

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



**TOWN COUNCIL REGULAR MEETING**  
**Thursday, March 24, 2022**  
**6:30 p.m.**  
**AGENDA**

- I. CALL TO ORDER**
- II. REORGANIZATION AND SWEARING IN OF TOWN COUNCIL**
  - a. Swearing in of Council Members Withington and Caranci
  - b. Elect Mayor and Vice Mayor for the ensuing year
- III. INVOCATION AND PLEDGE OF ALLEGIANCE**
- IV. ROLL CALL**
- V. COMMENTS FROM THE PUBLIC**
- V. APPROVAL OF AGENDA**
- VI. APPROVAL OF THE CONSENT AGENDA**
  - a. Approval of the minutes for March 10, 2022, Regular Meeting
- VII. PROCLAMATIONS AND PRESENTATION**
- VIII. COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S OFFICE**
- X. PUBLIC HEARINGS AND SECOND READINGS**
- XI. REGULAR AGENDA AND FIRST READINGS**
  - a. Discuss and act on renewal of Solid Waste and Recycling contract with WastePro
  - b. Update on conditions included with the issuance of a temporary parking permit
  - c. Staff's update, review and discussion of ARPA Advisory Committee's list of items for public ranking for projects to be funded through the ARPA funding program
  - d. Approval of start-up costs related to ARPA Advisory Committee not to exceed \$3,000
  - e. Staff update of rent stabilization program
- XII. REPORTS**
  - Town Attorney
  - Mayor
  - Town Administrator
  - Council/Committee/Delegate Report
  - Treasurer's Report (included in packet)
- XIII. UNFINISHED BUSINESS**
- XIV. NEW BUSINESS**
- XV. 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

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**TOWN COUNCIL MEETING**  
**March 24, 2022**  
**6:30 p.m.**

Public comment will be received via e-mail ([jrutan@townofhaverhill-fl.gov](mailto:jrutan@townofhaverhill-fl.gov)) up until noon on March 24, 2022. 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 and exhibit signs of illness, such as coughing or sneezing, please do not enter 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. Town Council has considered the health, safety and welfare of its residents and the public, and voted to continue to require face masks be worn during public meetings and public hearings in Town Hall and Town Council Chambers to address the Town Council. Masks will be required for those persons entering Council Chambers. Those persons gathering outside the Town Hall are encouraged to maintain a separation of at least six feet from one another. 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 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.

**TOWN COUNCIL REGULAR MEETING**  
**Thursday, March 24, 2022**  
**6:30 p.m.**  
**ACTION MINUTES**

**CALL TO ORDER**

Mayor Foy called the meeting to order at 6:30 p.m.

**INVOCATION AND PLEDGE OF ALLEGIANCE**

Mayor Foy led in the Pledge of Allegiance and offered the Invocation.

**ROLL CALL**

The Town Administrator called the roll. All members were present.

**REORGANIZATION AND SWEARING IN OF TOWN COUNCIL**

**Swearing in of Council Members Withington and Caranci**

Attorney Foster administered the Oath of Office to Council Members Withington and Caranci for the ensuing 2-year term

**Elect Mayor and Vice Mayor for the ensuing year**

Lawrence Gordon nominated Jay Foy to serve as Mayor for the ensuing year. Council Member Caranci seconded the nomination.

Dr. Teresa Johnson nominated Lawrence Gordon to serve as Mayor. Vice Mayor Gordon declined the nomination. **There being no further nominations, Jay Foy was appointed Mayor with a unanimous vote 5-0.**

**Council member Withington nominated Lawrence Gordon to serve as Vice Mayor for the ensuing year. Council Member Caranci seconded the nomination which was passed unanimously 5-0.**

**COMMENTS FROM THE PUBLIC**

**Frederick “Rick” Ritter, 1158 Concord Road** addressed the Town Council. He had received a courtesy letter from the Code Inspector about a dead tree in his yard. He has cut the tree to 4-5’, however, he was hoping to keep the tree stump so he could experiment with chain saw tree art.

Mr. Ritter went on to lodge complaints about the condition of the property of his neighbors to the south of him, about the county land across the street from home on Durham in unincorporated Palm Beach County that is overgrown, etc.

Council cautioned that they could not speak to open code cases.

He added that he has been a resident for over 20 years, had volunteered at Town sponsored events. He felt it unfair that conditions such as mentioned above were allowed to continue, yet he had to cut down a tree stump.

It was agreed the Town Council would discuss the matter of tree stumps at the April workshop.

#### **APPROVAL OF AGENDA**

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

#### **APPROVAL OF THE CONSENT AGENDA**

**Approval of the minutes for March 10, 2022, Regular Meeting**

**Motion made by Vice Mayor Gordon, seconded by Council Member Johnson, 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**

**Not present.**

#### **PUBLIC HEARINGS AND SECOND READINGS**

None.

