

The Ninety-Fourth meeting of the Fifteenth Town Council of the Town of Bay Roberts took place in the Town Hall, Tuesday, January 13, 2009, at 7:00 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  
                                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 December 9, 2008, which had been circulated with the agenda.

Discussion and update regarding the following:

- ▶ Injured worker will see doctor in two weeks time.
- ▶ Increase only in housing extension permit.

**Motion 2009 - 1 - Mercer/Seymour**

Resolved that minutes of the regular meeting of December 9, 2008, be adopted.

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 tabled from BAE Newplan Group advising that tenders for Shearstown brook stabilization closed November 18, 2008, with one bid received from x,

for the amount of \$83,909.28 HST included. BAE Newplan recommends that this work be held until spring 2009 at which time it can be re-tendered to include all outstanding flood damage work in the Town of Bay Roberts. Dept. of Fisheries and Oceans also recommend holding the work until next year due to the timing of associated river work.

**Item 2 :** Petition received from residents of Dawson's Lane regarding drainage problems on their properties.

**Motion 2009 - 2 - Greenland/Mercer**

Resolved that the Dawson's Lane petition be referred to the Public Works Committee for review.

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 3 :** Letter received from x requesting a speed limit sign and Hidden Driveway sign for Bishop's Road.

**Motion 2009 - 3 - Seymour/Walsh**

Resolved that x's correspondence be referred to the Public Works Committee. Also, Municipal Enforcement be asked to monitor said area for speeding.

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 :** Letter received from x regarding water flooding of the former Canadian National Railway rail bed located adjacent to property occupied by C. B. Access Road.

**Motion 2009 - 4 - Greenland/Yetman\**

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

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 :** Letter received from x regarding public road encroachment on his land at Rocky Pond Road.

**Item 6 :** Letter received from x advising that a partial cul-de-sac at the end of Rocky Pond Road is not large enough for bus and large vehicle turning and adjacent land needs to be acquired to create a better turnaround.

X and x left Chambers.

**Motion 2009 - 5 - Walsh/Yetman**

Resolved that x and x correspondence be referred to the Planning & Development Committee for review and recommendation.

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

x and x returned to Chambers.

**Item 7 :** Letter received from x requesting dredging of the brook adjacent to their property at 43-45 Rocky Pond Road.

**Motion 2009 - 6 - Mercer/Yetman**

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

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 :** Copy of letter to Fire Chief Russell received from x advising that a firefighter informed the purchaser of her home that the fire truck spent two hours on November 29/08 pumping water out of her basement.

x left Chambers.

**Motion 2009 - 7 - Mercer/Wood**

Resolved that Fire Chief Russell respond to x's allegation and a copy of said correspondence be presented to Council.

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

x returned to Chambers.

**Item 9 :** Letter received from x regarding noise from x.

**Motion 2009 - 8 - Yetman/Mercer**

Resolved that x be advised that Municipal Enforcement will continue to monitor the situation by carrying out periodic checks for excessive and unreasonable noise levels between the hours of 11:00 p.m. and 7:00 a.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.

**Item 10 :** Email received from MNL advising that the Canadian Red Cross 3<sup>rd</sup> Atlantic Conference on Disaster Management is scheduled for April 28-30, 2009, at the Delta, St. John's.

**Item 11 :** Letter received from CBN Lightning Sports Club requesting financial support for x trip to Quebec for a national soccer tournament.

**Motion 2009 - 9 - Yetman/Seymour**

Resolved that CBN Lightning Sports Club's request 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 12 :** Letter received from CBN Slate Works Junior Stars requesting financial support to help alleviate the costs of hosting the "2009 Don Johnson Cup".

**Motion 2009 - 10 - Seymour/Yetman**

Resolved that CBN Slate Works Junior Stars' request 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 13 :** Commercial building application received from x.

**Motion 2009 - 11 - Yetman/Greenland**

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 14 :** Residential renovation / extension application received from x.

**Motion 2009 - 12 - Greenland/Seymour**

Resolved that approval be given to x, as per submitted application, to renovation and convert the former commercial building at 423 Water Street into a residential dwelling, 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 15 :** Residential building application received from x.

X left Chambers.

**Motion 2009 - 13 - Mercer/Seymour**

Resolved that approval be given to x, as per submitted application, to construct a dwelling at 2-6 Cathill 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 and B. Seymour  
Opposed: 0  
Abstaining: Councillor Yetman  
Motion Carried.

x returned to Chambers.

**Item 16 :** Residential building application received from x.

**Motion 2009 - 14 - Greenland/Mercer**

Resolved that approval be given to x, as per submitted application, to construct a dwelling at 20-22 Rocky Pond 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 17 :** Residential building application received from x.

**Motion 2009 - 15 - Walsh/Yetman**

Resolved that approval be given to x, as per submitted application, to construct a dwelling at 141 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 18 :** Architectural drawings and code review received from Ron Fougere Associates Limited for the proposed Baccalieu Trail Animal Hospital.

**Motion 2009 - 16 - Greenland/Yetman**

Resolved that a permit will be issued to the Baccalieu Trail Animal Hospital pending receipt of Government Services approvals. Also, it is requested that sound rated walls be used in areas where animal boarding kennels are located in order to avoid disturbances to neighbouring residential properties.

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 19 :** Commercial occupancy permit received from x.

**Motion 2009 - 17 - Greenland/Seymour**

Resolved that approval in principle be given to x to relocate to 139-141 C. B. Highway, however, final approval and the permit to occupy will not be issued until proper drawings are submitted and Government Services approvals have been received.

