

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 OF HAVERHILL
Regular Town Council Meeting
Thursday, May 22, 2014
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 1, 2013 Workshop and April 24, 2014 Regular Meeting
- VII. PRESENTATIONS AND PROCLAMATIONS**
- VIII. COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S DEPARTMENT**
- IX. SECOND READINGS AND PUBLIC HEARINGS**
- X. FIRST READINGS AND REGULAR AGENDA**
 - a. **RESOLUTION 2014-03: A RESOLUTION OF THE TOWN OF HAVERHILL APPROVING, WITH CONDITIONS, THE AMENDED SITE PLAN FOR THE EMERALD COVE SUBDIVISION, AS FILED BY JULIAN BRYAN, AGENT FOR DR HORTON, CONTRACT PURCHASER**
- XI. REPORTS**
 - Town Attorney
 - Mayor
 - Consultants
 - 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.

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, CMC, Town Administrator at the Haverhill Town Hall, 4585 Charlotte Street, Haverhill, Florida. Phone Number (561) 689-0370 Facsimile Number (561) 689-4317

TOWN OF HAVERHILL
Regular Town Council Meeting
Thursday, May 22, 2014
Town Hall – 4585 Charlotte Street
OFFICIAL MINUTES

Pursuant to the foregoing notice, the regular meeting of the Haverhill Town Council was held on Thursday, May 22, 2014 at the Town Hall, 4585 Charlotte Street, Haverhill. Those present were Jay G. Foy, Mayor; James E. Woods, Vice Mayor and Jerry Beavers, Council Member and Council Member Lawrence Gordon. Also present were Town Attorney John Foster, Town Administrator Janice 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 and led the Pledge of Allegiance.

ROLL CALL

The Town Administrator recorded all members present with the exception of Council Member Mark Uptegraph.

COMMENTS FROM THE PUBLIC

None.

APPROVAL OF AGENDA

Vice Mayor Woods suggested the agenda be renumbered to hear item 8 (Palm Beach County Sheriff's Report) to item 6. **A motion was made by Vice Mayor Woods, seconded by Council Member Beavers and unanimously passed (4-0) to approve the agenda as amended.**

COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S OFFICE

There was very little crime to report for the previous 2 week period. There had been a burglary to a home, a hit and run, one alarm call and lost property reported.

APPROVAL OF THE CONSENT AGENDA

Approval of the minutes of the April 1, 2014 workshop and the April 24, 2014 Regular Meeting

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

PRESENTATIONS AND PROCLAMATIONS

None.

SECOND READINGS AND PUBLIC HEARINGS

None.

FIRST READINGS AND REGULAR AGENDA

RESOLUTION 2014-03: A RESOLUTION OF THE TOWN OF HAVERHILL APPROVING, WITH CONDITIONS, THE AMENDED SITE PLAN FOR THE EMERALD COVE SUBDIVISION, AS FILED BY JULIAN BRYAN, AGENT FOR DR HORTON, CONTRACT PURCHASER

Mayor Foy recused himself in participating in any matter relating to DR Horton explaining that there was a contract for services between DR Horton and Stromwater J Engineering, of which he is President. Mayor Foy passed the gavel to Vice Mayor Woods.

The title was read by Attorney Foster.

Julian Bryan and Karl Albertson were present on behalf of DRHorton.

It was explained that the existing lift station was to be updated. The onsite system would be maintained by the Homeowner's Association. It was indicated for the record that the private onsite lift station would be pumped offsite to a facility to be maintained by Palm Beach County. The road would be dedicated to the Town.

A lengthy discussion followed concerning the ownership and dedication of the roads. Council Member Gordon expressed his preference that the roads in a subdivision that were not gated should be public roads. Discussion ensued. One of the concerns raised was that the residents of the subdivision pay taxes and part of that revenue was used for road improvements. If a road remains private, public money cannot be used for improvements to the road, and often times the future repair and maintenance is not a consideration. He commented that the time to take ownership of a road was at construction, not years down the road when wear and tear were evident. Reference was made to Park Hill Estates, however it was noted that the roads in that subdivision were not built to Town standards.

The road right of way being proposed for Emerald Cove was at 40' curb and gutter. After a very lengthy discussion, it was agreed that the Town Council would need to adopt a standard policy for acceptance of roads. Vice Mayor Woods called for a motion.

A motion was then made by Council Member Beavers and seconded by Council Member Gordon to approve Resolution 2014-03 with conditions as presented. Included in the motion was the condition that the applicants could come back before Town Council to request Town Council consideration in accepting the private road as public. The motion passed 3 to 0, with 1 abstention (Mayor Foy having recused himself from all discussion and consideration).

