

The One Hundredth and Sixth First meeting of the Fifteenth Town Council of the Town of Bay Roberts took place in the Town Hall, Tuesday, August 18, 2009, at 6:50 p.m.

Members Present Mayor Glenn Littlejohn
 Deputy Mayor Melvin Walsh
 Councillor Clarence G. Mercer
 Councillor Gerald Greenland
 Councillor Philip Wood
 Councillor Walter Yetman
 Councillor Bill Seymour

Also Present Town Manager Edwin Fradsham
 Town Clerk Shirley Hawe
 Director Ron Delaney
 Fire Chief Clarence H. Russell
 Residents

Minutes

Mayor Littlejohn asked if there were any errors or omissions to the minutes of the regular meeting of July 28, 2009, which had been circulated with the agenda.

Motion 2009 - 483 - Seymour/Wood

Resolved that minutes of July 28, 2009, be approved as presented.

In favour: Mayor Littlejohn
 Deputy Mayor Walsh
 Councillors: Mercer, Greenland, Wood, Yetman and Seymour

Opposed: 0

Abstaining: 0

Motion Carried.

Additions to the Agenda

Motion 2009 - 484 - Yetman/Greenland

Resolved that correspondence from the Joint Management Committee, UMC, x and the Fire Commissioner's Office, be added to the agenda.

In favour: Mayor Littlejohn
Deputy Mayor Walsh
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Councillors: Mercer, Greenland, Wood, Yetman and Seymour
Opposed: 0
Abstaining: 0
Motion Carried.

Motion 209 - 485 - Greenland/Yetman

Resolved that Public Works Committee and Planning & Development Committee minutes be added to the agenda.

In favour: Mayor Littlejohn
Deputy Mayor Walsh
Councillors: Mercer, Greenland, Wood, Yetman and Seymour
Opposed: 0
Abstaining: 0
Motion Carried.

Business Arising from Previous Minutes

Motion 2009 - 486 - Greenland/Mercer

Resolved that the signed agreement, dated July 23, 2009, between x and the Town of Bay Roberts regarding clarification of building permit conditions for 72-74 Arney's Pond Road, be placed on file.

In favour: Mayor Littlejohn
Deputy Mayor Walsh
Councillors: Mercer, Greenland, Wood, Yetman and Seymour
Opposed: 0
Abstaining: 0
Motion Carried.

New Business

Item 1 : Petition received from residents requesting that the existing ballfield in Butlerville be upgraded to CSA standards.

Motion 2009 - 487 - Yetman/Mercer

Resolved that the playground petition be referred to the Recreation Committee.

In favour: Mayor Littlejohn
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Deputy Mayor Walsh
Councillors: Mercer, Greenland, Wood, Yetman and Seymour

Opposed: 0
Abstaining: 0
Motion Carried.

Councillor Seymour noted that a rumor was circulating in Butlerville regarding his intentions for the playground. Councillor Seymour advised that at no time did he indicate that the ballfield should be turned into a green space. His intentions are for the current ballfield to be upgraded and maintained to CSA standards and that he has spent 25 years working to bring the playground to what it is today.

Item 2 : Letter received from x regarding concerns with ongoing issues due to Tropical Storm Chantal.

Motion 2009 - 488 - Greenland/Walsh

Resolved that the Public Works Committee will carry out a site visit to determine the scope of work required and arrangements will be made for the work to be done by the contractor during upgrades to Shearstown Brook. Costs will be covered by the Town.

In favour: Mayor Littlejohn
Deputy Mayor Walsh
Councillors: Mercer, Greenland, Wood, Yetman and Seymour
Opposed: 0
Abstaining: 0
Motion Carried.

Item 3 : Letter received from x regarding an adjacent right of way accessing a neighbouring property.

Motion 2009 - 489 - Yetman/Mercer

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

In favour: Mayor Littlejohn
Deputy Mayor Walsh
Councillors: Mercer, Greenland, Wood, Yetman and Seymour
Opposed: 0

Abstaining: 0
Motion Carried.

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Item 4 : Letter received from x regarding road ditching concerns at Playground Road Extension.

Motion 2009 - 490 - Walsh/Mercer

Resolved that x's concerns be referred to the Public Works Committee.

