

The Ninety-Seventh meeting of the Fifteenth Town Council of the Town of Bay Roberts took place in the Town Hall, Tuesday, February 24, 2009, at 6:45 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
 Compass Correspondent Lillian Simmons
 Resident

Minutes

Mayor Littlejohn asked if there were any errors or omissions to the minutes of the regular meeting of February 10, 2009 and the special meeting of February 17, 2009, which had been circulated with the agenda.

Discussion and update regarding the following:

- Dept. of Fisheries and Oceans be requested to include in their agenda for this spring, a site visit to Rocky Pond Brook.
- Klondyke Gazette newsletter will be ready for distribution on March 4.
- Heritage Day Proclamation 2009 to be faxed to the Heritage Foundation.
- Town Manager will check with engineer re: overlay for business park.
- Town Manager will contact Dept. of Transportation & Works re: entrance and exit to Powell's building at corner of Water Street & C.B. Highway.

Motion 2009 - 87 - Wood/Yetman

Resolved that minutes of the regular meeting of February 10, 2009, be accepted.

In favour: Mayor Littlejohn
 Deputy Mayor Walsh
 Councillors: C. Mercer, G. Greenland, P. Wood, W. Yetman and B. Seymour

Opposed: 0

Abstaining: 0

Motion Carried.

- Committee interviewed four candidates and hired for the position of Heavy Equipment Operator / Labourer for a probationary period of 12 weeks starting Monday, February 23, 2009. Also, a second candidate was considered as an alternate if the need arises and was encouraged to reapply in the next round of applications.

Motion 2009 - 88 - Mercer/Walsh

Resolved that minutes of the special meeting of February 17, 2009, be accepted.

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

Additions to Agenda

Motion 2009 - 89 - Walsh/Yetman

Resolved that correspondence from Cox & Palmer be added to the agenda.

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

New Business

Item 1 : Correspondence received from x requesting answers to questions relating to a motion of council regarding x permit to build.

Motion 2009 - 90 - Yetman/Walsh

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

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

Motion 2009 - 91 - Greenland/Walsh

Resolved that it is agreed a motion is in order to rescind Motion 2009 - 24.

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

Motion 2009 - 92 - Mercer/Yetman

Resolved that Motion 2009 - 24, be rescinded.

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

Motion 2009 - 93 - Mercer/Wood

Resolved that x be requested to confirm in writing acknowledgment and agreement with council's interpretation of submitted revised survey, signed and dated by x on September 19, 2008, and clearly reaffirm that the water front boundary of x's property at Arney's Pond Road is back 22 ½ feet from the center of the existing right of way as highlighted on the said revised survey.

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

x left the Chambers at 7:30 p.m.

Item 2 : Copy of correspondence issued to Dept. of Municipal Affairs from Mr. Roland Butler, M.H.A., regarding replacement of ice resurfacers for the Bay Arena.

It was decided that a meeting be arranged with Minister Diane Whalen, Dept. of Municipal Affairs.

Item 3 : Copy of letter issued to lawyer, x from lawyer, x, Curtis, Dawe, regarding receipt of correspondence pertaining to the town's offer to x for a resolution of the dispute to property at Water Street.

Motion 2009 - 94 - Greenland/Mercer

Resolved that the Curtis, Dawe correspondence be placed on file.

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

Item 4 : Correspondence received from lawyer, x, regarding the Cable Building Trust Agreement between the Town and the Bay Roberts Heritage Society.

Motion 2009 - 95 - Mercer/Seymour

Resolved that the Town Manager arrange a meeting with all appropriate parties to attain a prompt resolution to the Trust Agreement.

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

Item 5 : Correspondence received from lawyer, x, regarding the Northern Cod Ventures Inc., property situated at Central Street, Bay Roberts.

Motion 2009 - 96 - Yetman/Walsh

Resolved that x's correspondence regarding Northern Cod Ventures be referred to the Finance Committee.

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

Item 6 : Agreement of Purchase & Sale received from RE/MAX East Coast Realty regarding the former Shearstown Post Office property.

Motion 2009 - 97 - Greenland/Seymour

Resolved that approval is given to sell 197 Shearstown Road, the former Shearstown Post Office property, to x for the amount of \$32,000.00, as per the Agreement of Purchase & Sale.

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

Item 7 : Letter received from x regarding water flooding of the former Canadian National Railway rail bed.

Motion 2009 - 98 - Seymour/Yetman

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

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

Item 8 : Letter received from x regarding recurring water problems at 387 Shearstown Road.

Motion 2009 - 99 - Greenland/Mercer

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

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

Item 9 : Correspondence received from x, Barnes Road, regarding excessive ice build up in their back yard.

Motion 2009 - 100 - Mercer/Yetman

Resolved that x's concerns have been addressed and their correspondence be placed on file.

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

Item 10 : Email received from x, on behalf of the Bay Roberts Lions Club, requesting the town to provide snow clearing services to the Bay Roberts Lions Club parking lot.

Motion 2009 - 101 - Yetman/Seymour

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

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

Item 11 : Correspondence received from x requesting consideration be given for the installation of a standard 6" sewer line in Wareham's Lane.

Motion 2009 - 102 - Mercer/Greenland

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

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

Item 12 : Letter received from x requesting permission to convert the commercial building at 14 Country Road, Bay Roberts, to a one unit self contained residential property.

