

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
Workshop
Town Hall Council Chambers
4585 Charlotte Street Haverhill
Tuesday, August 4, 2020**

NOON

AGENDA

- I. Call to Order**
- II. Presentations/Proclamations**
- III. New Business**
 - a. Review of proposed Civil Rights Ordinance**
 - b. 12:30 p.m. – Conference call with ENS (IT) regarding Docuware Record Management System Rebuild and Cloud Storage**
 - c. Consider request of resident to host Food Drive at Town Hall**
 - d. Discussion of Stormwater Management Ordinance/Floodplain Ordinance**
- V. Old Business**
 - a. Discussion of highest and best use of Town owned property**
 - b. Discussion of air purification enhancements for Town Hall A/C**
 - c. Location and cost of street light on Ivory Lane**
- VI. Council, Attorney and Staff Reports**
- VII. 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

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TOWN COUNCIL WORKSHOP AUGUST 4, 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) up until 10:00 a.m. on August 4, 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 workshop begins, all participants will be muted, however, after Council discusses a specific workshop item, 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 OF HAVERHILL
Town Council Workshop
August 4, 2020
Town Hall – 4585 Charlotte Street**

OFFICIAL MINUTES

Pursuant to the foregoing notice, a Haverhill Town Council Workshop was held on Tuesday, August 4, 2020 at Town Hall, 4585 Charlotte Street, Haverhill. Those present were Mayor Jay Foy; Council Member Mark Uptegraph; Council Member Ray Caranci; Town Attorney John Foster and Dominic DeCesare with Foster and Fuchs, Town Administrator Janice Rutan; Deputy Town Clerk Jean Wible and Code Inspector Devon Kirms.

**** Vice Mayor Lawrence Gordon and Council Member Dennis Withington attended via tele-conference ****

I. CALL TO ORDER

Mayor Foy called the workshop to order at 12:10 p.m. and reminded all attendees this is only a workshop and no voting could take place.

II. PRESENTATIONS / PROCLAMATIONS

Introduction of Rand Hoch, President and Founder of Palm Beach County Human Rights Council.

III. NEW BUSINESS

a. Review of proposed Civil Rights Ordinance:

Attorney Foster stated he was grateful that Judge Hoch was in attendance today and wanted to state, regarding the extent of his original draft, which could have been read as an assault or front on any protected group(s) was absolutely unequivocally not what he had intended.

Attorney Foster stated that Town Council from a previous workshop, gave his office instructions to draft an all-inclusive non-discriminatory ordinance that made clear the Town's statement or policy with respect to discrimination in the Town of Haverhill. Secondly, because of the size of the Town, it was something that could not be a financial burden on the Town to enforce. Attorney Foster reviewed a draft that Judge Hoch had sent over and he had no objections or complaints to it. However, he had one question. In Subsection C of what was prepared by Foster

and Fuchs PA, re-write of the draft that Judge Hock submitted deleted paragraph C which read: Upon receipt of any complaints of discrimination from any of the citizens of the Town, the Town Administrator, or his or her designee, shall promptly provide the contact information available for the Equal Employment Opportunity Commission, the Florida Commission on Human Relations and/or the Palm Beach County Office of Equal Opportunity; provided, however, that the Town shall not be responsible for processing, investigating or prosecuting any action under the Haverhill Civil Rights Act, notwithstanding any other federal, state or county law or code provisions to the contrary.

Attorney Foster presented an example of his concern; "let's say someone worked for a printing shop in the Village of North Palm Beach and was denied a promotion because of a protected class and called the Village of North Palm Beach to say I'm old and they discriminated against me because of my age, what would the obligation be of the Village of North Palm Beach". Judge Hoch replied, this had been looked at by the at least eight Attorneys who reviewed the ordinances in their community and they did not want to assume any responsibility either which is why they did not have a paragraph C. Judge Hoch stated he had no objection if the Town of Haverhill wanted to have a paragraph C although he feels it is unnecessary. He explained that if you take a look at the ordinance itself as presented, it has the language stating the remedy is with the Equal Opportunity Commission, the Florida Commission on Human Relations and the Palm Beach County Office of Equal Opportunity. He also stated there was nothing in the ordinance that said any Town or Municipality had to do anything which was why he and the other eight attorneys agreed there was no reason to put in. Town Attorney Foster thanked Judge Rand for the clarification. Council member Ray Caranci made a suggestion of possibly putting all of the agencies on the Town's website for inquiries. Discussion ensued.

