

**TOWN COUNCIL REGULAR MEETING**  
**Town Hall Council Chambers**  
**Thursday ~ May 28, 2020**  
**7:00 p.m.**  
**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 February 13 and 27, 2020 Regular meetings
- VII. PROCLAMATIONS AND PRESENTATION**
- VIII. COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S OFFICE**
- VI. REGULAR AGENDA AND FIRST READINGS**
  - a. Consider request for variation as filed by Jean Claude Roy and Marites Smith to allow for an 8' (or higher) fence in the rear of his property located at 4810 Dorchester Mews (which abuts Orleans Court).
  - b. Consider and Act on Emergency Drainage Repairs at Berkeley Mews/Briarwood
- VII. SECOND READINGS AND PUBLIC HEARINGS**
- 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

Jay G. Foy, Mayor  
Lawrence Gordon, Vice Mayor  
Mark C. Uptegraph, Council Member  
Dennis Withington, Council Member  
Ray Caranci, Council Member  
John Fenn Foster, Town Attorney  
Janice C. Rutan, Town Administrator



## **TOWN COUNCIL MEETING MAY 28, 2020**

**IN ACCORDANCE WITH STATE OF FLORIDA, OFFICE OF THE GOVERNOR EXECUTIVE ORDER NUMBER 20-69 (Emergency Management – COVID- 19 – Local Government Public Meetings), the Emergency Declaration issued by the Town, and FS 286.0114, and other applicable federal, state, county and Town declarations, orders, rules and regulations, the Town Hall meeting shall be modified with respect to public access and public comment. Public comment will be received via e-mail ([jrutan@townofhaverhill-fl.gov](mailto:jrutan@townofhaverhill-fl.gov)) up until 6:00 p.m. on May 28, 2020. Any public comments received via e-mail, will be made part of the record of the meeting. If you prefer to appear in person to address the Town Council, access to the Town Hall by the public will be limited to no more than 10 persons in the Council Chambers including Town Council, Staff and PBSO; provided, however, that those persons exhibiting signs of illness, such as coughing or sneezing will not be permitted in the Town Hall. Each person will be granted 5 minutes to speak either on an agenda item or under Public Comment. If you wish to speak on a specific agenda item, please tell the Administrator prior to your entrance into the Town Hall so she can schedule speakers accordingly. All persons will be required to bring their own mask and wear it when entering Council Chambers to address the Town Council. Those persons gathering outside the Town Hall shall maintain a separation of at least six feet from one another, and it is recommended that masks be worn as well. If you wish to listen to the Town Council Meeting via teleconferencing, dial 1-877-953-1152 and enter participant code 7404157#. Those individuals gathering outside of the Town Hall will need to dial-in to the number above as there will be no speaker outside to broadcast the meeting. Once the meeting begins, all participants will be muted, however, after Council discusses a specific agenda item, but prior to the vote, the call will be unmuted to allow for questions. Please be courteous of the other participants, speak in turns and do not talk over another speaker. Thank you for your patience and understanding during these uncertain times.**

**TOWN COUNCIL REGULAR MEETING**  
**Town Hall Council Chambers**  
**Thursday ~ May 28, 2020**  
**OFFICIAL MINUTES**

The regular monthly meeting of the Haverhill Town Council was held at the Town Hall, 4585 Charlotte Street on Thursday, May 28, 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 Caranci and unanimously passed (5-0) to approve the agenda as presented.**

**APPROVAL OF THE CONSENT AGENDA**

**Approval of the minutes of the February 13, 2020 and February 27, 2020 regular meetings**

**A motion was made by Council Member Uptegraph, seconded by Vice Mayor Gordon 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**

Although Palm Beach County Sheriff's office was present because of the pandemic, they were not prepared to present the crime statistics. Council expressed their appreciation to the PBSO.

**REGULAR AGENDA AND FIRST READINGS**

**Consider request for variation as filed by Jean Claude Roy and Marites Smith to allow for an 8' (or higher) fence in the rear of his property located at 4810 Dorchester Mews (which abuts Orleans Court).**

The Town Administrator would be offering Staff's report. The Town Council had received a letter from Jean Claude Roy outlining the harassment he and his wife have received from the renters of property located directly behind their house (Orleans Court). In an effort to protect himself, he had installed an 8' fence without a permit and learned through Code Enforcement that the present height allowed for a fence in the rear yard was six feet so he cut down the additional 2' but was now before the Town Council requesting a variation to allow for a fence up to 10'.

