

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 ~ August 8, 2013
7:00 p.m.

- I. CALL TO ORDER**
- II. INVOCATION AND PLEDGE OF ALLEGIANCE**
- III. ROLL CALL**
- IV. APPROVAL OF AGENDA**
- V. APPROVAL OF THE CONSENT AGENDA**
 - a. Approval of the minutes for the July 11, 2013 and July 25, 2013 regular meeting**
- 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**
- X. FIRST READINGS AND REGULAR AGENDA**
 - a. Update on Park Lane and Cyprus Lane – Drainage/Road Resurfacing Project**
 - b. FEMA Flood Maps and public outreach program**
 - c. Personnel Policy Amendment**
 - d. Discuss SBA Tower decommissioning**
- XI. REPORTS**
 - Town Attorney**
 - Mayor**
 - Town Administrator**
 - 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, 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 ~ August 8, 2013
OFFICIAL MINUTES

Pursuant to the foregoing notice, the regular meeting of the Haverhill Town Council was held on Thursday, August 8, 2013 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 Foster, Town Administrator Rutan and Director of Public Services 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.

APPROVAL OF AGENDA

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

APPROVAL OF THE CONSENT AGENDA

Approval of the minutes for the July 11, 2013 and July 25, 2013 regular meeting

A motion was made by Vice Mayor Woods, seconded by Council Member Gordon and unanimously passed (5-0) to approve the consent agenda as presented.

PROCLAMATIONS AND PRESENTATION

None.

COMMENTS FROM THE PUBLIC

None.

SECOND READINGS AND PUBLIC HEARINGS

None.

FIRST READINGS AND REGULAR AGENDA

Update on Park Lane and Cyprus Lane – Drainage/Road Resurfacing Project

Joseph Roche, Director of Public Services presented Staff's Report. He reported that the resurfacing was completed and the only matters outstanding were the placement of sod along the drainage ditches.

Jeff Renault, Town Engineer had sent a memo to Council recommending payment to Wynn and Sons in the amount of \$71,405 upon receipt of a release of lien from the Contractor in favor of the Town.

The Town Administrator reminded Council that on July 11, 2013, the Town Council approved the proposal of Wynn and Sons to initiate Phase 1 of the Park Lane/Cyprus Lane Road Resurfacing and Drainage Improvement Project by authorizing the resurfacing of Park Lane and Cyprus Lane in an amount of \$62,490.00. She commented that the original proposal included contingencies that were not fully exhausted, resulting in a final invoice for that portion of the project of \$61,210. She also noted that the Town was in receipt of the release of lien from Wynn and Sons.

She went on to explain that excluded from the original proposal was the purchase and installation of signage for the project (stop signs, speed bump markings and signage, thermo chevrons, etc.) Wynn and Sons provided and installed the necessary signage at the piggy back price of \$4,600.

Staff had requested Wynn and Sons to provide grading of the drainage swales at Park Lane and Charlotte Street. Wynn and Sons also reshaped driveways, saw cut and matched driveways for the entire resurfacing project. The additional cost for this was \$5,595, bringing the total cost of the project to \$71,405.00

A motion was made by Vice Mayor Woods, seconded by Council Member Gordon and unanimously passed (5-0) to authorize payment to Wynn and Sons in the amount of \$71,405.00 upon completion of the job, including laying of sod.

COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S OFFICE

It was reported that during the previous two week period, there had been reported vandalism on Club Road and at the Haverhill Park. In addition to the routine business and residential checks, there had been reports of a domestic situation on Palmetto Road and a warrant served to a person on Cheryl Road.

Joseph Roche, Director of Public Services reported that earlier in the day, the officer on duty had been able to arrest a person for trespassing in the Briarwood Subdivision after witnessing him jumping the fence from Orleans Court.

He also reported that he had ordered extra details to assist in enforcement of the speed limit on Belvedere Road. A speed trailer will be placed on Belvedere Road, east of Trailaway.

FEMA Flood Maps and public outreach program

Mayor Foy presented Council with a draft letter he had planned on sending to FEMA objecting to the proposed FIRM maps being presented to the public while they still contained so many inaccuracies. However, earlier in the afternoon, Palm Beach County and the municipalities had been notified by FEMA and their Engineers (AECOM) that they had agreed to allow the municipalities to revise the preliminary maps based on better technical data. They have asked that the revised data be received no later than November 30, 2013, however that would not be the last date to make changes to the maps. There would be a 90 day appeal period after the maps were rolled out to the residents during the public outreach portion of the program.

Mayor Foy commented that FEMA has now put the onus of the correcting the maps on the municipalities. It is his contention that FEMA's whole approach is wrong. But, for now, satisfied that everything was put on hold in an effort to obtain better data.

He reported that the NPDES Year 2 Annual report had been completed and that the Town of Haverhill was found to be in compliance and the Town's report was deemed administratively complete.

