

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



**TOWN OF HAVERHILL**  
Regular Town Council Meeting  
Thursday, April 28, 2016  
Town Hall – 4585 Charlotte Street  
**AGENDA**

- I. CALL TO ORDER**
- II. INVOCATION AND PLEDGE OF ALLEGIANCE**
- III. ROLL CALL**
- IV. COMMENTS FROM THE PUBLIC**
- V. APPROVAL OF AGENDA**
- VI. APPROVAL OF THE CONSENT AGENDA**
  - a. Approval of the minutes of the April 14, 2016 Regular Meeting
- VII. COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S DEPT.**
- IX. PUBLIC HEARINGS AND SECOND READINGS**
- X. FIRST READINGS AND REGULAR AGENDA**
  - a. **RESOLUTION 2016-01: A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL ENDORSING PALM BEACH COUNTY AND THE SCHOOL DISTRICT OF PALM BEACH COUNTY'S PLAN AND THE TOWN OF HAVERHILL'S PARTICIPATION IN A ONE CENT SALES TAX PLAN PARTNERSHIP THAT WOULD FUND IMPORTANT PUBLIC INFRASTRUCTURE INITIATIVES AND TO PLACE A REFERENDUM ON THE NOVEMBER 8, 2016 BALLOT FOR VOTER APPROVAL OF SUCH SALES TAX PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES**
  - b. Approve Interlocal Agreement among Palm Beach County, the School Board of Palm Beach County, Florida and the signatory municipalities pertaining to the shared distribution and use of the one cent local government infrastructure surtax
  - c. Discuss Palm Beach County Agriculture Reserve Comprehensive Plan Amendment
  - d. Discuss recent Supreme Court Ruling re: Attorney Fees for Sunshine Law Violations
- XI. REPORTS**
  - Town Attorney
  - Mayor
  - Administrator's Report
  - Committee/Delegate Report
  - Treasurer's Report (included in packet)
- XII. UNFINISHED BUSINESS**
- XIII. NEW BUSINESS**
- XIV. 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.

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**TOWN OF HAVERHILL**  
**Regular Town Council Meeting**  
**Thursday, April 28, 2016**  
**Town Hall – 4585 Charlotte Street**  
**OFFICIAL MINUTES**

Pursuant to the foregoing notice, a regular meeting of the Haverhill Town Council was held on Thursday, April 28, 2016 at the Town Hall, 4585 Charlotte Street, Haverhill. Those present were Jay G. Foy, Mayor; Lawrence Gordon, Vice Mayor; Remar M. Harvin, Council Member; Jo Plyler, Council Member and Mark Uptegraph, Council Member. Also present were Town Attorney Lance Fuchs, Town Administrator Janice C. Rutan and Director of Public Services, Joseph Roche.

**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. Mayor Foy then led the Pledge of Allegiance.

**ROLL CALL**

The Town Administrator recorded all members were present.

**COMMENTS FROM THE PUBLIC**

None.

**APPROVAL OF AGENDA**

**The Town Administrator requested the approval of the minutes be removed from the agenda. A motion was made by Vice Mayor Gordon, seconded by Council Member Harvin and unanimously passed (5-0) to approve the agenda as amended.**

**APPROVAL OF THE CONSENT AGENDA**

~~Approval of the minutes of the April 14, 2016 – Regular Meeting~~

**COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S DEPT.**

Deputy Burdowski was present representing the Palm Beach County Sheriff's office. He reported on the burglaries of A/C units that had occurred in Emerald Cove.

He commented on how Haverhill was a safe pocket amidst crime areas of Palm Beach County. He suggested the Town put out a newsletter or put a public service announcement on their website reminding people to be aware. They should take pictures of their valuables, maintain serial numbers of equipment and when possible install alarm systems and cameras.

Deputy Burdowski reported that there had been a homicide in the Fruity Acres neighborhood.

In response to Council Member Harvin, there were no Citizen on Patrol details in the Town. Council agreed having the marked police cars parked in the driveways of resident officers served as a deterrent to crime.

Council and staff expressed their appreciation to the Palm Beach County Sheriff's office for their support.

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

None.

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

**RESOLUTION 2016-01: A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL ENDORSING PALM BEACH COUNTY AND THE SCHOOL DISTRICT OF PALM BEACH COUNTY'S PLAN AND THE TOWN OF HAVERHILL'S PARTICIPATION IN A ONE CENT SALES TAX PLAN PARTNERSHIP THAT WOULD FUND IMPORTANT PUBLIC INFRASTRUCTURE INITIATIVES AND TO PLACE A REFERENDUM ON THE NOVEMBER 8, 2016 BALLOT FOR VOTER APPROVAL OF SUCH SALES TAX PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES**

The title was read by Attorney Fuchs.

Mayor Foy explained in detail how the formula used to distribute the proceeds from the surtax (should it pass) was geared towards the County while reducing the municipal share. He explained that if the Cultural Council/Economic Incentives were not part of the plan, the County would receive 30%, and the municipalities would receive 20%. The School Board would receive the remaining 50%.