In favour: Mayor Littlejohn
Deputy Mayor Walsh
Councillors: Mercer, Greenland, Wood, Yetman and Seymour
Opposed: 0
Abstaining: 0
Motion Carried.

Item 5 : Letter received from x regarding upgrades to Barracks Lane.

Motion 2009 - 491 - Yetman/Walsh

Resolved that x's correspondence be placed on file.

In favour: Mayor Littlejohn
Deputy Mayor Walsh
Councillors: Mercer, Greenland, Wood, Yetman and Seymour
Opposed: 0
Abstaining: 0
Motion Carried.

Item 6 : Letter received from x and Earle's Road residents requesting snow clearing services for a side road off Earle's Road.

Motion 2009 - 492 - Seymour/Mercer

Resolved that the resident's request for snow clearing of a side road off Earle's Road be referred to the Public Works Committee.

In favour: Mayor Littlejohn
Deputy Mayor Walsh

Councillors: Mercer, Greenland, Wood, Yetman and Seymour
Opposed: 0
Abstaining: 0
Motion Carried.

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Item 7 : Letter received from x requesting a street light at Bradbury's Lane.

Motion 2009 - 493 - Mercer/Wood

Resolved that x' correspondence be referred to the Public Works Committee.

In favour: Mayor Littlejohn
Deputy Mayor Walsh
Councillors: Mercer, Greenland, Wood, Yetman and Seymour
Opposed: 0
Abstaining: 0
Motion Carried.

Item 8 : Correspondence received from x regarding the speed limit on Snow's Subdivision, Country Road.

Motion 2009 - 494 - Greenland/Seymour

Resolved that x's letter be referred to the Public Works Committee.

In favour: Mayor Littlejohn
Deputy Mayor Walsh
Councillors: Mercer, Greenland, Wood, Yetman and Seymour
Opposed: 0
Abstaining: 0
Motion Carried.

Item 9 : Copy of correspondence to x from x tabled for review.

Motion 2009 - 495 - Mercer/Wood

Resolved that x's letter be placed on file.

In favour: Mayor Littlejohn

Deputy Mayor Walsh
Councillors: Mercer, Greenland, Wood, Yetman and Seymour

Opposed: 0
Abstaining: 0
Motion Carried.

Item 10 : Correspondence received from x regarding car wrecks near Snow's Pond, North River.

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x be advised that Snow's Pond is outside the municipal boundaries of Bay Roberts.

Item 11 : Correspondence received from the RNCA requesting financial support for their annual publication.

Motion 2009 - 496 - Walsh/Yetman

Resolved that RNCA's correspondence be placed on file.

In favour: Mayor Littlejohn
Deputy Mayor Walsh
Councillors: Mercer, Greenland, Wood, Yetman and Seymour
Opposed: 0
Abstaining: 0
Motion Carried.

Item 12 : Letter received from the Royal Canadian Legion, Branch 32, requesting permission to replace decking on the Veterans Quay.

Motion 2009 - 497 - Greenland/Seymour

Resolved that permission be given the Royal Canadian Legion to replace decking on the Veterans Quay, subject to all Municipal Development Regulations and all other regulatory departments.

In favour: Mayor Littlejohn
Deputy Mayor Walsh
Councillors: Mercer, Greenland, Wood, Yetman and Seymour
Opposed: 0
Abstaining: 0
Motion Carried.

Item 13 : Correspondence received from the Joint Management Committee advising that the

Shearstown Estuary cleanup will take place on Saturday, August 22, beginning at 9:30 a.m. with a BBQ lunch at 12:00 noon.

Item 14 : Correspondence received from the United Way of NL regarding the development of the first-ever Atlantic United Way Week.

Motion 2009 - 498 - Mercer/Greenland

Resolved that the United Way correspondence be placed on file.

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In favour: Mayor Littlejohn
Deputy Mayor Walsh
Councillors: Mercer, Greenland, Wood, Yetman and Seymour
Opposed: 0
Abstaining: 0
Motion Carried.

Item 15 : Letter received from x seeking permission to upgrade Battens Esso.

Motion 2009 - 499 - Walsh/Greenland

Resolved that approval in principle be given x to install a two compartment tank to house diesel fuel and furnace oil at 3 C. B. Highway, subject to submission of a detailed plot plan, and subject to all Municipal Development Regulations and all other regulatory departments.