(Vice Mayor Foy returned the gavel to Mayor Foy who presided over the rest of the meeting).

REPORTS

Town Attorney

None.

Mayor

The Mayor reported that he had attended the meeting of the Palm Beach County MPO (Metropolitan Planning Organization) during which he pled the Town's case against the inclusion of the six laning of Belvedere Road in the County's 2040 traffic improvement desires plan. He was pleased to announce that Commissioner Paulette Burdick had moved that the matter be removed from the MPO desires plan. The motion was seconded and approved, but will now need to go before the Board of County Commissioners for final consideration.

Mayor Foy reported on the ongoing conflicts between the NPDES/DEP and the EPA. Potentially a new definition for the protection of waters is being considered which would affect the waters of Florida. In addition, the federal government is failing to fund the Everglades Restoration project which would not be good for South Florida.

Consultants

None.

Administrator's Report

The Town Administrator reported that the Town's current Building Official (through the contract with MTCausey), Wayne Cameron, , has given his resignation. The contract is still valid, and she had been assured that they will provide a replacement to the Town and the Town would not go without coverage.

She suggested that it may be the time for transition and suggested that she prepare an RFP for Building Official services. Discussion followed.

Attorney Foster requested that at a minimum, prior to his departure, Mr. Cameron prepare a written progress/status report for the property at 4753 Belvedere Road.

Director of Public Services, Joseph Roche reported that Wynn and Sons would commence work on Woodland Avenue mid June. Wynn and Sons would also be looking at a recently discovered sink hole on Concord Avenue, just west of the driveway entrance into the 7-11. Staff has cordoned the area with caution tape.

Committee/Delegate Report

There would be a Code and Ordinance meeting on May 29, 2014 at noon to discuss the Town's policy on accepting road rights of way.

Council member Beavers reported on the Solid Waste Authority's waste to burn facility.

He reported on the Palm Beach County League of Cities annual gala held on the 21st of May at the Kravis Center. The Mayor of Belle Glade, Steve Wilson, was sworn in as President. Mr. Beavers reiterated Mr. Wilson's platform for the league.

Council member Beavers reported he would be attending a meeting at the EOC on June 5, 2014. He suggested that the EOC follow FPL's business plan for emergency preparedness.

Treasurer's Report

The Treasurer's Report was included in the Town Council packet. She reported that the audit for the 2013 FY was underway.

UNFINISHED BUSINESS

Vice Mayor Woods complained that the speeding along Belvedere Road was out of control. Council member Beavers concurred relating an incident involving his wife who happened to be walking along Belvedere Road while cars sped by.

Vice Mayor Woods expressed his desire to increase speed patrol in the Town of Haverhill noting it was the Council's responsibility to keep its residents safe.

Director of Public Services Joseph Roche noted that the detail would be an overtime detail for the officers and he would look into hiring road patrol in addition to the Town's normal detail. He added that he had been told that PBSO had a shortage of road patrol officers.

Mayor Foy agreed noting that this was a problem Countywide and not just in Haverhill.

It was agreed that the security of the residents was first and foremost with traffic secondary. In addition to scheduling road patrol coverage, Director of Public Services Joseph Roche would look into obtaining a police "dummy" car to park along Belvedere Road. In the past, the Town had its permit deputy park along the road with lights flashing and the traffic maintained the posted speed limit.


NEW BUSINESS

None.


ADJOURNMENT

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

Approved: July 10, 2014



Janice C. Rutan, MMC, Town Administrator



Jay G. Foy, Mayor

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME <i>FOY - JAY - GREN</i>	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>Town of Haverhill Council</i>
MAILING ADDRESS <i>1094 TRAILWAY LANE</i>	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY <i>Haverhill</i>	COUNTY <i>Palm Beach</i>
DATE ON WHICH VOTE OCCURRED <i>5/22/14</i>	NAME OF POLITICAL SUBDIVISION: <i>Haverhill</i> MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Jay G. Foy, hereby disclose that on 5/22, 2014:

(a) A measure came or will come before my agency which (check one)

- Inured to my special private gain or loss;
- Inured to the special gain or loss of my business associate, _____;
- Inured to the special gain or loss of my relative, _____;
- Inured to the special gain or loss of _____, by whom I am retained; or
- Inured to the special gain or loss of _____, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

I HAVE A SEPARATE CONTRACT WITH APPLICANT (DR. NORTON) FOR LINESONE CITY IN DISTRICT

5/22/14
Date Filed

[Signature]
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

