

**Town of Bay Roberts  
Minutes of Regular Council Meeting  
Tuesday, July 6, 2010**

Seventeenth Meeting of the Sixteenth Town Council  
Town Hall, 321 Water Street, Bay Roberts, NL

In Attendance:

Council      Deputy Mayor Philip Wood  
                  Councillor Clarence G. Mercer  
                  Councillor Gerald Greenland  
                  Councillor Walter Yetman  
                  Councillor Melvin Walsh  
                  Councillor Bill Seymour

Staff            Nigel Black, Chief Administrative Officer  
                  Shirley Hawe, Town Clerk  
                  Program Officer Ian Flynn

Absent:            Mayor Glenn Littlejohn

**Call to Order**

Deputy Mayor Wood called the meeting to order at 7:00 p.m.

**1.0 Agenda**

**1.1 Additions to Agenda**

**Motion 2010 – 388 – Seymour/Yetman**

Resolved that the following be added to the agenda - staff report regarding request for a Harbour Taxi and Boat Tour operation; request for culvert at Earle's Road; request for letter of support regarding a portable welding business; request for permission to allow the take over of an old path situated at Central Street East; and, two residential building applications for 82-84 Green's Rd.

Carried unanimously

**Agenda for July 6, 2010**

**Motion 2010 – 389 – Mercer/Yetman**

Resolved that the revised agenda for July 6, 2010 be accepted.

Carried unanimously

**2.0 Minutes**

## **2.1 Minutes of Regular Meeting for June 15, 2010**

### **Motion 2010 – 390 – Walsh/Mercer**

Resolved that regular meeting minutes of June 15, 2010 be adopted as presented.  
Carried unanimously

## **3.0 New Business / Staff Reports**

### **3.1 Report by Program Officer Ian Flynn**

Ian advised that the town is in the top 20 finalists for the Kraft and TSN Sports Centre Celebration Tour 10 in 10. Voting begins July 12<sup>th</sup> at 1:30 p.m. and is unlimited for a 24 hour period. Powell's Supermarket will be holding a free community BBQ on Monday, July 12<sup>th</sup> and Tim Horton's will be providing refreshments for the volunteer groups. Ian left the Chambers at 7:20 p.m.

### **3.2 Residential Building Application – 7 New Road Hill**

#### **Motion 2010 – 391 – Seymour/Mercer**

Resolved that approval be given developer, as per submitted application, to construct a dwelling at 7 New Road Hill, subject to the Town's Municipal Development Regulations and those required by all other regulatory departments.  
Carried unanimously

### **3.3 Harbour Taxi and Boat Tour**

#### **Motion 2010 – 392 – Walsh/Yetman**

Resolved that *approval in principle* be given to applicant to operate a Harbour Taxi and Boat Tour business, subject to the Town's Municipal Development Regulations and those required by all other regulatory departments, and pending the following:

- A copy of the stability test is provided when applying for a business permit;
- CO2 be installed in the engine room;
- Proof of berthing at Veteran Quay Marina; and,
- Appropriate insurance is held on the vessel for tourist usage.

Carried unanimously

## **4.0 Correspondence for Action**

### **4.1 Commercial Occupancy – 252-254 Conception Bay Highway**

#### **Motion 2010 – 393 – Yetman/Mercer**

Resolved that approval be given applicant, as per submitted occupancy application, to open and operate a custom made draperies business, Hillview Draperies & Home Décor, at 252-254 C. B. Highway, Bay Roberts, subject to the

## **4.0 Correspondence for Action**

Town's Municipal Development Regulations and those required by all other regulatory

departments.  
Carried unanimously

**4.2 Commercial Occupancy – 389 Conception Bay Highway**

**Motion 2010 – 394 – Mercer/Walsh**

Resolved that approval can not be given the application to open and operate a restaurant, Magic Zoo Eatery, from 389 C. B. Highway, Bay Roberts, until all the conditions as outlined in the Fire Inspection Report, dated June 30, 2010, are met.  
Carried unanimously

**4.3 Residential Building Application – 23 Badcock Boulevard**

**Motion 2010 – 395 – Yetman/Walsh**

Resolved that approval be given developer, as per submitted application, to construct a dwelling at 23 Badcock Boulevard, Bay Roberts, subject to the Town’s Municipal Development Regulations and those required by all other regulatory departments.  
Carried unanimously

**4.4 Residential Building Application – 147-151 Central Street**

**Motion 2010 – 396 – Seymour/Mercer**

Resolved that approval be given developer, as per submitted application, to construct a dwelling at 147-151 Central Street, Bay Roberts, subject to the Town’s Municipal Development Regulations and those required by all other regulatory departments.  
Carried unanimously