In favour: Mayor Littlejohn
Deputy Mayor Walsh
Councillors: Mercer, Greenland, Wood, Yetman and Seymour
Opposed: 0
Abstaining: 0
Motion Carried.

Item 16 : Commercial occupancy application received from x.

Motion 2009 - 500 - Greenland/Yetman

Resolved that approval be given x, as per submitted application, to open and operate Body Balance Massage Therapy Clinic at 337 Conception Bay Highway, subject to all Municipal Development Regulations and all other regulatory departments.

In favour: Mayor Littlejohn
Deputy Mayor Walsh
Councillors: Mercer, Greenland, Wood, Yetman and Seymour
Opposed: 0
Abstaining: 0
Motion Carried.

X entered the Chambers.

Item 17 : Commercial occupancy application received from x.

Motion 2009 - 501 - Walsh/Seymour

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Resolved that x must publish her request to open and operate Precious Paws Pet Grooming in the basement her residence located at 40-58 Cat Hills Road.

In favour: Mayor Littlejohn
Deputy Mayor Walsh
Councillors: Mercer, Greenland, Wood, Yetman and Seymour
Opposed: 0
Abstaining: 0
Motion Carried.

Item 18 : Commercial occupancy application received from x.

Motion 2009 - 502 - Yetman/Seymour

Resolved that x must publish his request to open and operate a vehicle repair business, consisting of light mechanic work and small engine repair, in the garage located behind his residence at 315A Shearstown Road.

In favour: Mayor Littlejohn
Deputy Mayor Walsh
Councillors: Mercer, Greenland, Wood, Yetman and Seymour
Opposed: 0
Abstaining: 0
Motion Carried.

Item 19 : Residential building application received from x.

Motion 2009 - 503 - Seymour/Greenland

Resolved that approval be given x, as per submitted application, to construct a dwelling at 8-10 Tetford's Road, Shearstown, subject to all Municipal Development Regulations and all other regulatory departments.

In favour: Mayor Littlejohn
Deputy Mayor Walsh
Councillors: Mercer, Greenland, Wood, Yetman and Seymour
Opposed: 0
Abstaining: 0
Motion Carried.

Item 20 : Residential building application received from x.

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Motion 2009 - 504 - Greenland/Yetman

Resolved that approval be given x, as per submitted application, to construct a dwelling at 32 Rocky Pond Road, Bay Roberts, subject to all Municipal Development Regulations and all other regulatory departments.

In favour: Mayor Littlejohn
Deputy Mayor Walsh
Councillors: Mercer, Greenland, Wood, Yetman and Seymour
Opposed: 0
Abstaining: 0
Motion Carried.

Item 21 : Residential building application received from x.

Motion 2009 - 505 - Mercer/Greenland

Resolved that approval be given x, as per submitted application, to construct a dwelling at 41 South Road, Coley's Point, subject to all Municipal Development Regulations and all other regulatory departments.

In favour: Mayor Littlejohn
Deputy Mayor Walsh
Councillors: Mercer, Greenland, Wood, Yetman and Seymour
Opposed: 0

Abstaining: 0
Motion Carried.

Item 22 : Residential building application received from x.

Motion 2009 - 506 - Seymour/Mercer

Resolved that x must publish his request to construct a residential three (3) unit apartment building at 8 Efford's Subdivision, Bay Roberts.

In favour: Mayor Littlejohn
Deputy Mayor Walsh
Councillors: Mercer, Greenland, Wood, Yetman and Seymour
Opposed: 0
Abstaining: 0
Motion Carried.

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Item 23 : Residential building application received from x.

Motion 2009 - 507 - Seymour/Wood

Resolved that approval be given x, as per submitted application, to construct a dwelling at Lot 80, 35 Badcock Boulevard, Bay Roberts, subject to all Municipal Development Regulations and all other regulatory departments.

In favour: Mayor Littlejohn
Deputy Mayor Walsh
Councillors: Mercer, Greenland, Wood, Yetman and Seymour
Opposed: 0
Abstaining: 0
Motion Carried.

Item 24 : Correspondence received from MNL requesting financial support for their proposed independent study on current financial situations faced by municipalities.

