

**TOWN OF HAVERHILL  
TOWN COUNCIL REGULAR MEETING  
THURSDAY, AUGUST 22, 2024  
6:00 P.M.  
OFFICIAL MINUTES**

The regular monthly meeting of the Haverhill Town Council was held on Thursday, August 22, 2024, at the Town Hall, 4585 Charlotte Street, Haverhill, FL.

**CALL TO ORDER**

Mayor Foy called the meeting to order at 6:00 p.m.

**INVOCATION AND PLEDGE OF ALLEGIANCE**

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

**ROLL CALL**

Town Administrator Stevens called the roll and Council Members present were Mayor Jay Foy, Vice Mayor Lawrence Gordon, Council Member Ray Caranci, Council Member Teresa Johnson, and Council Member Dennis Withington. Town Staff present included Town Attorney John Fenn Foster and Town Administrator Tracey Stevens. With a quorum present in the Council Chambers, the meeting proceeded.

**COMMENTS FROM THE PUBLIC**

Frederick Ritter of 1158 Concord Ave voiced his concerns regarding traffic speeding along Concord Ave and Durham Street. Town Administrator Stevens noted that a speed hump was added to Concord Ave in the only location that the traffic engineer deemed it safe to do so, and she can also ask the Deputies to perform extra patrols in the area.

**APPROVAL OF THE AGENDA**

Mayor Foy inquired if there were any additions, deletions, or modifications to the agenda, and there were none.

**Council Member Withington moved to approve the agenda as submitted; seconded by Council Member Johnson. Motion carried 5-0.**

**APPROVAL OF THE CONSENT AGENDA**

- 1. Approval of the Minutes of the July 25, 2024, Regular Meeting**
- 2. Approval of Florida Blue and United Healthcare Insurance Renewals for the fiscal year October 1, 2024 through September 30, 2025**

**Council Member Caranci moved to approve the consent agenda as submitted; seconded by Council Member Withington. Motion carried 5-0.**

**PROCLAMATIONS AND PRESENTATIONS**

**COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S OFFICE (PBSO)**

Deputy Schnell reported on the statistics for the last 30 days which included 206 traffic stops, 181 business and residence checks, a drunk driving arrest, a felony traffic stop involving a stolen vehicle, a possible armed disturbance involving a hit and run on Grove Street, and a missing adult on New Parkview Place that was later found. Mayor Foy asked about the traffic crash that resulted in a car hitting a home off of Belvedere Rd, and Deputy Schnell stated she believes that was related to the drunk driving crash.

**COMMENTS FROM PALM BEACH COUNTY FIRE RESCUE**

District Fire Chief Adams reported on the statistics for the last 30 days which included 17 medical calls, 3 vehicle accidents, 1 investigation, 1 fire, and 1 swat standby. PBCFR also deployed to the Ocala area for the Hurricane Debby event. She also described other activities and training PBCFR was involved in recently.

**PUBLIC HEARINGS & ORDINANCE READINGS**

3. **Second Reading and Adoption of Ordinance No. 528: AN ORDINANCE OF THE TOWN OF HAVERHILL, FLORIDA AMENDING THE TOWN OF HAVERHILL CODE OF ORDINANCES TO UPDATE THE DATE OF THE FLOOD INSURANCE STUDY AND FLOOD INSURANCE RATE MAPS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CORRECTION OF SCRIVENERS' ERRORS; PROVIDING FOR CODIFICATION, AN EFFECTIVE DATE AND OTHER PURPOSES.**

Town Attorney Foster read Ordinance No. 528 by title only into the record.

Mayor Foy called for public comments, and there were none.

