

The Eighty-Sixth meeting of the Fifteenth Town Council of the Town of Bay Roberts took place in the Town Hall, Tuesday, August 26, 2008, at 7:30 p.m.

Members Present Mayor Glenn Littlejohn
 Deputy Mayor Melvin Walsh
 Councillor Clarence G. Mercer
 Councillor Gerald Greenland
 Councillor Dennis Brown
 Councillor Bill Seymour

Members Absent Councillor Walter Yetman

Also Present Town Manager Edwin Fradsham
 Town Clerk Shirley Hawe
 Compass Correspondent Lillian Simmons
 Residents -

Minutes

Mayor Littlejohn asked if there were any errors or omissions to the minutes of the regular meeting and special meeting of August 5, 2008, which had been circulated with the agenda.

Discussion and update regarding the following:

- ▶ Mayor Littlejohn will confirm that the owner of 238-240 Water Street has no objection to vehicles being parked at that location.
- ▶ Town Manager will contact owner of fence at Delaney's Avenue, Shearstown.
- ▶ x published in the August 19 edition of the Compass, her intention to operate an home care support agency from 163 Shearstown Road. (End date Aug. 29)
- ▶ No response received from Dr. Aguilar regarding a request for a meeting.

Motion 2008 - 290 - Brown/Seymour

Resolved that minutes of the regular meeting of August 5, 2008, be adopted.

In favour: Mayor Littlejohn
 Deputy Mayor Walsh
 Councillors: C. Mercer, G. Greenland, D. Brown and B. Seymour

Opposed: 0

Abstaining: 0

Motion Carried.

Motion 2008 - 291 - Seymour/Mercer

Resolved that minutes of the special meeting of August 5, 2008, be adopted.

In favour: Mayor Littlejohn
Deputy Mayor Walsh
Councillors: C. Mercer, G. Greenland, D. Brown and B. Seymour
Opposed: 0
Abstaining: 0
Motion Carried.

Motion 2008 - 292 - Greenland/Walsh

Resolved that Motion 2008 - 289, be accepted.

In favour: Mayor Littlejohn
Deputy Mayor Walsh
Councillors: C. Mercer, G. Greenland, D. Brown and B. Seymour
Opposed: 0
Abstaining: 0
Motion Carried.

Additions to Agenda

Motion 2008 - 293 - Greenland/Seymour

Resolved that the residential building application for x be added to the agenda.

In favour: Mayor Littlejohn
Deputy Mayor Walsh
Councillors: C. Mercer, G. Greenland, D. Brown and B. Seymour
Opposed: 0
Abstaining: 0
Motion Carried.

Motion 2008 - 294 - Seymour/Mercer

Resolved that the residential building application for x be added to the agenda.

In favour: Mayor Littlejohn

Deputy Mayor Walsh

Councillors: C. Mercer, G. Greenland, D. Brown and B. Seymour

Opposed: 0

Abstaining: 0

Motion Carried.

New Business

Item 1 : Correspondence received from Cox & Palmer providing a survey for 36 Green's Road Extension.

Motion 2008 - 295 - Mercer/Walsh

Resolved that correspondence from Cox & Palmer, dated August 15, be placed on file.

In favour: Mayor Littlejohn

Deputy Mayor Walsh

Councillors: C. Mercer, G. Greenland, D. Brown and B. Seymour

Opposed: 0

Abstaining: 0

Motion Carried.

Item 2 : Correspondence received from x regarding the public right of way at Arney's Pond Road.

Motion 2008 - 296 - Greenland/Walsh

Resolved that the x correspondence be referred to the Planning & Development Committee.

In favour: Mayor Littlejohn

Deputy Mayor Walsh

Councillors: C. Mercer, G. Greenland, D. Brown and B. Seymour

Opposed: 0

Abstaining: 0

Motion Carried.

Item 3 : Residential building application received from x.

Motion 2008 - 297 - Greenland/Brown

Resolved that approval be given x, as per submitted application, to construct a dwelling at 308-310 Shearstown Road, subject to all Municipal Development Regulations and all other regulatory departments.

In favour: Mayor Littlejohn
Deputy Mayor Walsh
Councillors: C. Mercer, G. Greenland, D. Brown and B. Seymour
Opposed: 0
Abstaining: 0
Motion Carried.