Motion 2009 - 103 - Greenland/Yetman

Resolved that approval be given to x to convert the existing building at 14 Country Road to a one unit self contained residential property, subject to all Municipal Development Regulations and all other regulatory departments.

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

Item 13 : Occupancy application received from x Ltd.

Motion 2009 - 104 - Mercer/Seymour

Resolved that approval be given to x Limited, as per submitted application, to operate a modular construction business at 8-18 Bishop's Road.

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

Item 14 : Residential building application received from x.

Motion 2009 - 105 - Yetman/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, P. Wood, W. Yetman and B. Seymour
Opposed: 0
Abstaining: 0
Motion Carried.

Item 15 : Residential building application received from x.

Motion 2009 - 106 - Seymour/Yetman

Resolved that approval be given x, as per submitted application, to construct a dwelling at 218-220 Country 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, P. Wood, W. Yetman and B. Seymour
Opposed: 0
Abstaining: 0
Motion Carried.

Item 16 : Commercial building application received from x.

Motion 2009 - 107 - Greenland/Yetman

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

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

Item 17 : Correspondence received from x Limited requesting permission to in-fill the salt water ponds in front of their property at North Road, Coley's Point.

Motion 2009 - 108 - Yetman/Walsh

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

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

Item 18 : Correspondence received from the Knights of Columbus NL seeking financial support for their one hundredth anniversary celebrations.

Item 19 : Correspondence received from Child Find NL seeking financial support for their annual "Children's Safety Awareness Booklet".

Motion 2009 - 109 - Greenland/Mercer

Resolved that item's 18 & 19 be referred to the Finance Committee.

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

Item 20 : Invitation received for the Cupids 400 Celebrations information session on Tuesday, February 24 at the Fluvarium, St. John's.

Motion 2009 - 110 - Mercer/Wood

Resolved that the Cupids 400 Celebration invitation be placed on file.

In favour: Mayor Littlejohn
Deputy Mayor Walsh

Councillors: C. Mercer, G. Greenland, P. Wood, W. Yetman and B. Seymour

Opposed: 0
Abstaining: 0
Motion Carried.

Item 21 : Memorandum received from Greater Avalon Regional Waste Management Committee providing clarification of information regarding the committee's mandate from the Provincial Government.

Motion 2009 - 111 - Mercer/Wood

Resolved that the Greater Avalon Regional Waste Management Committee correspondence be placed on file.

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

Item 22 : Correspondence received from lawyer, x, Cox & Palmer, seeking confirmation that their client's intended use for 239 C. B. Highway is a permitted use under the town's zoning regulations.

Motion 2009 - 112 - Yetman/Seymour

Resolved that Mr. x be advised that his client's intended use for 239 C. B. Highway is a permitted use under the town's zoning regulations. An application and detailed drawings must be submitted and also forwarded to Government Services for approval before any development or renovations take place.

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

Committee Reports

Finance Committee

Motion 2009 - 113 - Walsh/Greenland

Resolved that the Town Council of Bay Roberts would include outstanding loans in the amount of \$189,655.00 for the town's share of Crossroads Forcemain Project # 15731 and \$250,000.00 for Capital Expenditures to be added to the town's existing water and sewer loan being refinanced with the Bank of Montreal as of January 1, 2009.

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

Tourism Committee

Motion 2009 - 114 - Mercer/Yetman

Resolved that tourism minutes of November 4, 2008, be accepted.

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

Motion 2009 - 115 - Mercer/Yetman

Resolved that tourism minutes of January 26, 2009, be accepted.

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

Special Events Committee

Motion 2009 - 116 - Wood/Walsh

Resolved that special events minutes of January 28, 2009, be accepted.

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

Recreation

Motion 2009 - 117 - Yetman/Mercer

Resolved that recreation minutes of February 16, 2009, be accepted.

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

Green Committee

The environmental organization, Ocean Net, will be hosting a Green Community Fair in the Town of Bay Roberts on Thursday, March 28 from 1 - 5 p.m. The fair covers energy conservation, alternative energies, water quality, water conservation, waste management, marine debris, organic farming, community gardens, air quality and climate change.

Municipal Enforcement Committee

Motion 2009 - 118 - Walsh/Yetman

Resolved that municipal enforcement minutes of February 12, 2009, be accepted.

In favour: Mayor Littlejohn
Deputy Mayor Walsh
Councillors: C. Mercer, G. Greenland, P. Wood, W. Yetman and B. Seymour

Opposed: 0
Abstaining: 0
Motion Carried.

Motion 2009 - 119 - Walsh/Wood

Resolved that a street light be installed at Coley's Point intersection - Neck Road, Neck Road Extension, South Road and Dawe Road.

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

Urban Municipalities Committee

UMC meeting agenda for February 27 & 28, was tabled. The next meeting will be held in Happy Valley Goose Bay and a motion for Deputy Mayor Walsh to attend is deferred pending further information.

Motion 2009 - 120 - Seymour/Greenland

Resolved that Town Clerk be given permission to attend the Newfoundland & Labrador Association of Municipal Administrators Convention in Corner Brook from April 22 - 26, 2009.

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

Update Action Items List

It was decided that a letter of congratulations be sent to x for being selected as a member of the 2008-09 Atlantic University Sport all-conference teams.

Adjournment

Motion 2009 - 121 - Greenland

Resolved that the meeting do now adjourn at 8:45 p.m.

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

Glenn Littlejohn
Mayor

Shirley Hawe
Town Clerk