SUBDIVISION, PLATTING AND REQUIRED IMPROVEMENTS (CHAPTER 54 OF THE TOWN OF HAVERHILL CODE OF ORDINANCES) UNTIL JULY 27, 2018; PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE; AND FOR OTHER PURPOSES**

The title was read by Attorney Foster. Attorney Foster offered Staff's report. Once again he reminded all this was a continuation of an existing moratorium. Mayor Foy requested Staff have the proposed Ordinance in draft form as soon as possible. As long as the Airport maps were available to incorporate in the Ordinance, Attorney Foster was confident a proposed Ordinance would be available for Council review in a timely manner.

Mayor Foy disclosed that the Secretary of the Haverhill Church had been in contact with him as to the status of the moratorium as the contract purchasers for the property were waiting for the new subdivision regulations before closing the deal.

**A motion was then made by Vice Mayor Gordon, seconded by Council Member Harvin and unanimously passed (4-0) to approve Ordinance No. 462 on second reading.**

**Designation of Voting Delegate and Alternate(s) to the Palm Beach County League of Cities, Inc.**

By general consensus of the Town Council, Vice Mayor Lawrence Gordon was appointed the voting delegate for the Town of Haverhill in all matters relating to the Palm Beach County League of Cities. Voting alternates were Council member Remar Harvin, Council member Daniel H. Sohn, Council member Mark Uptegraph and Mayor Foy in that order.

**REPORTS**

**Town Attorney**

Attorney Foster reported on the lawsuit filed by 10 south Florida cities that alleged certain provisions of section 790.33, Florida Statutes (“Super Preemption”) were unconstitutional and would negatively impact all municipalities. The seven count complaint was seeking declaratory relief. This preemption statute provided for personal penalties and prohibits elected officials in making decisions in the best interest of their communities in relationship to the right to bear arms.

Discussion followed. David London, present in the audience asked if a similar suit could be entered into regarding cigarette smoking in public. Council member Sohn tried to explain the process to Mr. London.

Attorney Foster next reported that his wife had undergone a successful surgery related to her recent diagnosis of breast cancer. All expressed their well wishes for a speedy recovery.

**Mayor**

Mayor Foy reported on the pleasant experience he had with the Town’s Building Department,

He next reminded all to reply only to sender when receiving an email from Town Staff. Hitting the reply to all button could result in a violation to the Sunshine Law.

In response to Mayor Foy’s complaint that there were several holes along Trailaway Drive due to the machinery being used to pick up vegetation, Director of Public Services Roche noted he would make a comprehensive list of roadways town wide that would need repair,

Mr. Roche then reported that Joseph DiLallo, who worked with the Town during the previous contract is now working with Waste Pro and will be once again working with the Town.

**Town Administrator**

The Town Administrator reported that a representative from Palm Beach County had been in to inquire about permit fees, etc. regarding the upcoming installation of basketball courts at the Haverhill Park. Discussion ensued with some Council members questioning whether there had been a restriction against basketball courts in the Park. The Town Administrator agreed to look into the file.

She then inquired as to whether the Town Council would waive permits fees for the County as it had done in the past when the wells were installed. It was agreed at a minimum a permit would need to be applied for and the contractor registered with the Town, but no specific decision was made.

### **Committee/Delegate Report**

The previous day's District 2 & 3 luncheon of the Palm Beach County League of Cities was next reported on. The main topic of discussion was home rule and the concerns the municipalities had with regard to same. Memorial Day festivities was also discussed. David Stewart, Mayor, Lantana reported on the Bright line Quiet Zones. All in attendance agreed that the need for workforce housing was a regional problem and must be addressed.

Mayor Foy reported on the Water Resource Task Force and Palm Beach County's effort to clean the waters of the Loxahatchee River. The models were released and the costs for Palm Beach County's alternate plan was in excess of one hundred million dollars.

The NPDES report has been completed and filed

### **Treasurer's Report**

Included in packet.

### **UNFINISHED BUSINESS**

The Town Administrator reported on the Park and Cyprus Lane project and the complaint from the resident at 1261 Park Lane whose back porch has experienced flooding since the Town had filled in the ditches with swales. Photos were presented. It was explained that she had a trench drain that diverted the water from her gutters and property to the ditch. Although the Town had installed a bubble up as part of the project, the property owner was complaining it was not sufficient enough to divert the water and was now causing flooding.

Staff was directed to shoot the elevations of the property and if it was the fault of the Town that her property is now flooding to come up with a design that will alleviate the problem, but to keep the improvements off of private property as much as possible. Staff will report back at the next meeting.

It was brought up that the residents should begin to clear their vegetation ahead of hurricane season. Staff would include in newsletter.


### **NEW BUSINESS**

Council Member Sohn reported his brother was in the hospital. Council expressed well wishes. He apologized for having had to miss the April workshop. He added that he would be bringing up items for discussion at the next workshop.

### **ADJOURNMENT**

**With no further business to come before the Town Council, the meeting adjourned at 8:30 p.m.**

**Approved: May 10, 2018**

  
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Janice C. Rutan, Town Administrator

  
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Jay G. Foy, Mayor