**Council Member Withington moved to adopt Ordinance No. 528 on second reading; seconded by Council Member Johnson. Motion carried 5-0.**

4. **Second Reading and Adoption of Ordinance No. 529: AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, PALM BEACH COUNTY, FLORIDA, AMENDING SECTION 30-61, SCOPE OF DIVISION, OF DIVISION 3, ROLLOFF COLLECTION SERVICE, OF ARTICLE II, COLLECTION, OF CHAPTER 30, SOLID WASTE, OF THE CODE OF ORDINANCES OF THE TOWN OF HAVERHILL, TO PROVIDE FOR THE ROLLOFF COLLECTION SERVICE ON RESIDENTIAL LOTS WITHIN THE TOWN WHEN A BUILDING PERMIT HAS BEEN ISSUED, AUTHORIZING THE BUILDING OFFICIAL TO DETERMINE THE PROPER PLACEMENT OF THE CONTAINER ON THE RESIDENTIAL LOT AND PRESCRIBING REGULATIONS IN THOSE INSTANCES WHERE A RESIDENTIAL PROPERTY OWNER NEEDS A CONTAINER FOR CLEANING AND REMOVAL OF PERSONAL PROPERTY INCLUDING THE APPLICATION FOR A PERMIT; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CORRECTION OF SCRIVENERS' ERRORS; PROVIDING FOR CODIFICATION, AN EFFECTIVE DATE AND OTHER PURPOSES.**

Town Attorney Foster read Ordinance No. 529 by title only into the record.

Mayor Foy called for public comments, and there were none.

**Council Member Withington moved to approve Ordinance No. 529 on second reading; seconded by Council Member Caranci. Motion carried 5-0.**

**REGULAR AGENDA**

**5. Interlocal Agreement with Palm Beach County Related to Workforce Housing Units for the Wallis Rd Voluntary Annexation**

Brian Seymour, Attorney for Meritage Homes, stated that he and his client have been working with Town Staff and County Staff to alleviate the objection from the County on the annexation, by providing workforce housing units. The interlocal agreement being presented provides that Meritage will build ten workforce housing units, and the County will withdraw its objection to the annexation. He stated he appreciates that Town Staff worked very hard on this agreement.

Darren Leiser, Assistant County Attorney for Palm Beach County, stated that Attorney Seymour covered everything, and he had nothing else to add.

Council Member Johnson asked the Attorney if they were able to overcome the discrepancy in the interpretation regarding contiguity. Attorney Leiser stated that there is still a discrepancy on the interpretation of contiguity in this case; however, the County is willing to not challenge the annexation as long as the workforce housing units are provided.

Mayor Foy asked who would be monitoring the workforce housing units, and Attorney Seymour and Town Administrator Stevens explained the process, noting that the Town will be mailing letters annually, and the County Staff would be assisting the Town if the units change hands in the future.

Council Member Caranci asked about the objection from the Department of Environmental Resources Management, and Town Administrator Stevens stated that the developer has provided additional documentation addressing that which will be submitted to the Town Council at the annexation and comp plan amendment hearing, along with answers to all of the other questions the Council had regarding the annexation.

Council Member Johnson asked if the workforce housing units would revert back to year one if sold, and Attorney Seymour confirmed.

Vice Mayor Gordon asked about the price range for the regular units, and Attorney Seymour stated that the developer cannot confirm the price point due to market changes; however, they believe the prices will be lower than \$450,000. Vice Mayor Gordon also asked if the workforce housing units would look different on the interior, and Attorney Seymour stated that has not been confirmed yet. He confirmed that the general public would not be able to tell from the exterior which units are workforce housing units.

Mayor Foy called for public comments, and there were none.

**Council Member Johnson moved to approve the Interlocal Agreement with Palm Beach County Related to Workforce Housing Units for the Wallis Rd Voluntary Annexation subject to the County approving the agreement, and authorize Mayor Foy to sign the agreement; seconded by Council Member Withington. Motion carried 5-0.**

**6. DISH Wireless Land Lease Agreement for Cell Tower Utilization**

Ryan Triller of DISH Wireless/Boost Mobile gave an overview of the project to install facilities on the cell tower located behind Town Hall. He thanked Town Administrator Stevens and Town Attorney Foster for working through the lease language and addressing all of his questions.