Personnel Policy Amendment

The Town Administrator presented Staff's report. She explained that the Village of Wellington's personnel policy included a provision that allowed for relatives of existing employees to be hired for seasonal and/or temporary help as long as the seasonal and/or part-time employee was not being supervised by the relative.

She explained that presently the Town's personnel policy states "a public official may not appoint, employ, promote, or advance, or advocate for appointment, employment, promotion, or advancement, in or to a position in the agency in which the official is serving or over which the official exercises jurisdiction or control any individual who is a relative of the public official. An

individual may not be appointed, employed, promoted, or advanced in or to a position in the Town if such appointment, employment, promotion, or advancement has been advocated by a public official, serving in or exercising jurisdiction or control over the agency, who is a relative of the individual or if such appointment, employment, promotion, or advancement is made by a collegial body of which a relative of the individual is a member. However, this subsection shall not apply to appointments to boards other than those with land-planning or zoning responsibilities. This section does not apply to persons serving in a volunteer capacity who provide emergency medical, firefighting, or police services. Such persons may receive, without losing their volunteer status, reimbursements for the costs of any training they get relating to the provision of volunteer emergency medical, firefighting, or police services and payment for any incidental expenses relating to those services that they provide.”

She reported that the Deputy Town Clerk’s daughter, Vanessa, had been volunteering for the Town at special events and with office and clerical assistance when needed. The Town Administrator noted that she would be embarking on a new records management system that will require all the file folders to be prepped for scanning. She would like to consider Vanessa a candidate for this position, and would like to compensate her for her service.

The Town Administrator was requesting Town Council consideration in amending the personnel policy as follows:

“This section does not apply to persons who provide temporary and/or seasonal part time help, provided there is no direct supervisory relationship with a relative and that the temporary/and or seasonal part time help does not exceed 12 hours per week for no more than 10 consecutive weeks, not to exceed 20 weeks per annum or for those persons serving in a volunteer capacity who provide emergency medical, firefighting, or police services. Such persons may receive, without losing their volunteer status, reimbursements for the costs of any training they get relating to the provision of volunteer emergency medical, firefighting, or police services and payment for any incidental expenses relating to those services that they provide. The above exceptions do not apply to a relative of the Town Administrator and any elected official serving the Town of Haverhill under any circumstance”.

Discussion followed. Concern was raised that although the policy was controlled by the number of hours, etc., it could be taken advantage of. It was agreed the Town Administrator, Town Council and elected officials should be excluded from the provision and their relatives not be allowed to be hired by the Town under any circumstances.

A motion was then made by Vice Mayor Woods, seconded by Council Member Beavers and unanimously passed (5-0) to accept Staff’s recommendation and amend the Employee Handbook as it relates to the hiring of temporary and/or seasonal help as drafted by the Town Administrator with the added language that relatives of the Town Administrator, Town Council or any other elected official of the Town be exempt from this exception and not be hired by the Town under any circumstances.

Discuss SBA Tower decommissioning

A brief discussion ensued concerning the Town’s acquisition of the ball field tower should SBA decide to decommission the tower. Mayor Foy explained that the Town would be taking a \$20,000 risk, using an example of proposed cost to remove the tower being \$30,000 and SBA paying the Town \$10,000 in lieu of SBA bearing the expense of removal.

Mr. Taylor of SBA did mention on the conference all during the August 6, 2013 workshop that in the “short term” tenants for the tower did not look promising. Attorney Foster commented that the Town should consider the long term. Attorney Foster also reminded the Council that Town

Planner John Schmidt was contacting other engineers for their opinion as to the worth of maintaining the Tower.

Included with the acquisition of the tower would be the building that is presently on the compound.

It was agreed that no action was needed by the Town Council until it received a formal letter from SBA clarifying their intent for the tower.

CRIMINAL JUSTICE COMMISSION – AMENDED JAG GRANT FUNDS FOR PALM BEACH COUNTY

The Town Administrator presented Staff's report. At the July 25, 2013 meeting, the Town Council voted to approve the allocation of FY2014 JAG funds to Palm Beach County in the amount of \$342,929.

Since that time, the Criminal Justice Commission was advised that the amount of funding had been increased by 5.72%. To that end, the Criminal Justice Commission was seeking Town Council approval of the amended allocation.

A motion was then made by Vice Mayor Woods, seconded by Council Member Gordon and unanimously passed (5-0) to approve the distribution of \$362,544 Federal Fiscal Year 2013 (FY2014) Edward Byrne Memorial Justice Assistance Grant (JAG) for the following projects within Palm Beach County:

SUB GRANTEE	PROJECT TITLE	FEDERAL FUNDS RECOMMENDED
Palm Beach County	Palm Beach County Drug Court Treatment	227,407
Palm Beach County	Law Enforcement Exchange	\$100,000
Palm Beach County	County-wide RE-entry Services	\$35,137
TOTAL		362,544

REPORTS

Town Attorney

The Town Attorney suggested a Code and Ordinance Committee meeting be scheduled to consider the following matters:

- Wind Load Calculations for the Building Code
- Animal Ordinance
- Due process rights as required by the passage of a recent Senate Bill
- Consideration of adopting a special assessment for nuisance properties

Mayor

Mayor Foy reported on the July 31, 2013 meeting of the Palm Beach County Technical Committee for the review of the FEMA FIRM.