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 :** CBN Joint Councils and Trinity-Bay de Verde Joint Mayors minutes of November 27, 2008. (Copy of minutes placed on file)

**Motion 2009 - 18 - Mercer/Walsh**

Resolved that St. John's City Councillor Debbie Hanlon be requested to provide a copy of the petition regarding the removal of parking meters at the Health Sciences Center.

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**

**Motion 2009 - 19 - Walsh/Mercer**

Resolved that Accounts Payable for December 2008 be approved.

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**

### **Motion 2009 - 20 - Mercer/Walsh**

Resolved that Pigeon Inlet Steering Committee minutes of November 17, 2008, be accepted.  
(Copy of minutes 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.

### **Motion 2009 - 21 - Yetman/Seymour**

Resolved that Councillor Mercer be given permission to attend Hospitality Newfoundland & Labrador's AGM in Corner Brook on February 5, 6 & 7.

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 - 22 - Yetman/Walsh**

Resolved that Planning & Development minutes of January 8 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.

## **Planning & Development**

(Copy of January 8, 2009 minutes placed on file)

Re: Cabinet Shop, Central Street

Fire Chief will continue to monitor development to ensure compliance with fire regulations.

Recommendation re: Commercial Building Occupancy Permits

Committee recommends that all commercial buildings are subject to an occupancy permit. Permit will not be issued until an inspection is performed to ensure work is in compliance with regulations and/or conditions of the permit. Owner must not be permitted to occupy until compliance is verified by inspection. Committee or designate will carry out inspections.

Re: Fence at Delaney's Avenue, Shearstown

Town Manager will take appropriate action to have the fence removed.

Re: x Land Acquisition, C. B. Access Road

**Motion 2009 - 23 - Greenland/Wood**

Resolved that the survey will be performed and all associated costs be deducted from the agreed purchase price for x's land at C. B. Access 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.

Re: x Building Permit, Green's Road Extension

**Motion 2009 - 24 - Greenland/Yetman**

Resolved that permit # 2297, dated September 24, 2008, be revoked. X must re-submit revised survey for his residential building application at 31 Green's Road Extension.

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.

Re: x re: Right of Way

**Motion 2009 - 25 - Greenland/Walsh**

Resolved that the owners of 36 Green's Road Extension, x, and their lawyer, xr Law Offices, be advised that a site inspection of the Green's Road Extension/Arney's Pond Road area indicates evidence of existing right of ways. Also, Council is in receipt of documentation confirming these public right of ways, and therefore, it recognizes these areas as public right of ways and surveys must **not** encroach on public right of ways. Further to this, issuance of future residential building permits for Green's Road Extension/Arney's Pond Road will be pending submission of surveys clearly identifying said right of ways.

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.

**Fire Department**

Deputy Mayor Walsh tabled Fire Department Executive Committee meeting minutes of January 13. (Copy of minutes placed on file)

**Motion 2009 - 26 - Walsh/Wood**

Resolved that the Bay Roberts Fire Department be given permission to sell, where is as is, the old fire rescue van to Salmon Cove Fire Department for the sum of \$1.00.

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.

**Municipal Enforcement**

(Copy of January 8, 2009 minutes placed on file)

Re: Town of Bay Roberts Anti-Litter Regulations

**Motion 2009 - 27 - Walsh/Yetman**

Resolved that Notice of Motion is given to adopt the newly revised Town of Bay Roberts Anti-Litter Regulations at the next regular council meeting.

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.

Re: Town of Bay Roberts Emergency Disaster Plan

**Motion 2009 - 28 - Walsh/Greenland**

Resolved that a steering committee, consisting of Deputy Mayor Walsh (Chair), Fire Chief, Deputy Fire Chief, Councillor Wood, Municipal Enforcement Officer and Town Clerk, make revisions and recommend changes to the Bay Roberts Emergency Disaster Plan.

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.

Re: 4 Way Stop Sign at Coley's Point Intersection

**Motion 2009 - 29 - Walsh/Yetman**

Resolved that painted lines and 4 way stop signs be installed at the Coley's Point intersection of 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.

Re: Street Light at Barracks Lane Entrance

**Motion 2009 - 30 - Yetman/Mercer**

Resolved that the installation of a street light at the entrance to Barracks Lane off the Conception Bay Highway be referred to the Public Works Committee for review.

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.

It was noted that painted lines at the intersection of Cross Roads and Water Street will be looked into by the Public Works Committee.

**Wetlands**

Stewardship Association of Municipalities minutes of October 17, 2008 were tabled for review and discussion. (Copy of minutes placed on file)

Councillor Seymour suggested giving out free biodegradable or cloth bags at supermarkets as a way to increase awareness of the negative impact of plastic bags on the environment and encouraging people to reuse-recycle-reduce and compost.

**Mayor's Report**

Mayor Littlejohn noted that he will be attending the following:

- Eastern School District Avalon West Regions Roundtable Session, Wed. Jan. 14;
- Steering Committee meeting with Wendy of dma Planning re: Feasibility Study, Thurs. Jan. 15;
- Executive Committee meeting with area RCMP, Friday, Jan. 16; and,
- Provincial Government pre-budget consultations, Tuesday, Jan. 21.

Adjournment

**Motion 2009 - 31 - Seymour/Walsh**

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

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Glenn Littlejohn  
Mayor

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Shirley Hawe  
Town Clerk