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Town Administrator Stevens reminded the Council that there was a question related to the Radio Frequency Electromagnetic Energy (RF-EME) study that was submitted to the Town at the last Council meeting and mentioned that there was a representative available to answer any questions. The Council asked for assurance that the frequencies being projected out from the tower at the lower height of 50-57' would not harm the neighboring properties or the town staff at Town Hall.

David Crotty, Sr. RF Engineering Manager of DISH Wireless/Boost Mobile, spoke to the Council regarding the RF-EME study and mentioned that the height is within the FCC approved limits and confirmed there will be no health risks.

Mayor Foy stated that he was made aware of a legal opinion that an elected body could not legally object to a tower based on environmental harm because of FCC approval, and the representation was that an elected body could not use that as evidence to deny.

Discussion ensued regarding how the RF-EME works in a technical sense, and Mr. Triller stated that the facilities will not be located at 57' for very long, as he was notified by Crown Castle that the T-Mobile space at 67' may become available in the next year or so. Mr. Crotty answered any questions Council Members had.

Mayor Foy called for public comments, and there were none.

**Council Member Withington moved to approve the land lease agreement with DISH Wireless for cell tower utilization and authorize Mayor Foy to sign the agreement; seconded by Council Member Caranci. Motion carried 5-0.**

### **7. Review Request for Waiver Extension for 4950 Luwal Drive to Allow Commercial Vehicle Parking in a Residential District**

Town Administrator Stevens reported that the owners of 4950 Luwal Drive are requesting an extension of the commercial vehicle parking waiver that was granted by the Town Council last year for a one-year period which expires on August 24, 2024. All of the conditions in the initial waiver have not been met yet, as the paver driveway has not been installed. The owner is in possession of a building permit to complete the work; however, we have not seen much movement on this driveway construction in the last year as was required. The fence was installed as required; however, they have now submitted an additional application to change the wood fence to a metal fence. The Town has received several complaints by the owners of three separate residences that live on Luwal Drive regarding the continued commercial vehicle and equipment usage deriving from 4950 Luwal Drive, noting that it causes extensive damage to the roadway, and is extremely noisy in the neighborhood. One of the owners that issued several complaints actually sold their home and moved out of town, as they could no longer enjoy the peace of their property with all of the construction vehicle activity occurring next to them. The new owners at 4940 also have construction equipment at their residence and may be coming to the Town Council for a waiver to store it there. Staff has observed additional construction equipment stored in both the front and rear yard against town code and has also observed the vehicles and equipment parked in the roadway. There is also a large boat stored on the property, which is sometimes stored in the front and sometimes in the back yard. As always, staff cautions the Council regarding setting a precedence in granting waivers/exceptions from the requirements of the Town Code, and also reminded the Council that there was a directive to staff to remove the language regarding variations from the town code and utilize the variance process instead.

The applicants, Pedro Benedico and Pedro Benedico Jr. spoke to the Council. Pedro Benedico, Jr. mentioned they are not used to being told what they can and can't do with their property. He

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stated that he was unaware that the waiver was only for a one-year period. He thought the waiver was indefinite and mentioned that it cost them a lot of money to install the 8-foot fence and driveway as required. He stated they are working on the driveway as an owner-builder, and that's why it's taking them extra time to complete the work since they work on other construction projects to make a living. He stated the extra trucks and equipment that have been parked at the residence are parked there in the morning when they are getting ready to leave for the day, and while they are on their lunch break. He stated they are requesting to extend the waiver while they are finding a place to store the truck.

Mayor Foy asked for clarification that the waiver is for only one vehicle, and Town Administrator Stevens confirmed. She stated that even though the waiver was for one vehicle, staff has observed many construction vehicles and equipment parked at the residence, as shown on the photos that were submitted in the Council packages. Mayor Foy asked if the construction vehicles are parked there overnight, and Pedro Benedico, Jr. confirmed that they are parked there overnight while they are working on the construction of the driveway.

Mayor Foy stated that the applicant is not in compliance with the original waiver, and Town Administrator Stevens confirmed.