- b. 12:30 p.m. – Conference call with ENS (IT) regarding Docuware Record Management System Rebuild and Cloud Storage:** Town Administrator Rutan explained that she asked Jonny and Brent with ENS (Essential Network Solutions) to join the workshop today via teleconference because at a previous regular Town Council meeting, Melissa Lapari with Toshiba made a presentation regarding the Cloud and was unable to explain to Town Council and staff that although we have a backup, the backup is only available in raw data. Jonny and Brent discussed in length. Mayor Foy, Town Council and staff felt they understood more than before after the conference call with ENS.
- c. Consider request of resident to host Food Drive at Town Hall:** Town Administrator Rutan stated there was a resident of Briarwood that worked at a Doctor's office and the office had sponsored food drives throughout Palm Beach County, and the resident was wondering if the Town of Haverhill would be willing to allow a food drive here in the Town. T/A Rutan explained the food would be

kept under the pavilion and residents would drive up to have it placed in their trunks by the volunteers. This is an RSVP only program and will be a one-time event. Mayor Foy stated we cannot vote at a workshop but after further discussion, the consensus was in favor of the event. Town Attorney Foster stated a Hold Harmless Agreement and proof of insurance are both required.

- d. Discussion of Stormwater Management Ordinance/Floodplain Ordinance:** Town Administrator reported that it was brought to her attention by Mayor Foy that Municode did not have Chapter 50 available for the Town of Haverhill online. She stated Deputy Town Clerk Jean Wible contacted Patience Gaia with Municode. Ms. Gaia brought to our attention that when we adopted Ordinance 449 (floodplain ordinance), we repealed the original stormwater ordinance but not its amendments and so forth and so on. T/A Rutan stated to her knowledge, that was not the Town's intention. T/A Rutan stated she is not sure if we need to make an amendment to Ordinance 449 that removes that sentence, or if we need to have a comparison between Chapter 44 and Chapter 50 as to how that addresses the stormwater. T/A Rutan stated what about the ordinances that we did not repeal that were piggy backed onto the one we repealed. Town Attorney Foster will research. Discussion ensued.

IV. OLD BUSINESS:

- a. Discussion of highest and best use of Town owned property:** Mayor Foy stated he requested this to be on today's agenda because in previous conversations, it was not discussed what the Town's needs were. Would parking be a suggestion for any future Town events, etc. Discussion ensued.

Town Administrator Rutan stated she had sent to four (4) appraisers and had received three (3) proposals back. She reported they will be on the agenda for the Town Council meeting of August 13, 2020. She stated that is just the cost to appraise for the highest and best use of the property. Discussion ensued.

- b. Discussion of air purification enhancements for Town Hall A/C:** Town Administrator Rutan stated that at the last meeting, Town Council members were going to reach out to friends in the A/C business and report on the use of the HEPA filters. Council member Caranci stated he had reached out to a friend who works part time for an AC contractor who in turn spoke to the owner of that business. The contractor stated in his opinion, the filtering was the number one way to go as you could capture a lot of particles based on the size, he had a thumbs down on the UV light as the light tends to decrease in intensity in a very short time and the HALO, the contractor did not have an opinion on as it is too new. Discussion ensued.

- c. **Location and cost of Street light on Ivory Lane:** Town Administrator Rutan reported a petition was signed by four (4) property owners along Ivory Lane requesting Town Council's consideration to install a light pole at the end of Ivory Lane. T/A Rutan forwarded the request to FPL who responded with a boring cost of \$1,999.44 and a monthly cost of \$24.34. Discussion ensued.

V. COUNCIL, ATTORNEY AND STAFF REPORTS:

a. Town Administrator Rutan stated she needs direction on the TRIM notices. She stated they need to go out and normally on the TRIM notices it reads "First Public Budget hearing will be held at the Haverhill Town Hall, 4585 Charlotte Street at 7:00pm". In light of COVID and everyone making alternative public hearing plans, recommendation is that we put Virtual – www.townofhaverhill-fl.gov this way we can provide them with the information via a link as to whether they can call in or if at that point if we are doing zoom. If we do not do this, it will require us to put newspaper advertisements which are quite expensive for the quarter page ads. T/A Rutan and Town Attorney Foster spoke briefly about it this morning and both believed they would have covered all bases by the recommendation. Discussion ensued.

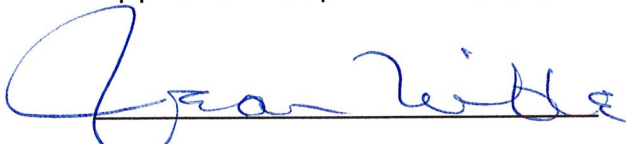
b. Town Administrator Rutan stated in front of everyone was the proposed plat for the Townhomes. Town Attorney Foster stated that on the plat it looks like the roadway is dedicated to the Association and he does not believe that is correct. Mayor Foy stated our ordinance reads that it had to be dedicated to the Town as it did not work well in other communities. Discussion ensued.

c. Vice Mayor Lawrence Gordon wanted to inform T/A Rutan that he would be attending the Florida League of Cities annual meeting on August 14, 2020

VI. ADJOURNMENT

There being no further business to be discussed, the workshop ended at 1:30 p.m.

Approved: September 24, 2020



Jean Wible, Deputy Town Clerk



Jay G. Foy, Mayor