Item 4 : Residential building application received from x.

Motion 2008 - 298 - Greenland/Mercer

Resolved that x's application be referred to the Planning & Development Committee.

In favour: Mayor Littlejohn
Deputy Mayor Walsh
Councillors: C. Mercer, G. Greenland, D. Brown and B. Seymour
Opposed: 0
Abstaining: 0
Motion Carried.

Item 5 : Residential building application received from x.

Motion 2008 - 299 - Mercer/Seymour

Resolved that approval be given x, as per submitted application, to construct a dwelling at 320 Central Street, Bay Roberts, subject to all Municipal Development Regulations and all other regulatory departments.

In favour: Mayor Littlejohn
Deputy Mayor Walsh
Councillors: C. Mercer, G. Greenland, D. Brown and B. Seymour
Opposed: 0
Abstaining: 0
Motion Carried.

Item 6 : Residential building application received from x.

Motion 2008 - 300 - Seymour/Mercer

Resolved that approval be given x, as per submitted application, to construct a dwelling at 10 Farm Road Extension, Bay Roberts, subject to all Municipal Development Regulations and all other regulatory departments.

In favour: Mayor Littlejohn
Deputy Mayor Walsh
Councillors: C. Mercer, G. Greenland, D. Brown and B. Seymour
Opposed: 0
Abstaining: 0
Motion Carried.

Item 7 : Residential building application received from x.

Motion 2008 - 301 - Greenland/Walsh

Resolved that approval be given x, as per submitted application, to construct a dwelling at 454-456 Water Street, Bay Roberts, subject to all Municipal Development Regulations and all other regulatory departments.

In favour: Mayor Littlejohn
Deputy Mayor Walsh
Councillors: C. Mercer, G. Greenland, D. Brown and B. Seymour
Opposed: 0
Abstaining: 0
Motion Carried.

Item 8 : Residential building application received from x.

Motion 2008 - 302 - Greenland/Seymour

Resolved that approval be given x., as per submitted application, to construct a dwelling at 13 Cleary's Road, Bay Roberts, subject to all Municipal Development Regulations and all other regulatory departments.

In favour: Mayor Littlejohn
Deputy Mayor Walsh
Councillors: C. Mercer, G. Greenland, D. Brown and B. Seymour
Opposed: 0
Abstaining: 0
Motion Carried.

Item 9 : Residential building application received from x.

Motion 2008 - 303 - Greenland/Brown

Resolved that approval be given x., as per submitted application, to construct a dwelling at 11 Cleary's Road, Bay Roberts, subject to all Municipal Development Regulations and all other regulatory departments.

In favour: Mayor Littlejohn
Deputy Mayor Walsh
Councillors: C. Mercer, G. Greenland, D. Brown and B. Seymour
Opposed: 0
Abstaining: 0
Motion Carried.

Item 10 : Residential building application received from x.

Motion 2008 - 304 - Mercer/Walsh

Resolved that approval be given x, as per submitted application, to construct a dwelling at Mosdell's Lane, Bay Roberts, subject to all Municipal Development Regulations and all other regulatory departments.

In favour: Mayor Littlejohn
Deputy Mayor Walsh
Councillors: C. Mercer, G. Greenland, D. Brown and B. Seymour
Opposed: 0
Abstaining: 0
Motion Carried.

Item 11 : Residential building application received from x.

Motion 2008 - 305 - Seymour/Brown

Resolved that approval be given x, as per submitted application, to construct a dwelling at Earle's Road, Shearstown, subject to all Municipal Development Regulations and all other regulatory departments, and with the stipulation that **no** town services ie. garbage collection, snow clearing, street lighting, road maintenance, etc., will be provided beyond Earle's Road.

In favour: Mayor Littlejohn

Deputy Mayor Walsh

Councillors: C. Mercer, G. Greenland, D. Brown and B. Seymour

Opposed: 0

Abstaining: 0

Motion Carried.

Item 12 : Residential building application received from x.

Motion 2008 - 306 - Mercer/Walsh

Resolved that approval be given x, as per submitted application, to construct a dwelling at 91A Water Street, Bay Roberts, subject to all Municipal Development Regulations and all other regulatory departments.

In favour: Mayor Littlejohn

Deputy Mayor Walsh

Councillors: C. Mercer, G. Greenland, D. Brown and B. Seymour

Opposed: 0

Abstaining: 0

Motion Carried.