**4.5 Residential Building Application – Lot 10, Bay Shore Estates**

**Motion 2010 – 397 – Mercer/Yetman**

Resolved that approval be given developer, as per submitted application, to construct a dwelling at Lot 10, Bay Shore Estates, Bay Roberts, subject to the Town’s Municipal Development Regulations and those required by all other regulatory departments.  
Carried unanimously

**4.6 Residential Building Application – 36 Bareneed Road**

**Motion 2010 – 398 – Walsh/Yetman**

Resolved that approval be given developer, as per submitted application, to construct a dwelling at 36 Bareneed Road, Coley’s Point, subject to the Town’s

<b>4.0 Correspondence for Action</b>
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Municipal Development Regulations and those required by all other regulatory departments.  
Carried unanimously

**4.7 Residential Building Application – 23 Duncan Road**

Councillor Seymour declared a conflict of interest and left the Chambers.

**Motion 2010 – 399 – Mercer/Yetman**

Resolved that approval be given applicant to construct a dwelling at 23 Duncan Road, Bay Roberts, pending receipt of an acceptable survey to complete submitted application, and subject to the Town’s Municipal Development Regulations and those required by all other regulatory departments.

Carried unanimously

Councillor Seymour returned to the Chambers.

**4.8 Subdivision Development – Green’s Road**

**Motion 2010 – 400 – Yetman/Seymour**

Resolved that the Green’s Road Subdivision application be referred to the Planning & Development Committee.

Carried unanimously

**4.9 Access Water & Sewer thru Crown Land – 389 C. B. Highway**

**Motion 2010 – 401 – Mercer/Yetman**

Resolved that correspondence requesting a response regarding a previously submitted crown land application be placed on file.

Carried unanimously

**4.10 Law Firm – Distribution of Follow Up Legal Work**

**Motion 2010 – 402 – Greenland/Seymour**

Resolved that correspondence regarding distribution of follow up legal work be placed on file.

Carried unanimously

**4.11 Survey Peg & Boulders – 10 Mission Lane**

**Motion 2010 – 403 – Seymour/Mercer**

Resolved that the request for reinstatement of a survey peg at 10 Mission Lane and removal of gravel and boulders on adjacent property be referred to the Public Works Committee.

Carried unanimously

**4.0 Correspondence for Action**

**4.12 Water Build Up – New Found Lane**

**Motion 2010 – 404 – Greenland/Yetman**

Resolved that concerns with water build up on New Found Lane be referred to the Public Works Committee.

Carried unanimously

**4.13 Ditching & Catch Basin – 2 Duncan Road**

**Motion 2010 – 405 – Yetman/Walsh**

Resolved that concerns with ditching and installation of a catch basin at Duncan Road be referred to the Public Works Committee.

Carried unanimously

**4.14 Blocked Ditch – 22 Green’s Road**

**Motion 2010 – 406 – Mercer/Seymour**

Resolved that concerns with a tree blocking a drainage ditch adjacent to 22 Green’s Road be referred to the Public Works Committee.

Carried unanimously

**4.15 Residential Development – Harding’s Lane**

**Motion 2010 – 407 – Walsh/Yetman**

Resolved that the request for permission to build a dwelling on land located on Harding’s Lane be referred to the Planning & Development Committee.

Carried unanimously

**4.16 Dept of Municipal Affairs – Extend Contract**

**Motion 2010 – 408 – Walsh/Mercer**

Resolved that Council accept government approval to award the remainder of part B of Project 26660 under Canada/Newfoundland Building Canada Fund and Multi-Year Capital Works, Bear’s Cove Outfall and Sewage Pumping Station, in accordance with the original tender and expenditure of \$1,522,551.64. The Town further accepts that all costs in excess of these amounts will be 100% the responsibility of the Town unless written approval of the Regional Engineer is obtained prior to the expenditure of the funds.

Carried unanimously

Ron Delaney entered the Chambers.

**4.17 Crown Land Application – Long Pond, Country Road**

**4.0 Correspondence for Action**

**Motion 2010 – 409 – Yetman/Mercer**

Resolved that the crown land application for farm land near Long Pond, Country Road, be referred to the Planning & Development Committee.

Carried unanimously

**4.18 Law Firm – Boulder at Arney’s Pond Road**

**Motion 2010 – 410 – Yetman/Mercer**

Resolved that correspondence regarding placement of boulders on Arney’s Pond Road be referred to the Executive Committee.

Carried unanimously

**4.19 Commercial Building Application – Birch Hills, C. B. Highway**

**Motion 2010 – 411 – Mercer/Yetman**

Resolved that the commercial building application for a spa at Birch Hills, Bay Roberts, be referred to the Planning & Development Committee.

Carried unanimously

**4.20 Subdivision Development – Marina Place, Phase 2**

**Motion 2010 – 412 – Mercer/Walsh**

Resolved that correspondence regarding Marina Place, Phase 2, subdivision development be referred to the Planning & Development Committee.