Motion 2009 - 508 - Walsh/Mercer

Resolved that approval be given to contribute \$2,000 in support of the initiative by MNL to hire a consultant to review the existing financial situations faced by municipalities.

In favour: 0
Opposed: Mayor Littlejohn
Deputy Mayor Walsh
Councillors: Mercer, Greenland, Wood, Yetman and Seymour
Abstaining: 0
Motion Defeated.

Item 25 : Letter received from x seeking permission to open and operate a bed & breakfast at 16 Efford's Subdivision, Bay Roberts.

Motion 2009 - 509 - Greenland/Yetman

Resolved that x must publish her request to open and operate a four (4) bedroom bed & breakfast establishment at 16 Efford's Subdivision, Bay Roberts.

In favour: Mayor Littlejohn
Deputy Mayor Walsh
Councillors: Mercer, Greenland, Wood, Yetman and Seymour

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Opposed: 0
Abstaining: 0
Motion Carried.

Item 26 : Copy of letter to Fire Chief Russell from Fire Protection Officer, Fire and Emergency Services, regarding the Fire Department connection at the x.

Motion 2009 - 510 - Greenland/Wood

Resolved that x be advised that the required work must be done in accordance with the National Building Code of Canada, as outlined in the Fire and Emergency Services letter of August 18, 2009.

In favour: Mayor Littlejohn
Deputy Mayor Walsh
Councillors: Mercer, Greenland, Wood, Yetman and Seymour
Opposed: 0
Abstaining: 0
Motion Carried.

Committee Reports

Finance Committee

Mayor Littlejohn left the Chambers and Deputy Mayor Walsh took the Chair.

Motion 2009 - 511 - Seymour/Yetman

Resolved that July 2009 Accounts Payable be approved.

In favour: Mayor Littlejohn
Deputy Mayor Walsh
Councillors: Mercer, Greenland, Wood, Yetman and Seymour
Opposed: 0
Abstaining: 0
Motion Carried.

Cultural Foundation

Motion 2009 - 512 - Mercer/Wood

Resolved that Cultural Foundation minutes of July 7, 22 and August 4, be accepted.
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In favour: Mayor Littlejohn
Deputy Mayor Walsh
Councillors: Mercer, Greenland, Wood, Yetman and Seymour
Opposed: 0
Abstaining: 0
Motion Carried.

Mayor Littlejohn resumed Chair.

Motion 2009 - 513 - Mercer/Walsh

Resolved that Councillor Mercer's report on the North Atlantic Marina and Recreational Boating Conference be accepted.

In favour: Mayor Littlejohn
Deputy Mayor Walsh
Councillors: Mercer, Greenland, Wood, Yetman and Seymour
Opposed: 0
Abstaining: 0
Motion Carried.

Public Works Committee

Motion 2009 - 514 - Seymour/Greenland

Resolved that x, on behalf of x, be advised that 66-70 Water Street is recorded in the 2009 Assessment Roll as having 145' frontage. This frontage was determined by the original property assessment carried out in 1980 for the taxation year 1981. Each year since, a property assessment notice was issued to the owner of 66-70 Water Street indicating the 145' frontage and the assessed value. Frontage is a factor in determining the assessed value and in the amount of property tax invoiced each year. Also, a number of years ago, the Town Manager consulted with x to verify that a water drainage pipe being installed from the x property was outside his west boundary. The culvert, now in question, is 10' west of the x pipe. On this basis, Council did not request permission to cross land as ownership was not an issue.

In favour: Mayor Littlejohn
Deputy Mayor Walsh
Councillors: Mercer, Greenland, Wood, Yetman and Seymour
Opposed: 0
Abstaining: 0
Motion Carried.

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Motion 2009 - 515 - Greenland/Seymour

Resolved that the Public Works Committee minutes of August 18, 2009, be accepted.

In favour: Mayor Littlejohn
Deputy Mayor Walsh
Councillors: Mercer, Greenland, Wood, Yetman and Seymour
Opposed: 0
Abstaining: 0
Motion Carried.

Planning, Zoning & Development Committee

Motion 2009 - 516 - Greenland/Yetman

Resolved that x application to erect a boat house (shed) at North Road does not conform with current zoning regulations. X may apply to the town planner for a zoning change during the current town plan review.