#### **REGULAR AGENDA AND FIRST READINGS**

##### **Discuss and act on renewal of Solid Waste and Recycling contract with WastePro**

The Town Attorney and Town Administrator offered Staff's Report. It was explained that the adoption of Ordinance 509 granted the Town Council the legal authority to renew the contract with WastePro. The Town Attorney added that he would need to review the terms of the contract with the present Ordinance to be sure there would be no conflict.

The Town Administrator reported that the items up for discussion were limitation on vegetation (or change day of week for pick up), use of blue receptacles solely for household waste, actual cost of CPI (not capped).

Chris Schulle from WastePro was present to address the Town Council. He explained that WastePro had been a victim of high overhead costs and inflation. They had recently purchased new trucks for Haverhill, the actual cost of last year's CPI was 5.8% and our contract only allowed for a 3% increase, they have issued incentives, bonuses, and high percentage increases in their effort to retain employees.

He suggested the Town consider moving the day of vegetation pick up from Tuesday to Wednesday. He explained that by making this change, they would not need to hire an outside contractor and could use their own trucks and employees, thereby saving the Town any increase that would need to be passed on. He commented that the sub-contractor had already informed them of a \$150.00 per day increase.

Mayor Foy raised no concern over the change in the day of week if it meant there would be no increase in cost and no limit in the vegetation per household. He did however want to see a cap on the CPI. Council agreed.

**Scott Hayes, 819 Mimosa.** Mr. Hayes was not in favor of the change in day citing that most people do their yard work on the weekend and that would leave the vegetation and debris to remain curbside for an additional day.

Discussion followed. Vice Mayor Gordon noted he would like to see a cap of 5% on the CPI.

The Town Administrator confirmed that the cost for hurricane debris would remain the same as in the present contract.

**A motion was then made by Vice Mayor Gordon, seconded by Council Member Withington, and unanimously passed (5-0) to have Staff present a term sheet to WastePro for them to base their proposal on to include the following:**

- **Per unit, per month price if Council were to agree to move the vegetative pick up to Wednesday.**
- **Per unit, per month price if we are to keep the schedule as it is with Tuesday vegetation pick up.**
- **Once the initial renewal term price is set (as above) the annual CPI increase as of June 30 each year, capped at actual CPI, OR capped at a specific percentage.**
- **Cubic yard limit for vegetation (if pick up is to remain on Tuesday).**
- **Town of Haverhill blue trash receptacles ONLY to be used for household garbage.**
- **Confirmation that hurricane debris pick up will remain as it is in present contract**

Further discussion would take place at the April 5, 2022, workshop agenda.

#### **Update on conditions included with the issuance of a temporary parking permit**

The Town Administrator offered Staff's report. At the previous Town Council meeting, a question was raised pertaining to the issuance of a temporary parking permit under 38-9 (d) (3), specifically, if the permit could grant parking on the portion of a yard that has been landscaped and/or clearly visible from the street.

After review by Attorney Foster, it was his opinion that the temporary permit would allow a use "not presently allowed under that section" of the ordinance and as such it could be granted for parking on the landscaped portion of the yard.

Council agreed however, it would be their policy that parking on the landscaped portion of the yard should not exceed 24 hours and should be limited as to frequency as well.

#### **Staff's update, review, and discussion of ARPA Advisory Committee's list of items for public ranking for projects to be funded through the ARPA funding program**

The Town Administrator presented Staff's report. She explained that the ARPA funding Committee had met on three occasions. At their last meeting, March 10, 2022, the Committee prioritized projects and programs and agreed to mail the list to the Town residents in a survey form for residents to rank the programs and projects as suggested by the Committee. The prioritized projects were as follows:

- Paving of private roads (Ivywood specifically)
- Drainage projects
- Removal of exotics from Town ROWs
- Study and conversion from sewer to septic
- Street lighting
- Transition of the Town's ballfield to a passive park/hiring of staff to maintain same

- Purchase of Town vehicles for Code Enforcement and Town Public Works
- Assistance to day care facilities located within the Town

Once the residents' comments and priorities were received, the committee would hold a charette and meet with the residents to fully explain the depth of each project.

To meet the design of the brochure to be mailed, Staff will need to meet with a technology provider to install QR codes on the mailer as well as install links to same on the Town's website in English, Spanish and Creole.

In the meantime, Staff and consultants have been engaged to attend meetings and provide reports, etc. without specific funding approval.

Staff would be requesting Council to review the actions of the Committee and to authorize start-up costs not to exceed \$3,000, to be paid from the ARPA funds.

Attorney Foster addressed those present. He reiterated that the ARPA Advisory Committee is advisory only to the Town Council and all authority to direct staff, conduct a charette, send a mailing, etc., lies with the Town Council.