Pedro Benedico, Jr. stated that he thought they would be able to leave the vehicle there permanently once the fence and driveway was completed. Council Member Johnson noted that the written waiver paperwork is very clear and detailed as to the one-year timeframe for the waiver and what the conditions of the waiver were.

Mayor Foy noted that if the Council does not approve an extension of the waiver, it becomes a code enforcement matter. He mentioned that it is also a code enforcement matter if more than one construction vehicle is parked at the residence.

Mayor Foy called for public comment. Sherri Gerris of 4920 Luwal Drive spoke to the Council regarding her concerns of additional construction noise in the neighborhood as well as the weight of the construction vehicles and equipment ruining the roadway. She also noted that the equipment being parked in the roadway is causing neighborhood traffic issues. She stated that Mr. Benedico is not taking responsibility for ruining the roadway. She also mentioned that the waiver to park the construction vehicle there is setting a precedence because the neighbor now believes he can park construction vehicles in the roadway and in his yard. She stated that all of the construction vehicles along the roadway are making the neighborhood undesirable to live.

Council Member Johnson stated that everyone deserves to make a living, but they also deserve quality of life. She stated she may be in favor of extending for a short period of time in order for the work to be completed.

Council Member Withington stated that he is leaning towards not extending the waiver since the requirements of the original waiver have not been met, and there seem to be additional code enforcement issues at the property.

Vice Mayor Gordon noted that the property owner had a full year to construct the driveway and it hasn't been completed yet. He asked how much longer they needed to construct the driveway and change out the fence, and Mr. Benedico stated that it should be able to be completed within the month. Council Member Caranci asked about the change from a concrete driveway to a paver driveway, and Town Administrator Stevens stated that the Building Official approved the concrete pavers, as the waiver condition did not specifically prohibit concrete pavers.

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Vice Mayor Gordon asked where the other construction vehicles are going to be stored, and Mr. Benedico stated that they have a yard off Florida Mango Road. Vice Mayor Gordon asked about the complaints regarding the roadway, and Mr. Benedico stated he will take responsibility for fixing the roadway after his construction is completed, at their own expense.

Council Member Caranci recalled that at the meeting when the waiver was approved, it was very clear that there was a certain timeframe for the waiver. He stated that the conditions of the waiver and what needed to be done was clear, and he recalls that Mr. Benedico agreed to abide by the conditions right away in order to resolve the issues that the neighbors were having. He stated that the waiver was granted by the Council, and the issues with the neighbors are still not resolved. He stated he is not inclined to extend the waiver, especially since the Council just amended the code to make it more strict regarding parking on residential lots. He also noted that commercial businesses and activities should not be conducted out of a residential lot.

The Council discussed how to handle the request for a waiver extension, and Town Administrator Stevens reiterated that the waiver is for the property owner to park a commercial vehicle on a residential lot. She also explained that if the Council approves the waiver, it is likely that the neighbor will also submit a request for the same type of waiver to park his construction vehicle on his lot at 4940 Luwal Drive.

Vice Mayor Gordon asked why Mr. Benedico isn't parking the commercial vehicle at the lot off Florida Mango with the other vehicles, and asked how long it takes to get to that lot. Mr. Benedico stated that he uses this commercial vehicle all the time and it's more convenient to park it at home. He noted that it takes 20 minutes to get to the other lot. Vice Mayor Gordon mentioned that Mr. Benedico could avoid a significant future problem if they park all of the commercial vehicles at their lot off Florida Mango Road. Mr. Benedico reiterated that he has spent a considerable amount of money on the conditions of the waiver.

Discussion ensued regarding the timing of the building permit approval, and Mr. Benedico stated he will be able to complete the work prior to the September 26, 2024 meeting.

Town Administrator Stevens suggested extending the waiver until September 26, 2024 to give the property owner time to complete the fence and driveway work as conditioned on the original waiver. There will be an item on the September 26, 2024 meeting agenda for the Council to discuss extending the waiver for a longer period of time, and at that time, a condition should be made that no other construction vehicles may ever be parked on the lot or in the roadway, or the waiver will be automatically revoked by staff.

