

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, February 2, 2021**

NOON

AGENDA

- I. Call to Order**
- II. Presentations/Proclamations**
 - a. Vanessa and Miguel Garcia of 1128 Park Lane - re: Drainage**
- III. New Business**
- IV. Old Business**
- V. Council, Attorney and Staff Reports**
- VI. 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

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TOWN COUNCIL WORKSHOP

February 2, 2021

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 February 2, 2021. 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 allow for Social Distancing of persons in the Council Chambers including Town Council, Staff and PBO; 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
February 2, 2021
Town Hall – 4585 Charlotte Street**

OFFICIAL MINUTES

Pursuant to the foregoing notice, a Haverhill Town Council Workshop was held on Tuesday, February 2, 2021 at Town Hall, 4585 Charlotte Street, Haverhill. Those present were Mayor Jay Foy; Vice Mayor Lawrence Gordon; Council Member Mark Uptegraph; Council Member Dennis Withington; Council Member Ray Caranci; Town Attorney John Foster; Town Attorney Dominic DeCesare; Town Engineer Todd McLeod; Town Administrator Janice Rutan; Deputy Town Clerk Jean Wible and Code Inspector Devon Kirms.

I. CALL TO ORDER

Mayor Foy called the workshop to order at 12:10 p.m.

II. PRESENTATIONS / PROCLAMATIONS

- a. **Vanessa and Miguel Garcia of 1128 Park Lane re: Drainage:** Property Owner's Mr. & Mrs. Garcia did not attend today's workshop.

Mayor Foy asked Town Engineer Todd McLeod to lead off with history of the drainage work done. T/E McLeod stated there were two (2) authorized projects. One on Durham Street to regrade the swale because of the standing water. The other, was on Park Lane where we lowered two (2) of the yard drains and cut some deeper swales to those that were installed during the Park Lane project. The Park Lane project was partially to help the resident at 1128 Park Lane because of his complaints. T/E McLeod reported that Mr. Garcia had stated that before the Park Lane project, when we had the deep ditches there, he had some pipes that went from his yard, under a wall (in front of his house) and into the ditch. T/E McLeod stated that because the Town had the ditch filled, he was having draining issues in his yard. T/E McLeod provided pictures showing vegetation up on a berm and a retaining wall. Mr. Garcia's yard is approximately 18-24" lower than the vegetation so that wall and berm started trapping all of the water in his lot. T/E McLeod, T/A Rutan, CI Kirms and Public Works Rodrick Jones all met with the Garcia's on January 8, 2021 at the property address. T/E McLeod's understanding was that if the Town lowered the yard drain, the property owner was going to try and put a pipe under his berm/wall to drain into the deeper end of the ditch that was dug out. T/E McLeod stated although he had

not spoken with the owner's directly since the January 8, 2021 meeting, it was his understanding the property owners were claiming the water getting into their yard had ruined their wood floors and they were looking for the Town to compensate them somehow. Code Inspector Kirms stated Vanessa Garcia called her last week to ask if the project was done because she felt they had not done anything. CI Kirms confirmed with T/A Rutan that the job was done. CI Kirms drove to the property and confirmed the yard drain was lowered. CI Kirms reminded Mrs. Garcia that prior to the work beginning, when the Town did the walk through with them on January 8, 2021, they had agreed to install a pipe under the wall to drain the water from their yard to the ditch to get to the drain. Vanessa Garcia stated she did not remember that agreement. Mayor Foy asked if the Town had in writing what was agreed with the property owner. T/E McLeod stated he had written an email summary on the day of the walk through. T/A Rutan stated all in attendance at the walk through heard the property owner agree. T/E McLeod stated while at the residence, CI Kirms and he were asked to come into the house where the owners showed them some wood flooring which they claimed had been damaged as a result of yard flooding. T/E McLeod stated that structural / water intrusion was a bit outside of his knowledge, so he was unsure as to how valid this claim was. The floor of the home was not a slab on grade, it was a raised floor with a crawlspace below, approximately 30" above the ground. The floor appears several feet higher than the nearby inlet and yard drain on Park Lane. Mayor Foy asked Town Attorney Foster if we should be discussing the specifics of this property owner in case there is a lawsuit filed. Attorney Foster state no, we should not be discussing it.

Town Engineer Todd McLeod's summary of meeting on January 8, 2021 with homeowners of 1128 Park Lane:

Durham Flooding:

As seen after Eta and discussed at the Council workshop, a large amount of water sits in the swale and roadway along Durham, west of Concord. The old LBFH plans for the drainage at this intersection show only a 4" diameter pipe to drain the swale from Durham into Concord.

A company called GPRS visited the site this week to locate and mark the existing utilities with radar as Wynn thought existing utilities in this area may have precluded a larger pipe originally.

The GPR locates did not find any utilities that would prevent us from excavating the Durham swale around the corner to directly connect to the existing Concord swale, allowing the stormwater from Durham to drain more quickly and reduce flooding.

I will meet Wynn on site next week to go over this with them and get started on pricing.

Park Lane:

The residents of 1128 Park claim to have had a 6" pipe running under the walls in front of their lot into the former swale along Park (which was filled in during the Park Lane drainage/paving project).