Mayor Foy then suggested that the Town Council set parameters for the final projects to be included in the public outreach brochure. Discussion followed:

- Council agreed to the following:
  - Conversion of ballpark to passive use, or use to engage community
- Purchase of new vehicles was removed from the list as Council agreed if new vehicles were needed, they would decide among themselves to purchase and not leave the decision to the residents
- Street lighting (specific locations to be determined)
- Infrastructure (drainage projects) as recommended by the Town Engineer
- Exotic plant removal (this needs clarification i.e., would it be done through temporary easement onto private property).
- Website improvement to include community outreach
- Speed and traffic calming (residential streets)

Those items missing from the list included a study on the cost to convert properties from septic to sewer. It was explained that the actual cost for the conversion was cost prohibitive. The Committee decided to wait as the study could be outdated by the time the Town secured necessary funding to complete the project.

Private street improvements were also removed from the list also due to costs and the need to determine what private roads would/could/should be considered. Discussion followed. It was agreed to remove the improvement to local private streets from the list of ARPA funding. After a brief discussion, the Mayor agreed to resend the letter from a few years back that he had sent to the Ivywood residents to determine if they would still be interested in participating in a road improvement project using a special taxing method of funding.

It was also agreed that funding options to day care centers and businesses in Town that suffered a loss of business due to COVID would be removed from the list.

**Approval of start-up costs related to ARPA Advisory Committee not to exceed \$3,000**

**A motion was then made by Council Member Johnson, seconded by Vice Mayor Gordon, and unanimously passed (5-0) to authorize expenditures not to exceed \$6,000 for ARPA Committee expenses related to staff and professionals and to authorize staff to proceed with procuring a cost for the brochure and technological updates for the resident survey.**

Council expressed their appreciation to the Committee members for doing an excellent job.

**Staff update of rent stabilization program**

Council Member Johnson had reported that Miami Dade County were looking into adopting a rent stabilization Ordinance. A copy was provided to the Town Council and Town Attorney Foster offered Staff's report.

He commented that the preamble to the proposed Ordinance noted that it encompassed both unincorporated and incorporated areas of Miami Dade County. In addition, of the 895,801 households in Miami Dade, half are rented at an average monthly rent of \$3,000. He went on to explain that if the Town were to "control rent" it would need to be done by referendum annually.

Discussion followed. Presently the Town does not have a rental property registration process so there is no inventory of what properties may be for rent in the Town. As such, there is no way to determine if rental properties are habitable or meet code, unless it becomes a code enforcement case.

It was agreed to bring this up for further discussion at the next workshop.

**REPORTS**

**Town Attorney**

Attorney Foster reported there would be a minor change to the proposed subdivision Ordinance that would amend requiring twelve full size copies of the proposed Plat and allow that amount and format to be at the discretion of the Town Administrator.

**Mayor**

Mayor Foy inquired as to the status of the NPDES annual report. Staff would follow up with Karen Brandon as it was due the last day of the month.

He next reported and updated all on the meeting with Commissioner Weiss and Staff regarding the County's closure of the Roessler's (1010 Pineway) Belvedere Road driveway as part of the bridge improvement plans. He explained that the County Engineer required it to be closed for safety issues, however, County Staff did agree to meet with their attorney to see if there could be an alternative.



**Town Administrator**

The Town Administrator reported that both Council Member Johnson and Council Member Withington would be attending the Advance IEMO in April and would be absent from the April 28, 2022, meeting. It was agreed to hold the meeting, but request Senator Powell and Representative Willhite reschedule their attendance as they were due to give the Town Council a legislative update that evening.

**Council/Committee/Delegate Report**

Vice Mayor Gordon gave a brief legislative update highlighting that insurance reform failed; the legislature took money from the Sadowski fund and spoke briefly on sovereign immunity. He commented on the PBC LOC Attorney report.

He next reported on his attendance at the Florida Black Caucus of Local Elected Officials conference held in Kissimmee. Jolene Thompson was a speaker and addressed matters concerning critical race theory and gender assignment.

They then toured the City of Kissimmee and toured the underground trash receptacles. He provided literature on the program to the Council.

A conversation followed on the increased cost of insurance.

**Treasurer’s Report**

Included in packet.

**UNFINISHED BUSINESS**

None.

**NEW BUSINESS**

The Town Administrator reported she had gotten several inquiries about the Town hosting a garage sale in the ballfield. Council was in favor. To gather participation, it would be included in the next newsletter.

Council Member Johnson mentioned the idea that the Town sponsor a Summer Youth employment program. Discussion followed. It was agreed to see what other Town’s do as well as contact the few businesses in Town to determine if they would partner with the Town in hiring a student for the summer months.

There was concern over liability, however, no decision would be made until Staff reported back to the Town Council.

**ADJOURNMENT**

With no further business to come before the Town Council, the meeting adjourned at 8:45 p.m.

Approved: April 14, 2022

  
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Janice C. Rutan, Town Administrator

  
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Jay G. Foy, Mayor