Item 13 : Residential building application received from x.

Motion 2008 - 307 - Seymour/Mercer

Resolved that approval be given x, as per submitted application, to construct a dwelling at 64B-68B North Road, Coley's Point, subject to all Municipal Development Regulations and all other regulatory departments.

In favour: Mayor Littlejohn

Deputy Mayor Walsh

Councillors: C. Mercer, G. Greenland, D. Brown and B. Seymour

Opposed: 0

Abstaining: 0

Motion Carried.

Item 14 : Letter received from Moores, Andrews, Collins Law Offices requesting that the Town transfer ownership of Hope Avenue to x.

Item 14 will be covered in the Planning & Development Committee report.

Item 15 : Letter received from x requesting that the Town extend the storm water drain coming across Water Street out approximately 40 feet in the water near the x.

Motion 2008 - 308 - Walsh/Brown

Resolved that x's correspondence be referred to the Planning & Development Committee.

In favour: Mayor Littlejohn
Deputy Mayor Walsh
Councillors: C. Mercer, G. Greenland, D. Brown and B. Seymour
Opposed: 0
Abstaining: 0
Motion Carried.

Item 16 : Letter received from the x, requesting financial assistance to cover the cost of the band used for Shopping Days at the Legion during Klondyke Days.

Motion 2008 - 309 - Seymour/Brown

Resolved that the x correspondence be referred to the Finance Committee.

In favour: Mayor Littlejohn
Deputy Mayor Walsh
Councillors: C. Mercer, G. Greenland, D. Brown and B. Seymour
Opposed: 0
Abstaining: 0
Motion Carried.

Item 17 : Correspondence received from O'Dea, Earle Law Offices regarding a Supreme Court judgment obtained by x., against x, Central Street, Bay Roberts.

Motion 2008 - 310 - Greenland/Seymour

Resolved that the correspondence from O'Dea, Earle Law Offices be referred to the Planning & Development Committee.

In favour: Mayor Littlejohn
Deputy Mayor Walsh
Councillors: C. Mercer, G. Greenland, D. Brown and B. Seymour
Opposed: 0

Abstaining: 0
Motion Carried.

Item 18 : Survey received from G.M. Fitzgerald Surveys Ltd., on behalf of x, for proposed lot layout at Parade Street.

Item 18 will be covered in the Planning & Development Committee report.

Item 19 : Estimate received from Whalen's Contracting Ltd., for concrete high back curb in Shearstown.

Item 19 will be covered in the Planning & Development Committee report.

Item 20 : Letter received from CBN Slateworks Jr. hockey team requesting financial support.

Motion 2008 - 311 - Walsh/Seymour

Resolved that a donation of \$500.00 be given to the CBN Slateworks Jr. Stars.

In favour: Mayor Littlejohn
Deputy Mayor Walsh
Councillors: C. Mercer, G. Greenland, D. Brown and B. Seymour

Opposed: 0
Abstaining: 0
Motion Carried.

Item 21 : Letter received from Trinity Conception Placentia Health Foundation requesting financial support for the 19th Annual Telethon.

Motion 2008 - 312 - Walsh/Mercer

Resolved that a donation of \$1,000.00 be given to the TCP Health Foundation Telethon.

In favour: Mayor Littlejohn
Deputy Mayor Walsh
Councillors: C. Mercer, G. Greenland, D. Brown and B. Seymour

Opposed: 0
Abstaining: 0
Motion Carried.

Item 22 : Letter and petition received from Roland Butler, M.H.A., regarding a year-round aquatic facility.

Motion 2008 - 313 - Mercer/Greenland

Resolved that Mr. Butler be advised that a consultant has been hired to complete a feasibility study for a new recreation facility for our community. This study is expected to go a long way in determining whether a permanent aquatic facility is a viable option.

In favour: Mayor Littlejohn
Deputy Mayor Walsh
Councillors: C. Mercer, G. Greenland, D. Brown and B. Seymour
Opposed: 0
Abstaining: 0
Motion Carried.

Item 23 : Correspondence received from x regarding loss of the Bull Arm construction towers to Marystown shipyard.

Motion 2008 - 314 - Seymour/Mercer

Resolved that x's correspondence be placed on file.