Those pipes drained their front yard into the Town's ditch system.

A yard drain was installed directly south of their property during the Park Lane project to collect yard runoff at the lot line between 1082 and 1128 Park.

The resident would like to install a new pipe under his wall and drain into our system. As discussed with Council in the past, I would like to avoid direct connections between the Town's system and private lots/roof drains.

In this case, I recommend that we have Wynn lower the existing yard drain by about a foot and cut a deeper swale from the resident's new discharge pipe to the lowered yard drain. This should help drain his lot.

Discussion ensued.

Town Administrator Janice Rutan asked that any future engineering questions/issues from this property owner be directed to Town Engineer Todd McLeod

Town Attorney John Foster stated that one of the questions that came up at the Town Council meeting was the proposed language in the maintenance and property standards. He stated the question was, what did we mean by the word "street". Attorney Foster stated "street" is defined in the Town's zoning code as a strip of land owned privately or publicly, which affords legal access to abutting land and is designated for vehicular traffic. Attorney Foster stated it is his opinion that all of the private roads within the Town would meet the definition of "street".

Secondarily, Attorney Foster stated his office is part of the local government list serve and there was always the opportunity to ask questions to deal with some of these things, and the response to the question is there a statutory authority in Florida to require a private street to be maintained in a manner as to accommodate emergency vehicles. The answer was affirmative, by Robert Lincoln who is fairly well known in municipal legal communities. Attorney Foster stated we will need to research Chapter 18 of the Fire and Prevention Code. Discussion ensued.

Town Attorney Foster reported his office had submitted drafts of easement deeds to the Town yesterday for 757 Briarwood Drive and 4830 Dorchester Mews.

These are the two residents that will be affected by the new concrete wall the Town will be installing in the Briarwood development on the Town's property line. He stated both owners currently carry mortgages on their respective properties and will need to get the mortgagee consent.

III. NEW BUSINESS

Town Administrator Rutan reported she had heard from Tom with State Representative Willhite's office today that he is putting our request for appropriation in the amount of \$22,000.00 forward so hopefully that will get funded. We will be using that for traffic calming signage and devices for Belvedere Road.

Town Attorney Foster wanted to bring up new Senate Bill 856 which had been introduced for this session basically establishing that energy infrastructure which would include natural gas, petroleum, electric, electricity, solar, wind, anything like that is now pre-empted to the State. It specifically states that any law, ordinance, regulation, policy, or resolution that prohibits, restricts, or requires or has the affect of doing that, is no longer valid by the local government.

Town Administrator Rutan wanted to clarify that if someone wanted to cover their whole lawn with panels, there is nothing the Town can do about it. Attorney Foster replied, correct.

Town Administrator Rutan wanted to inform Town Council that the map and addresses the were given to us as to the placement of the poles for the PBC Digital Inclusion Program is a moving target as they have had to change them already in several places throughout the Town. Discussion ensued.

Council Member Mark Uptegraph asked T/A Rutan if she had heard anything about the streetlight on Club Road. She replied no but she had been following up on it with FPL. She stated it took about a year for the Park Lane and Cyprus Street to be installed.

Town Administrator Rutan reported that she had received a couple of telephone calls that reported all of the mailboxes on Park Lane had been ransacked on Saturday evening. No one called the Police to report they called the Town Hall instead to report it. Discussion ensued.

IV. OLD BUSINESS

N/A

V. COUNCIL, ATTORNEY AND STAFF REPORTS

Mayor Foy extended the Local State of Emergency due to COVID-19. T/A Rutan reported that she had recently read a motion by a Municipality that continued it in perpetuity until it was cancelled. Mayor Foy stated he would like this brought up at next Town Council meeting as we cannot make a decision at a Town Council workshop.

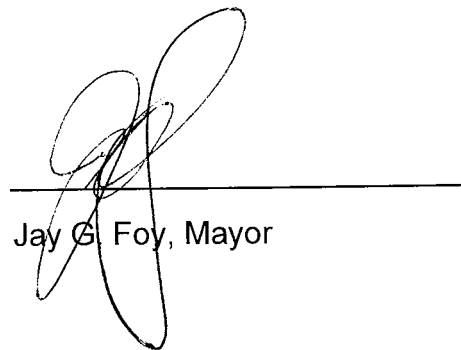
VI. ADJOURNMENT

There being no further business to be discussed, the workshop ended at 1:00 p.m.

Approved: February 25, 2021



Jean Wible, Deputy Town Clerk



Jay G. Foy, Mayor

SIGN IN SHEET

**TOWN OF HAVERHILL
TOWN COUNCIL WORKSHOP
Tuesday, February 2, 2021
Noon**

| Name | E- Mail Address | Signature |
|-------------------|-----------------|-----------|
| Jay Foy | | |
| Lawrence Gordon | | |
| Mark Uptegrad | | |
| Dennis Withington | | |
| Ray Caranci | | |
| Janice Ruten | | |
| Sean Wible | | |
| Devon Kirms | | |
| Dominic DeCesare | | |
| John Foster | | |
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