

TOWN COUNCIL REGULAR MEETING
Town Hall Council Chambers
Thursday ~ May 14, 2020
OFFICIAL MINUTES

The regular monthly meeting of the Haverhill Town Council was held at the Town Hall, 4585 Charlotte Street on Thursday, May 14, 2020. Those present were Jay Foy, Mayor; Lawrence Gordon, Vice Mayor; Mark C. Uptegraph, Council Member; Dennis Withington, Council Member and Ray Caranci, Council Member. Also present were John Fenn 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 the Pledge of Allegiance.

ROLL CALL

All Town Council members were physically present in Town Hall.

COMMENTS FROM THE PUBLIC

None.

APPROVAL OF AGENDA

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

APPROVAL OF THE CONSENT AGENDA

Approval of the minutes of the December 12, 2019; January 9, 2020 and January 23, 2020 Regular meetings and the February 4, 2020 and March 3, 2020 Workshops

A motion was made by Vice Mayor Gordon, seconded by Council member Uptegraph and unanimously passed (5-0) to approve the Consent Agenda as presented.

PROCLAMATIONS AND PRESENTATION

None.

COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S OFFICE

None.

REGULAR AGENDA AND FIRST READINGS

Approve the distribution of \$312,028 of Federal Fiscal Year 2019 (County Fiscal Year 2020) Edward Byrne Memorial Justice Assistant Grant funds.

The Town Administrator explained that each year the Town Council was requested to approve the allocation of Justice Assistance Grant (JAG) funds. If Palm Beach County does not receive 51% support from the municipalities (representing 51% of the population) they would be unable to receive grant funding in the amount of \$312,028.00.

A motion was then made by Council Member Uptegraph, seconded by Vice Mayor Gordon and unanimously passed (5-0) to approve the distribution of \$312,028 for Federal Fiscal Year 2019 (County Fiscal Year 2020) Edward Byrne Memorial Justice Assistance Grant (JAG) funds for the Countywide Reentry Program and the PalmFUSE (Frequent Users

Support System Engagement) Project within Palm Beach County in the total amount of \$312,028.00.

Consider renewal of the Agreement between the Town of Haverhill and the Department of Housing and Economic Sustainability (participation in the Urban County jurisdiction for the FY 2021-2023 period).

After a brief discussion and Staff's Report a motion was made by Vice Mayor Gordon, seconded by Council Member Withington and unanimously passed (5-0) to continue to participate in the Urban County Qualification Process for FY 2015-2017.

Consider Staff's recommendation to amend the Building Permit Fee schedule specific to the installation, repair and alteration of Septic Systems.

Town Administrator Rutan gave Staff's Report. She explained that the Town of Haverhill requires property owners to pull a permit for the installation, alteration, repair and maintenance of septic systems. Although the Town does not inspect the systems, permits are kept for record keeping purposes.

The permit fee was based on the same formula for most other permits; 3% of cost plus DBPR and DCA surcharges. Most municipalities do not require local permits and as such has resulted in some work in Town being done without a permit; which when caught, can result in a penalty of a 4x the permit fee.

Using a recent example of an improvement to the septic system that cost the property owner \$10,000, the permit fee of \$300 (or a possibility of a penalty assessment) seemed quite excessive when the Town does not inspect but only provides administrative functions.

To confirm the inquiry of Council member Caranci, it was explained that the fee schedule is set by the Town Council.

Based on the recommendation of the Town Administrator, a motion was made by Council Member Uptegraph, seconded by Council Member Caranci and unanimously passed (5-0) to amend the Building Permit Fee schedule to assess a flat fee of \$75.00 (exclusive of State mandated surcharges) for the installation, improvement, alteration, repair and maintenance of Septic Systems.

The Town Administrator then requested Council guidance on an issue that has presented itself due to the COVID 19/Coronavirus outbreak. She explained that due to COVID 19 property owners were at home, using this time to undergo "home improvement projects" many of which require building permits. Devon Kirms, Code Inspector has come upon several projects that were underway that would require the homeowner to obtain a permit and because they did not, resulted in a four times the fee penalty.

Many homeowners were unaware that their projects required a permit.

Discussion ensued. It was agreed that if the improvements had commenced during the Mayor's Declaration of Local Emergency, the penalty of 4 times the permit fee would be waived, provided the property owner applied for a permit and said application was approved by the Building Official. It was made very clear that the waiver of penalty assessments would be for ALL projects and not just for owner/builder projects.

Vice Mayor Gordon suggested the Town Administrator be authorized to negotiate the penalty. Attorney Foster noted that the usual and standard permit fee should cover the cost of inspection.

The 4 times the permit fee was clearly a penalty. He suggested that any Council action be equal to all and it be tied to the Mayor's Declaration of Emergency.

A motion was then made by Council Member Caranci, seconded by Council Member Withington and unanimously passed (5-0) to waive the penalty of four times the permit fee for work done without a permit during the period of the Mayor's Declaration of Local Emergency due to the COVID 19/Coronavirus pandemic.

Approve proposed price from Wynn and Sons in the amount of \$9,058 for swale and drainage repairs, Type C Box and Sidewalk repair - 4824 Berkeley Mews Hole between the catch basin and sidewalk.