**Council Member Johnson moved to approve the waiver extension until September 26, 2024 for 4950 Luwal Drive to allow a particular Commercial Vehicle as described in the staff report to be parked in a residential neighborhood with the condition that the fence and driveway be installed prior to the September 26, 2024 Town Council meeting when the waiver extension request will be heard a second time; seconded by Vice Mayor Gordon. Motion carried 5-0.**

### **8. FY25 Budget Discussion, Including Request to Add Employee to Town Hall Staff**

Town Administrator Stevens described the budget highlights which included a mil rate of 4.05 which is the same as the current year mil rate; the request to hire a new employee to be funded from the building department; I/T equipment replacement in the amount of \$33,000; an increase in the Town Engineer line due to the driveway permits he is reviewing and the ARPA projects he

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is working on for the town; the Special Magistrate line has increased due to more code enforcement activity; the temporary labor line in the Public Works Department has increased to provide Mr. Jones with additional help in his department; the special events line has increased, as increased staffing at town hall will allow the town to offer more special events for the residents; and the Building Official and inspection services line increased due to the Haverhill Courts development activity. She noted that the infrastructure surtax fund budget includes painting of the town hall complex; replacing the town hall generator; as well as street lighting which was moved from ARPA to infrastructure surtax due to the timing of the project.

Discussion ensued regarding the need for a new employee, and Council Member Johnson stated that she would like to have a deeper discussion regarding growth of the town and what the staffing needs to be in the future so we can work effectively working forward. Town Administrator Stevens stated that the addition of one employee will greatly reduce the pressure from the rest of the employees, and we will be able to sustain that number of employees for awhile as long as the town doesn't grow exponentially. She stated that the growth of the town will depend on how many development projects the Council approves such as the voluntary annexation that will be coming before the Council soon, and how many residents are added to Haverhill in the next five to twenty years. Council Member Caranci noted that the new employee is being funded out of the Building Fund which needs to be spent in a certain number of years according to the law. Town Administrator Stevens stated that once the Haverhill Courts townhomes are added to the tax roll next year, we may be able to lower the mil rate. She noted that if the housing market tanks in future years though, that's when the mil rate may need to be adjusted upward.

**Council Member Caranci moved to approve the hiring of an additional employee to begin on or after October 1, 2024 to be funded out of the FY25 budget; seconded by Council Member Withington. Motion carried 5-0.**

### **9. Update on ARPA Grant Fund Projects**

Town Administrator Stevens reported that she would like authorization to work with Town Engineer McLeod on developing road projects to fund with ARPA grant funds, and to fund the street lighting project out of the infrastructure surtax fund depending on the price of the project once it is received from FPL. She noted that since the street lighting project is taking longer than expected, and the ARPA projects need to be encumbered by December 31, 2024, it is her recommendation to shift the projects from one fund to the other. She noted that the Infrastructure Surtax Committee will be meeting on September 12<sup>th</sup> to discuss the annual report.

The Council discussed the safety issue of the County not providing street lighting on their county roads within the Town of Haverhill, and Town Administrator Stevens stated she is working with the Issues Forum to try to get the County to place the item on their agenda for discussion.

**There was consensus of the Council for Town Administrator Stevens to work with Town Engineer McLeod on developing road projects to fund with ARPA grant funds, and to fund the street lighting project out of the infrastructure surtax fund depending on the price of the project once it is received from FPL.**

### **10. Request by Pathways to Prosperity Circles PBC to Utilize Town Hall for a Meeting**

Town Administrator Stevens stated that she received a request from Pathways to Prosperity Circles PBC to utilize Town Hall for a meeting. She stated that this request needs to be voted on by the Town Council due to the facilities use policy.

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Mayor Foy asked if there would be a direct benefit for Haverhill residents, and Council Member Johnson responded that she is a member, and the program supports all residents of Palm Beach County. The idea is to move the meetings around to different locations around the County to make it more accessible to residents.