In favour: Mayor Littlejohn
Deputy Mayor Walsh
Councillors: C. Mercer, G. Greenland, D. Brown and B. Seymour
Opposed: 0
Abstaining: 0
Motion Carried.

Item 24 : Correspondence received from FCM regarding Green Municipal Fund Water and Transportation Projects.

Motion 2008 - 315 - Greenland/Brown

Resolved that the FCM correspondence be placed on file.

In favour: Mayor Littlejohn
Deputy Mayor Walsh
Councillors: C. Mercer, G. Greenland, D. Brown and B. Seymour
Opposed: 0

Abstaining: 0
Motion Carried.

Item 25 : Residential building application received from x.

Motion 2008 - 316 - Greenland/Seymour

Resolved that approval be given x, as per submitted application, to construct a dwelling at the corner of Duncan Road and Green's Road, Bay Roberts, subject to all Municipal Development Regulations and all other regulatory departments. Also, x are advised that an high water table exists in that area of Green's Road and therefore, Council strongly discourages the installation of a basement and will not assume any responsibility for possible future water flooding problems.

In favour: Mayor Littlejohn
Deputy Mayor Walsh
Councillors: C. Mercer, G. Greenland, D. Brown and B. Seymour

Opposed: 0
Abstaining: 0
Motion Carried.

Item 26 : Residential building application received from x.

Motion 2008 - 317 - Greenland/Mercer

Resolved that approval be given x, as per submitted application, to construct a dwelling at Lot 6, Farm Road, Bay Roberts, subject to all Municipal Development Regulations and all other regulatory departments.

In favour: Mayor Littlejohn
Deputy Mayor Walsh
Councillors: C. Mercer, G. Greenland, D. Brown and B. Seymour

Opposed: 0
Abstaining: 0
Motion Carried.

Committee Reports

Tourism

Councillor Mercer gave a report regarding the Pigeon Inlet summer events and advised that the

Building Communities Through Arts and Heritage proposal will be presented for Council's perusal upon completion. The Pigeon Inlet Steering Committee extended their gratitude to Council, town staff, Kenny Sharpe, corporate sponsors, the Bay Roberts Society of United Fishermen, the Anglican Parish of Bay Roberts, Skipper Ben's Catering, community volunteers, the Pigeon Inlet Players and Tonya and Kelly Russell, for a very successful first season of the "Times" in Pigeon Inlet.

Planning & Development

Councillor Greenland tabled Committee minutes of August 4.

Re: Transfer of Ownership of Hope Avenue

Motion 2008 - 318 - Greenland/Walsh

Resolved that the request by Moores, Andrews, Collins Law Offices on behalf of x., for the Town to transfer ownership of Hope Avenue to x is denied due to the future access for development of land by extending existing road to C. B. Access Rd and also, land owners presently with frontage on Hope Avenue will be restricted.

In favour: Mayor Littlejohn
Deputy Mayor Walsh
Councillors: C. Mercer, G. Greenland, D. Brown and B. Seymour

Opposed: 0

Abstaining: 0

Motion Carried.

Re: Concrete Curb, Shearstown

Motion 2008 - 319 - Greenland/Brown

Resolved that approval be given Whalen's Contracting Limited to install a concrete high back curb in Shearstown, in the amount of \$7,643.00 plus 13% HST.

In favour: Mayor Littlejohn
Deputy Mayor Walsh
Councillors: C. Mercer, G. Greenland, D. Brown and B. Seymour

Opposed: 0

Abstaining: 0

Motion Carried.

Re: Lot Development, Parade Street, Coley's Point

Motion 2008 - 320 - Greenland/Seymour

Resolved that approval be given x, as per submitted survey, for the proposed residential lot development at Parade Street, Coley's Point, subject to all Municipal Development Regulations and all other regulatory departments. Residential building applications must be submitted individually for further approval.

In favour: Mayor Littlejohn
Deputy Mayor Walsh
Councillors: C. Mercer, G. Greenland, D. Brown and B. Seymour
Opposed: 0
Abstaining: 0
Motion Carried.

Re: Delaney's Road letter of June 25

Motion 2008 - 321 - Greenland/Seymour

Resolved that x be advised that Council acknowledges her statement that it was not x's intent to claim the road right of way (Delaney's Road) presently serviced by the Town.