In favour: Mayor Littlejohn
Deputy Mayor Walsh
Councillors: Mercer, Greenland, Wood, Yetman and Seymour
Opposed: 0
Abstaining: 0
Motion Carried.

Motion 2009 - 517 - Greenland/Mercer

Resolved that approval in principle be given x to construct a residential storage shed which is consistent with similar structures throughout the town, pending re-submission of a detailed drawing providing an exterior view and complete description of the structure, and subject to all Municipal Development Regulations and all other regulatory departments.

In favour: Mayor Littlejohn
Deputy Mayor Walsh
Councillors: Mercer, Greenland, Wood, Yetman and Seymour
Opposed: 0
Abstaining: 0
Motion Carried.

Motion 2009 - 518 - Greenland/Seymour

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Resolved that approval in principle be given to x to open and operate a Naturopathic Medical Clinic at 114 North Road, Coley's Point, pending submission of a detailed plot plan, and subject to all Municipal Development Regulations and all other regulatory departments.

In favour: Mayor Littlejohn
Deputy Mayor Walsh
Councillors: Mercer, Greenland, Wood, Yetman and Seymour
Opposed: 0
Abstaining: 0
Motion Carried.

Motion 2009 - 519 - Yetman/Walsh

Resolved that x's request to remove a portion of the building at 216 Water Street, be referred to the Heritage Advisory Committee.

In favour: Mayor Littlejohn
Deputy Mayor Walsh

Councillors: Mercer, Greenland, Wood, Yetman and Seymour

Opposed: 0

Abstaining: 0

Motion Carried.

Re: Water Street Parking Lot

It was decided that x be advised that the parking situation at the public parking area between x and x will be re-visited and current regulations will be enforced by Municipal Enforcement Officer Bowering upon his return from vacation.

Motion 2009 - 520 - Greenland/Yetman

Resolved that approval is given to x to proceed with the work required to use and upgrade the existing right of way east of the existing Arney's Pond Road with the following stipulations:

- the access road is assumed to be a private road;
- conforms with conditions outlined in Feb 16 correspondence from Regional Lands office;
- attention be given to #1 - #7 of the aforementioned conditions and further clarification may be required;
- road must terminate at the end of the applicant's property to be developed; and
- all necessary permits must be obtained from all other regulatory departments prior to commencement.

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In favour: Mayor Littlejohn

Deputy Mayor Walsh

Councillors: Mercer, Greenland, Wood, Yetman and Seymour

Opposed: 0

Abstaining: 0

Motion Carried.

Special Events Committee

Councillor Wood spoke about the financial aspects of putting off events and activities; youth involvement; success of the Doors Open Program; and, items for the upcoming Klondyke Gazette.

Heritage Advisory Committee

Councillor Wood noted that the National Historic Site plaque has not been installed on the Cable Building. The delay is due to replacement of the front doors.

Green Committee

Tidy Towns judging took place Monday, August 17. Sincere compliments and comments were made. Garbage containers for around town have been ordered.

Urban Municipalities Committee

Deputy Mayor Walsh advised that he will be attending meetings on August 22 & 23 at Port aux Basques.

Fire Department

Fire Chief Russell commented on storage of boughs at C. B. Access Road, and also, suggests a meeting be arranged with Fire Commissioner regarding the new Bay de Grave Fire Department.

Wetlands

Councillor Seymour reminded everyone of the Shearstown Estuary clean up this weekend.

Director's Report

Director Delaney spoke about progress on the installation of the new soccer field.

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Mayor's Report

Mayor Littlejohn advised that the next meeting of council will be at the call of the Chair. There will be no scheduled public meeting in September.

Christine Bradbury, Ian Flynn and Paula Bowering entered the Chambers.

Best of luck in the upcoming election was extended by all. A retirement cake was presented to Edwin Fradsham and best wishes in his future endeavours was extended by all.

Adjournment

Motion 2009 - 521 - Seymour/Walsh

Resolved that the meeting do now adjourn at 9:10 p.m.

In favour: Mayor Littlejohn
Deputy Mayor Walsh
Councillors: Mercer, Greenland, Wood, Yetman and Seymour

Opposed: 0

Abstaining: 0

Motion Carried.

Glenn Littlejohn
Mayor

Shirley Hawe
Town Clerk