**Council Member Withington moved to approve a request from Pathways to Prosperity Circles PBC to utilize Town Hall for a meeting on September 9, 2024 and to provide a refundable deposit of \$200 in accordance with the facility use policy; seconded by Vice Mayor Gordon. Motion carried 5-0.**

### REPORTS

#### 11. Town Attorney

**There was consensus of the Council to defer the Town Attorney's legislative update to the next meeting in the interest of time.** Town Attorney Foster had nothing else to report.

#### 12. Mayor

Mayor Foy reported that the Water Resources Task Force met and the County's replacement of the north county plan is going to cost so much that they won't be moving forward with the reservoir. He reported that he sat on the Lake Worth Lagoon project ranking committee and there were two projects submitted this year by Lake Worth Beach and the County, and the County project was ranked #1. Both projects have a chance of being funded through state funding. He also reported that the wetlands permitting has been challenged, and all permitting has been transferred back to the Army Corp of Engineering because of the court case. He noted that all permits have been delayed. He noted that our drainage project should not be affected. Discussion ensued regarding the permitting dynamics between the Army Corp and DEP.

#### 13. Town Administrator

Town Administrator Stevens noted that her written monthly report was submitted in the Council packages. She stated that she would be taking vacation next week due to her previous vacation being cancelled due to Hurricane Debby.

Council Member Johnson thanked Town Administrator Stevens and Town Attorney Foster for the work they put in on the workforce housing interlocal agreement with the County.

#### 14. Treasurer

The Treasurer's report for July 2024 was presented by Town Administrator Stevens and accepted by the Town Council.

**Council Member Johnson moved to receive and file the Treasurer's Report for July 2024; seconded by Council Member Withington. Motion carried 5-0.**

#### 15. Committee Delegates

Vice Mayor Gordon reported that he attended the Florida League of Cities Annual Conference along with Town Administrator Stevens, and the main topic was affordable housing. A suggestion was to create smaller lots and allow accessory dwelling units; however, accessory dwelling units typically become rentals. He also attended the ethics session and the session on homelessness. Vice Mayor Gordon reported that he finished his term on the Florida League of Cities Board and received a plaque at the conference.

Council Member Johnson stated that the Palm Beach County League of Cities does not currently have a position on the new homeless legislation and asked if there were any updates. Vice Mayor



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Gordon stated that the PBCLOC Board may be discussing this at the next meeting. He noted that the Legislature keeps stripping away home rule powers.

Council Member Johnson reported that the Black Elected Officials Scholarship Gala was held earlier this month and \$1,000 scholarships were awarded to 26 students to go toward higher education. She thanked the Town for its support of the program.

**UNFINISHED BUSINESS**

Council Member Johnson noted that the Town does not have a workforce housing code and inquired as to how it could work. She stated that the housing crisis continues as the prices of homes continue to get higher, with the prices way outside what the workforce can afford. Town Administrator Stevens stated the legal opinion was that we should wait until the current annexation applications are resolved before we discuss making any changes to our code. Town Attorney Foster stated that a budget discussion would need to be had as well since a workforce housing code would require additional staffing to oversee the program and determine eligibility. Mayor Foy stated that a town the size of Haverhill may not be able to administer a workforce housing program that is extremely complex. Council Member Caranci noted that the Town doesn't have much development opportunity or developable land currently; however, annexations would add to that. Discussion ensued regarding current housing prices.

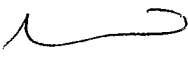
**NEW BUSINESS**

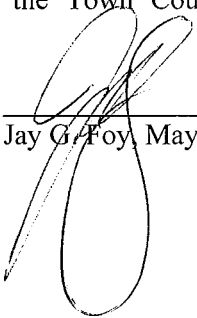
There was no New Business to come before the Council at this time.

**ADJOURNMENT**

There being no further business to come before the Town Council, the meeting was adjourned at 8:22 p.m.

Minutes prepared by Town Administrator Stevens and adopted by the Town Council on September 26, 2024.

Approved:   
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Tracey L. Stevens, Town Administrator

  
\_\_\_\_\_  
Jay G. Foy, Mayor