The District II and II meeting of the Palm Beach County League of Cities would be held the following Wednesday in Atlantis.

Discussion followed concerning the Town's continued participation in the Interlocal Agreements for the Multi-Jurisdictional Issues Forum and the Intergovernmental Coordination for Comprehensive Planning. Ms. Anna Yeskey, representing both the Issues Forum and IPARC had addressed the Town Council at their August 6, 2013 workshop.

Mayor Foy noted that Ms. Yeskey's comment that the difference between the Issues Forum and the League of Cities was that the ILA for the Issues Forum included the School District and the Special Districts, however, in the next sentence she admitted that most of the special districts had cancelled their participation. He found that interesting

Discussion followed. The Town Administrator had difficulty accepting continued participation when the Town received no benefits. At a minimum, she would request the dues structure be revised, the Issues Forum reconvene on items of multi-jurisdictional concern and the Town be included in IPARC. Council agreed and considered withdrawing its participation until these items were resolved.

Attorney Foster suggested Town Council consider continuing for another year, but putting both the Issues Forum and IPARC (through Ms. Yeskey @ Clearinghouse) on notice that the forums were not functioning as designed and if they did not become an effective tool for the municipalities or amend their fee schedule to be more equitable, the Town would not continue its participation for the 2014/2015 FY.

It was explained that if the Town were to cancel its participation, it would have to amend its Comprehensive Plan to address its multi-jurisdictional planning issues and the cost to amend the Comprehensive Plan could well exceed the annual membership dues of \$900.00.

It was agreed the Town would continue to participate for the ensuing year with the Town Administrator working with Mr. Yeskey to revisit issues of multi-jurisdictional concern. The Town Administrator agreed, adding that the annual fee structure would be the first item to be brought before the Issues Forum.

In response to Mayor Foy's inquiry, the Town Administrator reported that the work on the Belvedere Road right hand turn lane had ceased due to required revisions of utility plans. Joseph Roche, Director of Public Services reported that the water in the ditch along the construction area was due to a resident draining their pool.

Town Administrator

The Town Administrator reminded all that the Mayor's Literacy Luncheon was scheduled for September 18, 2013 and the Literacy Coalition was striving for only elected officials to attend the luncheon. The book to be read on October 3, 2013 was Otis.

She noted for the record that the week of August 12 – 16 was Florida Water Professionals week.

The Town Administrator asked the Town Council members if they would be interested in inviting Kevin Gilpin of the National Crime Stop Program to present a workshop to the residents on how not to become a victim of crime. It was agreed to take no action at this point in time.

The most recent BEBR report showed that the Town's population had increased 69, going from a total population of 1873 to 1942 residents.

The Florida League of Cities had sent out a press release that Mayor Manny Morono of Sweetwater, who served as the President of the League, had been arrested by the FBI and

removed from office by the Governor. The League appointed the Second Vice President of the League to fill the remaining term.

Committee/Delegate Report

Mayor Foy requested a Code and Ordinance meeting be scheduled.

Vice Mayor Woods requested a meeting of the Special Events Committee be scheduled the week of August 12, 2013 to begin planning for the Halloween Event.

Council Member Jerry Beavers reported on the recent Costco Connection magazine that supported the new wave of education being offered through the Kahn Academy.

Councilman Jerry Beavers would be attending the Florida League of Cities Annual Conference August 14 through the 17th and would be representing the Town as their voting delegate.

Treasurer's Report

Included in packet.

UNFINISHED BUSINESS

None.

NEW BUSINESS

Council Member Uptegraph noticed that the Verbo Church property had a new "For Sale by Owner" sign on the Haverhill Road property.

Council Member Beavers noted that the Village of Wellington gives all new residents an information pamphlet on "property maintenance" standards and what was require by the Village.

Staff commented to Council that there was a provision in the Code that would allow for rental properties to register with the Town. Joseph Roche, Director of Public Services was undertaking a survey of known rental properties within the Town. He felt that with so many rental properties in Town, registration with the Town would be one way to be sure the properties were being properly maintained.

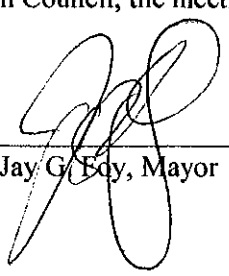
Discussion followed concerning property maintenance standards within the Town's PRDs. Mr. Roche commented that Club Road Estates has one lawn maintenance company that provides services community wide, resulting in a unified appearance.

ADJOURNMENT

With no further business to come before the Town Council, the meeting adjourned at 8:07 p.m.

Approved: August 22, 2013


Janice C. Rutan, Town Administrator


Jay G. Eddy, Mayor