Council expressed concern that a 10' fence may require a heavier structure to meet windload calculations. Discussion ensued and Council supported the higher height of the fence.

It was also disclosed that the property owner had placed the new fence in front of the existing fence that had been put up by the prior owner. The Building Official has not yet reviewed the pending permit application. Council was in agreement that the prior fence would need to be removed.

Mayor Foy commented that the matter before the Town Council was only the request for the height of the fence, not whether it would meet windload, etc. That would be under the purview of the Building Official.

Discussion followed. Attorney Foster cautioned the Town Council to be considerate of the neighbors as a 10' wall may not be aesthetically pleasing for them. It was confirmed that the applicant was asking for a variation for the rear of the property only.

Questions were raised as to who would maintain the rear fence unless it was removed. It was the general consensus of the Council that the existing fence should be removed. A discussion followed as to the ownership of the prior fence. Speculation as to whether Briarwood owned the fence was next discussed although the present homeowner clearly stated in his letter that when he purchased the property the person he bought the property from had installed the fence. Council would address ownership in their motion requiring the applicant to remove the fence if it is on his property.

**A motion was then made by Council Member Withington to grant the variation to allow for a rear yard fence or wall up to 10' provided the installation meets the required wind loads as set forth by the Florida Building Code and Engineered Plans and that the existing fence be removed. In addition, if a wall is to be installed, the wall is to be finished and the finished stucco side be on side of the property owner. The motion was seconded by Vice Mayor Gordon and unanimously passed 5-0.**

#### **Consider and Act on Emergency Drainage Repairs at Berkeley Mews/Briarwood**

Town Engineer Todd McLeod was present via teleconference call. He updated the Town Council on the findings regarding the Briarwood/Berkeley Mews drainage issue.

Ex parte communications were disclosed as follows:

- Mayor Foy met at the site with Rick Volpe (Wynn and Sons) the Town Administrator and Code Inspector. He had spoken with the Town Engineer about jack and bore
- Council Member Withington had spoken with two of the neighbors regarding the project ( Bill Zammit and Dan and Debbie Ayers)
- Vice Mayor Gordon had spoken with the neighbors (Zammit and Ayers) as well as with Rick Volpe.

Mayor Foy announced the emergency had surfaced because of a failed pipe. Although the as-builts called for reinforced concrete the pipe that had failed was 16" corrugated metal.

Mayor Foy stated that the action tonight would be for an emergency plan.

Todd McLeod addressed the Town Council. The original thought was that there was a collapsing pipe that could easily be rerouted and hooked back up to the system. Once Wynn and Sons began to dig, the entire pipe collapsed and left nothing to be tied back into. Unfortunately, there had been over 7" of rain that had fallen over the Memorial Day weekend which exasperated the situation and left flooding conditions in Berkeley Mews.

The next step would be to pump down the water and push a pvc pipe into what was left of the metal piping and back fill the hole to provide temporary relief. When Wynn and Sons are able to

pump out the water, they can then look under the road to determine if the remainder of the pipes are metal or cement as called for in the as builts provided to the Town by the County. The Town Engineer also commented that all the Town atlases note the piping is cement. Once this emergency situation is addressed the Town will look into videoing the remainder of the neighborhood to determine the materials.

Mayor Foy commented that to video the pipes may be a waste of funds since the pipes have been there so long. He suggested digging enough to determine material. The Town Administrator commented that Proline had still not videoed the Dexter culverts and she would be wary to use them for this project. The proposal from Proline was for the pipes that the Town thought were metal.

The suggestion by the Mayor was to drill under the existing pipes and install a new line.

4840 Berkeley Mews and 807 Briarwood would be the properties affected by the bore. There is a 20' drainage easement through those lots for 200'. Both properties have extensive landscaping.

Town Engineer McLeod had received a proposal from K3 Directional to provide Horizontal Directional Drilling. Their estimate would be a bit over \$25,000 and Wynn and Sons estimated their cost to be approximately \$20,000.