With the Cultural Council and Economic development incentives included, the School Board will receive 48%, the County receiving 33.5% of which 4.5% is the set aside for the Cultural Council and Economic development incentives, netting the County 29%, a 1% decrease of the original split, and the municipalities will give up 1.5% towards the Cultural Council and Economic development incentives, resulting in a 18.5% share of the proceeds.

A very lengthy discussion ensued and outstanding infrastructure issues such as the Park and Cyprus Lanes drainage improvement project was reviewed.

**A motion was then made by Council Member Harvin to approve Resolution 2016-01. The motion failed due to a lack of a second to the motion.**

**Approve Interlocal Agreement among Palm Beach County, the School Board of Palm Beach County, Florida and the signatory municipalities pertaining to the shared distribution and use of the one cent local government infrastructure surtax**

Discussion ensued. Vice Mayor Gordon commented he was not in favor of the Interlocal Agreement as presented. Council Member Harvin stated he would vote in favor of the Agreement just because if it is passed by the voters in November, the Town would reap the benefits of the surtax.

Council Member Uptegraph noted that being on a fixed income, he would feel the financial burden of an additional one cent sales tax.

**Council member Harvin made a motion to approve the Interlocal Agreement pertaining to the shared distribution and use of the one cent local government**

**infrastructure sales tax. There being no second to the motion, Mayor Foy passed the gavel to Vice Mayor Gordon and seconded the motion.**

**The vote was then called. The motion passed 3-2 with Vice Mayor Gordon and Council member Uptegraph voting against the motion.**

Staff was then instructed to present Council with a revised Resolution that spoke only to the Council's approval of the question going to the voters, and not support of the sales tax.

**Discuss Palm Beach County Agriculture Reserve Comprehensive Plan Amendment**  
Mayor Foy referred to the letter sent to the Council by Commissioner Burdick asking for their support in denying the proposed Palm Beach County Comprehensive Plan Amendment that would result in agricultural land being converted to residential property.

Noting the vote had already taken place at the April 27, 2016 Board of County Commissioners meeting, the Town Council took no action.

**Discuss recent Supreme Court Ruling re: Attorney Fees for Sunshine Law Violations**

Attorney Fuchs reported on the recent Supreme Court decision that would allow the prevailing party to recoup legal fees from municipalities in public records requests even if the failure to provide the public record was unintentional and without malice. Discussion followed.

## **REPORTS**

### **Town Attorney**

None.

### **Mayor**

Mayor Foy reported on the LIDAR program and the technical data that would be available to the municipalities through the County, at the expense of the County.

The Department of Environmental Protection will be holding an Open House on June 16, 2016 at their new location, (SFWMD), 3301 Gun Club Road.

### **Administrator's Report**

The Town Administrator explained that the Palm Beach County Clerks Association was the host Committee for the Florida Association of City Clerk's annual conference scheduled to be held June 5-8, 2016 at the PGA Resort and Spa. She was a member of the committee and was requesting a donation to help support the social events the Palm Beach County Clerks were planning.

**A motion was made by Council Member Plyler, seconded by Vice Mayor Lawrence and unanimously passed to donate \$150.00 to the Palm Beach County Clerks Association for their use as host committee for the FACC Summer Conference.**

Director of Public Services, Joseph Roche reported on the Pineway and Palmetto Drives drainage project.

The Town Administrator reported that she had scheduled a request for Special Exception to allow for an ADU at 1160 Haverhill Road. The applicants wanted to meet with Council in work session prior to application as they would be building the ADU from corrugated steel shipping containers. Council member Uptegraph inquired as to whether they would be considered modular homes.

The Town Administrator reported the audit would begin the week of May 17, 2016.

**Committee/Delegate Report**

Vice Mayor Gordon reported on the Palm Beach County League of Cities meeting that had been held at the Riviera Beach Marina the day before. He was impressed with the renovated facility.

**Treasurer's Report**

Included in packet.

**UNFINISHED BUSINESS**

In response to Council's inquiry, it was explained the residential renovation project at 5304 Belvedere Road was not abandoned, however, they proceed with construction intermittently.

The Town Administrator reported that the construction of the Church property, located outside of Town, north of Wallis Road, which had been abandoned, should be starting up again soon.

**NEW BUSINESS**

In support of the Town's NPDES program, the Director of Public Services had ordered door hangers informing the residents of how Stormwater pollution occurs and how to avoid it. Staff would be distributing them to the residents.

Mayor Foy commented that the Town Administrator should consider the re-stripping of roads and speed humps when preparing the upcoming budget.


The RFP for solid waste and recycling was just about completed.

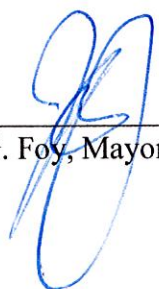
Council Member Uptegraph requested staff contact the County to determine how the Town could declare Belvedere Road a "no-through street" zone. The Town Administrator would contact the County.

**ADJOURNMENT**

With no further business to come before the Town Council, the meeting adjourned at 8:20 p.m.

Approved: May 12, 2016

  
Janice C. Rutan, Town Administrator

  
Jay G. Foy, Mayor