Carried unanimously

**4.21 Residential Building Application – 8 Fitzgerald’s Place**

**Motion 2010 – 413 – Walsh/Seymour**

Resolved that approval be given developer, as per submitted application, to construct a dwelling at 8 Fitzgerald’s Place, Bay Roberts, subject to the Town’s Municipal Development Regulations and those required by all other regulatory departments.

Carried unanimously

**4.22 Request for Culvert – Earle’s Road**

**Motion 2010 – 414 – Mercer/Walsh**

Resolved that correspondents be advised their previously submitted residential building application was denied, and therefore, their request for installation of a culvert cannot be adhered to.

Carried unanimously

Councillor Seymour voiced his concern with the denial of building application

**4.0 Correspondence for Action**

at Earle’s Road and requested further consideration be given to the matter.

**4.23 Request Letter of Support – 24 Hour Portable Welding Company**

**Motion 2010 – 415 – Mercer/Greenland**

Resolved that correspondent be advised his welding company would be considered for future work pending submission of appropriate business application.

Carried unanimously

**4.24 Request Permission to Re-route Path and take over Old Path – Central Street East**

**Motion 2010 – 416 – Yetman/Walsh**

Resolved that correspondence regarding the path at Central Street East be referred to the Planning & Development Committee.

Carried unanimously

**4.25 Residential Building Application – 82 Green’s Road (Lot 2)**

**Motion 2010 – 417 – Yetman/Seymour**

Resolved that approval be given developer, as per submitted application, to construct a dwelling at 82 Green’s Road (Lot 2), Bay Roberts, subject to the Town’s Municipal Development Regulations and those required by all other regulatory departments.

Carried unanimously

**4.26 Residential Building Application – 84 Green’s Road (Lot 1)**

**Motion 2010 – 418 – Yetman/Mercer**

Resolved that the residential building application for 84 Green’s Road (Lot 1) be referred to the Public Works Committee.

Carried unanimously

**5.0 Correspondence for Information**

**5.1 Accounts Payable – June 2010**

**Motion 2010 – 419 – Greenland/Walsh**

Resolved that June 2010 Accounts Payable be accepted.

Carried unanimously

**5.2 Department of Municipal Affairs – North River Expansion**

**5.0 Correspondence for Information**

**Motion 2010 – 420 – Seymour/Greenland**

Resolved that correspondence regarding the order that a Feasibility Report be prepared into the Town of North River’s proposal to expand its municipal boundary to take in unincorporated land in close proximity to that town be referred to the Planning & Development Committee.

Carried unanimously

### **5.3 The Bay Arena – Cirque Estival**

#### **Motion 2010 – 421- Mercer/Greenland**

Resolved that Bay Arena correspondence advising that they signed a contract with Cirque Estival be placed on file.

Carried unanimously

### **5.4 Municipal Assessment Agency – Scholarship Award**

#### **Motion 2010 – 422 – Mercer/Seymour**

Resolved that correspondence regarding the Clar Simmons Scholarship Award be placed on file and a copy included in employees pay envelope.

Carried unanimously

<b>6.0 New Business / Committee Reports</b>
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### **6.1 Special Events Committee**

Councillor Mercer noted that the committee is working on a schedule with many numerous varied events for the Holdin' Ground Festival and Klondyke Days taking place from Wednesday, July 21<sup>st</sup> to Sunday, August 1<sup>st</sup>.

### **6.2 Borrowing Resolution**

#### **Motion 2010 – 423 – Gerald/Seymour**

Resolved that, on behalf of Council, the Mayor or Deputy Mayor and CAO or Town Clerk are authorized to borrow from the Bank of Nova Scotia from time to time by way of promissory note and/or Agreement re: Operating Credit Line a sum or sums not exceeding at any one time \$75,000.00 to meet, until the taxes are collected, current expenditures for the year 2010.

Carried unanimously

### **6.3 Municipal Infrastructure Agreement**

#### **Motion 2010 – 424 – Wood/Yetman**

Resolved that, on behalf of Council, the Mayor and Town Clerk are authorized to enter into a municipal infrastructure agreement with the Minister of Municipal Affairs, Province of Newfoundland & Labrador, for the financing of North Road Lift Station, Project No. 26648, and to costs not in excess of \$2,550,000 which amounts to \$2,437,168 after the GST rebate calculation.

Carried unanimously

<b>7.0 Adjournment</b>
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### **7.1 Motion to Adjourn**

**Motion 2010 – 425 – Mercer/Walsh**

Resolved that Council adjourn the regular meeting at 8:50 p.m.

Carried unanimously

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Philip Wood, Deputy Mayor

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Shirley Hawe, Town Clerk