Town Administrator presented Staff's report as prepared by Town Engineer Todd McLeod. After receiving a complaint from the property owner at 4824 Berkeley Mews, the Town Engineer went to the property and discovered a hole between the catch basin and the sidewalk about 12" in diameter and 2' deep. It was his initial thought that the mudwork connecting the culvert pipe to the inlet had failed, or the culvert itself had failed.

After meeting with Rick Volpe of Wynn and Sons at the site, the Town Engineer recommended the following scope of services:

- Remove section of failing metal pipe under the sidewalk; replace with partial segment of HDPE (plastic pipe)
- Repair any failed mortar/mudwork on both sides of catch basin
- Replace Affected sidewalk as well as two additional panels of broken sidewalk near the catch basin
- Replace affected sod and repair any irrigation damaged during the work

Wynn and Sons were able to provide an estimate to the Town as a piggy back off their Palm Beach County contract 2015-055. There was a question as to the proposed thickness of the sidewalk. The Town Engineer would address that issue directly with the contractor.

Discussion followed.

A motion was then made by Council Member Withington seconded by Vice Mayor Gordon (5-0) to approve the recommendation of the Town Engineer and authorize the proposal of Wynn and Sons as presented in the amount of \$9,058.

ORDINANCE No. 488.

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 OCTOBER 15, 2020; PROVIDING FOR SEVERABILITY, PROVIDING FOR SCRIVENERS ERRORS; PROVIDING FOR CONFLICTS AND AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

The title was read by Attorney Foster. He commented that the proposed Ordinance does not limit the use of legally prescribed medicinal marijuana. In addition, there have been no legislative amendments that would allow the Town to limit or control the facilities within the Town.

A motion was the made by Vice Mayor Gordon, seconded by Council Member Uptegraph and unanimously passed (5-0) to pass Ordinance No. 488 on first reading.

SECOND READINGS AND PUBLIC HEARINGS

None.

REPORTS

Town Attorney

Town Attorney Foster reported on bills from the 2020 legislative session that could affect the Town of Haverhill.

- Electric bicycles/scooters
- Transportation Network Companies
- Essential State Infrastructure
- Designated Shelters
- Fireworks
- Protection of Private Rights
- Public Retainage for Construction
- Occupational Freedom for various professions (deregulation of Professions and Occupations)
- Ethics/Elections
- Recycling and contaminated items.

There was a brief discussion following each of the highlighted items.

Mayor Foy confirmed that the proposed Ordinances would be brought back up when government opens up more to the public. Council Member Caranci offered to do additional research on the limitation on commercial vehicles in Town and the effect on the residents.

Mayor

Mayor Foy extended the Local State of Emergency. All were in support of the continuation. The Town Administrator gave a brief update on what other municipalities were doing.

Town Administrator

The Town Administrator reported that Staff had were all back to work in the office as they are able to maintain safe distancing.

Per the request of the Mayor, the Town Administrator had followed up WastePro with regard to filling the holes left by the clam truck when picking up vegetation.

She also confirmed that the trucks being used by WastePro were able to lift and dump the containers that have the arm. A discussion followed about providing trash cans for the residents. Council expressed concern over the costs and discussion followed as to whether the automated system would slow the pick up process. The Town Administrator would obtain a per container cost.

The Town Administrator next reported on the delay on the pick up of vegetation caused by the excessive amounts being put out mostly caused by residents being at home during the pandemic and SWA limiting their hours and sites. Waste Pro has to return on Wednesdays to get the full load of vegetation.

Committee/Delegate Report

Haverhill was not being audited by NPDES.

Vice Mayor Gordon reported that the PBC League of Cities has been meeting via teleconferencing. He announced that he has been sworn in as Second Vice President. All congratulated the Vice Mayor on his appointment.

Treasurer's Report

Included in packet.

UNFINISHED BUSINESS

Council Member Uptegraph stated that the southern turn lane from Belvedere Road into Drexel Road leading to the Industrial Park had been constructed. Brief discussion followed.

NEW BUSINESS

The Town Administrator brought up the discussion of alternate Council shirts and the use and handouts of the Town's promotional items. It was the general consensus that as long as the dollar amount and the budget remained in tact there should be no issue. Discussion followed about the Town going back to selling/giving away t-shirts, hats, etc. Mayor Foy gave a brief history on the abuse of former elected officials when it came to promotional items and using taxpayer funds to purchase and give away these items.

Vice Mayor Gordon announced that he and Council Member Uptegraph had driven the Town truck around the Town reminding all to complete their census. They also added that the residents should stay at home, maintain safe distancing, wear masks and to stay safe. He joked that he had to drive the town truck because the signs would not adhere to his aluminum Jaguar!

The Town's response to the census was at 58%.

Vice Mayor Gordon commented that at the end of Briarwood there is a fence between the Briarwood neighborhoods that is in disrepair and allowing trespassers to climb the fence and access the Briarwood neighborhood from the Orleans Court neighborhood. There was a discussion that the road r-o-w went to all the way to the end. It was agreed to bring the matter up at the June 2, 2020 workshop when the plat can be reviewed, etc.

Vice Mayor Gordon asked the Town to consider hosting a zoom meeting in lieu of telephone conferencing. A discussion followed. The Town would need to purchase the professional version of the program so the town could have control of who attends the meetings, etc.

ADJOURNMENT

With no further discussion to come before the Town Council, the meeting adjourned at 8:15 p.m.

Approved: _____

Janice C. Rutan, Town Administrator

Jay G. Foy, Mayor