K3 was proposing to install a 12" pipe although the current pipe was thought to be 18". Discussion followed that a 14" pipe should be considered. Town Engineer McLeod commented that K3 would actually be drilling under the old pipe and given the angles of the directional bore the contractor felt comfortable with a 12" pipe. Todd would suggest a 14' pipe and determine the cost.

Council was adamant the new plan needs to work correctly from the outset.

The neighborhood had not had significant flooding for several years. Discussion followed as to the status of the pipe.

Mayor Foy commented that the Town would need to declare an emergency and then the Council would need to set a not to exceed cost. They would also add to request the 14' pipe option.

There were no further public comments.

**A motion was then made by Vice Mayor Gordon to declare an emergency for the drainage repairs needed at Berkeley Mews/Briarwood drainage and to authorize an expenditure not to exceed \$50,000 for the emergency repairs and to request consideration for a 14" pipe option and to authorize a budget transfer if necessary. The motion was seconded by Council Member Uptegraph and unanimously passed 5-0.**

The investigation for the remaining drainage throughout the Town would be discussed at a workshop.

Engineer McLeod would be meeting with K3 and Wynn and Sons at the site. He also agreed to follow up with Proline.

## **SECOND READINGS AND PUBLIC HEARINGS**

None.

## **REPORTS**

**Town Attorney**

As a housekeeping issue, the Town Attorney requested the Mayor call for any public comment concerning the granting of the variation for the fence height.

There were no public comments.

He next announced that the proposed Ordinances would be reviewed at the June workshop for Public Hearing July 9 and July 23. Notices of the Public Hearings would be sent by mail.

**Mayor**

Mayor Foy, with the support of Council would extend the Local State of Emergency. The Town Hall lobby would remain closed to the public for an additional week.

**Town Administrator**

After speaking with Urban Studio/Kilday, the Town Administrator learned that under the Governor's Executive order, there was a provision that allowed for an extension of approved development orders because of the COVID 19/Coronavirus. In addition to the allowed extensions allowed by the Town's ordinances, the applicants would be granted the time frame that the Town was under the Local State of Emergency. By consensus, Council was in support of the extension and if requested would grant the extension. The only development affected by this would be the Haverhill Townhome project.

The residents of Ivory Lane had petitioned the Town to install a streetlight between 737 and 5031 Club Lane. They also spoke of the existing streetlight that has been out of service for several weeks.

Council Member Uptegraph noted that this request had been brought to him last Halloween and he received signatures from the abutting neighbors.

The Town Administrator would follow up. Presently FP&L is only acting on emergency requests but she will move forward with the request.

Council Member Caranci was informed that there was an inventory of the street lights within Town. Council Member Withington suggested that future developments be requested to install streetlights.

The Town Administrator noted that the budget cycle is beginning. She also noted that the Town was seeing the effects of reduced revenue due to the loss in sales tax due to the Coronavirus. She had met with Dorothy Jacques and the Town of Haverhill's tax base was up 7.65%.

**Committee/Delegate Report**

Vice Mayor Gordon announced he had been officially sworn in as second Vice President of the Palm Beach County League of Cities.

Also he announced the opening of a new bakery in town located at the corner of Military Trail and Durham in the strip mall. They had relocated from their spot in the Emporium Shoppes on Okeechobee Boulevard and suggested all Council Members stop by to patronize local businesses.

It was suggested a meeting of the Complete Count Committee be scheduled.

**Treasurer's Report**

None.

**UNFINISHED BUSINESS**

None.

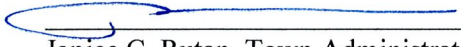
**NEW BUSINESS**

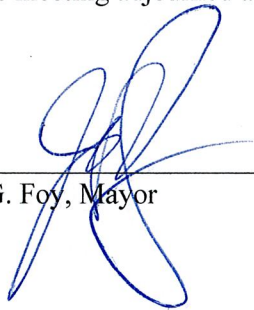
None.

**ADJOURNMENT**

With no further business to come before the Town Council, the meeting adjourned at

Approved: June 25, 2020

  
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Janice C. Rutan, Town Administrator

  
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Jay G. Foy, Mayor