In favour: Mayor Littlejohn
Deputy Mayor Walsh
Councillors: C. Mercer, G. Greenland, D. Brown and B. Seymour
Opposed: 0
Abstaining: 0
Motion Carried.

Re: Subway Application

Motion 2008 - 322 - Greenland/Walsh

Resolved that approval be given x, as per submitted application, to construct a new Subway Restaurant at 276 Conception Bay Highway, Bay Roberts, subject to all Municipal Development Regulations and all other regulatory departments and also, subject to the installation of a green belt running adjacent to Conception Bay Highway similar to existing businesses in the area ie. Shoppers Drug Mart.

In favour: Mayor Littlejohn
Deputy Mayor Walsh
Councillors: C. Mercer, G. Greenland, D. Brown and B. Seymour
Opposed: 0
Abstaining: 0
Motion Carried.

Re: Residential Building Application - x

Motion 2008 - 323 - Greenland/Seymour

Resolved that approval be given x, as per submitted application, to construct a dwelling at Green's Road Extension, Bay Roberts, subject to all Municipal Development Regulations and all other regulatory departments and with the condition that blockades at Arney's Pond Road be moved back in line with existing adjacent property survey markers. Also, the public right of way be reserved from the lot and shown to be 22 ½ feet from the center of the existing right of way. A revised survey must be submitted prior to starting construction.

In favour: Mayor Littlejohn
Deputy Mayor Walsh
Councillors: C. Mercer, G. Greenland, D. Brown and B. Seymour
Opposed: 0
Abstaining: 0
Motion Carried.

Re: Barracks Lane Improvements

Motion 2008 - 324 - Greenland/Walsh

Resolved that Riverside Excavating Limited be asked to stake the limits of their contract immediately as previously requested and if the staked area is acceptable to Council, Riverside Excavating Limited is requested to take action to start work by Tuesday, September 2, 2008. If the requested action is not taken by this date, the contract will be withdrawn.

In favour: Mayor Littlejohn
Deputy Mayor Walsh
Councillors: C. Mercer, G. Greenland, D. Brown and B. Seymour
Opposed: 0
Abstaining: 0
Motion Carried.

Re: Storage Warehouse, Bay Roberts East

Motion 2008 - 325 - Greenland/Walsh

Resolved that the request by x to construct a storage warehouse at Bay Roberts East, be denied due to associated traffic increase ie. trucks; the heritage area is close by; outside storage is difficult to control; and the request does not conform with current zoning regulations for the area.

In favour: Mayor Littlejohn
Deputy Mayor Walsh
Councillors: C. Mercer, G. Greenland, D. Brown and B. Seymour
Opposed: 0
Abstaining: 0
Motion Carried.

Public Works

Councillor Greenland gave a progress report & update.

Economic Development

Motion 2008 - 326 - Mercer/Greenland

Resolved that approval be given to Councillor Brown to attend the Economic Development Association Conference in Moncton, New Brunswick, from September 13 to 16.

In favour: Mayor Littlejohn
Deputy Mayor Walsh
Councillors: C. Mercer, G. Greenland, D. Brown and B. Seymour
Opposed: 0
Abstaining: 0
Motion Carried.

Fire Department

On behalf of Fire Chief Russell, Deputy Mayor Walsh enquired about funding for a rescue van.

Mayor's Report

Mayor Littlejohn will write the Federal Minister of Fisheries thanking him for the action he took

in facilitating removal of the boats from the government wharf.

Re: Request to change meeting start time from 7:30 p.m. to 6:45 p.m.

Motion 2008 - 327 - Walsh/Seymour

Resolved that future regular meetings of council will start at 6:45 p.m. and continue to be held on the 2nd and 4th Tuesday each month.

In favour: Mayor Littlejohn
Deputy Mayor Walsh
Councillors: C. Mercer, G. Greenland, D. Brown and B. Seymour

Opposed: 0

Abstaining: 0

Motion Carried.

Adjournment

Motion 2008 - 328 - Seymour/Greenland

Resolved that the meeting do now adjourn at 9:00 p.m.

In favour: Mayor Littlejohn
Deputy Mayor Walsh
Councillors: C. Mercer, G. Greenland, D. Brown and B. Seymour

Opposed: 0

Abstaining: 0

Motion Carried.

Glenn Littlejohn
Mayor

Shirley Hawe
Town Clerk