

The One Hundredth and Sixth meeting of the Fifteenth Town Council of the Town of Bay Roberts took place in the Town Hall, Tuesday, July 28, 2009, at 7:00 p.m.

Members Present Mayor Glenn Littlejohn
 Deputy Mayor 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
 Resident

Minutes

Mayor Littlejohn asked if there were any errors or omissions to the minutes of the regular meeting of July 7, 2009, which had been circulated with the agenda.

Motion 2009 - 447 - Mercer/Wood

Resolved that minutes of the regular meeting of July 7, 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 Agenda

Motion 2009 - 448 - Wood/Yetman

Resolved that two items of correspondence from x and a residential building application from x, be added to the agenda.

In favour: Mayor Littlejohn

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Opposed: 0
Abstaining: 0
Motion Carried.

New Business

Item 1 : Letter received from x, regarding arrangements for payment of outstanding account.

Motion 2009 - 449 - Greenland/Seymour

Resolved that x be advised that collection of outstanding municipal taxes is deferred until after the 2009 fishing season, however, payment and a payment arrangement to retire the debt, is required prior to December 31, 2009. Also, it must be agreed that as a security for future payment, the land situated at Water Street is to be held as a guarantee for payment of municipal tax arrears, and if the said land is sold prior to December 31, 2009, proceeds from the sale will be utilized for payment of tax arrears. Failure to commit to this agreement will result in further action being taken.

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

Opposed: 0
Abstaining: 0
Motion Carried.

Item 2 : Letter received from x advising that she will no longer be working for the Compass and thanking Council for making her job, covering council meetings over the last ten years, an enjoyable one.

Motion 2009 - 450 - Wood/Mercer

Resolved that x 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 3 : Letter received from x requesting permission to open and operate a Naturopathic Medical Clinic from 114 North Road, Coley's Point.

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Motion 2009 - 451 - Yetman/Greenland

Resolved that x publish her intents to open and operate a Naturopathic Medical Clinic from 114 North Road, Coley's Point, and also, x's request 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.

Item 4 : Correspondence received from x requesting permission to remove a portion of the building situated at 216 Water Street, Bay Roberts.

Motion 2009 - 452 - Greenland/Mercer

Resolved that x's request 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.

Item 5 : Letter received from Butlerville Recreation Commission requesting upgrades to the existing ballfield located in Butlerville.

Motion 2009 - 453 - Yetman/Mercer

Resolved that the Butlerville Recreation Commission request be referred to the Recreation 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 6 : Invitation received from the Town of Clarke's Beach for the official opening of their Municipal Center and Council Chambers on Friday, August 7, 2009.

Motion 2009 - 454 - Wood/Seymour

Resolved that the Town of Clarke's Beach invitation 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 7 : Correspondence received from C.B.S. Bluefins Swimming Team requesting financial support for x trip to Montreal for a National Meet in July.

Motion 2009 - 455 - Greenland/Yetman

Resolved that C.B.S. Bluefins Swimming Team's correspondence be referred to the Finance Committee.

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

Item 8 : Letter received from Cathy Duke, Deputy Minister, Department of Tourism, Culture & Recreation, extending appreciation for the hospitality, organization and delivery of a memorable and multi-faceted experience during their recent Field Day held during Public Service Week.

Motion 2009 - 456 - Yetman/Seymour

Resolved that Deputy Minister Duke'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.

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Item 9 : Residential building application received from x.

Motion 2009 - 457 - Seymour/Greenland

Resolved that approval be given x, as per submitted application, to construct a dwelling at 40 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 10 : Residential building application received from x.

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

Motion 2009 - 458 - Mercer/Walsh

Resolved that approval be given x, as per submitted application, to construct a dwelling at 192 Neck 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.

Councillor Yetman returned to the Chambers.

Item 11 : Residential building application received from x.

Motion 2009 - 459 - Mercer/Yetman

Resolved that approval be given x, as per submitted application, to construct a dwelling at 10-14 Snow's Lane, Bay Roberts, subject to all Municipal Development Regulations and all other regulatory departments.

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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 12 : Building application received from x to construct a boat house (shed) at 91 North Road, Coley's Point.

Motion 2009 - 460 - Yetman/Mercer

Resolved that x's application 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.

Item 13 : Correspondence received from x seeking permission to proceed with Permission to Occupy at Arney's Pond Road, Bay Roberts.

Motion 2009 - 461 - Greenland/Yetman

Resolved that x's correspondence 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.

Item 14 : Letter received from x regarding concerns with the public parking area between Mercer's Cycle Shop and Kelly's Landing.

Motion 2009 - 462 - Greenland/Yetman

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Resolved that x's correspondence 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.

Item 15 : Correspondence received from x regarding the validity of a survey attached to a letter of June 30, 2009, concerning his quarry application of May 26, 2009.

Motion 2009 - 463 - Mercer/Greenland

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

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

Opposed: 0

Abstaining: 0

Motion Carried.

Item 16 : Letter received from x regarding the stop work order and removal of boat demand.

Motion 2009 - 464 - Seymour/Mercer

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.

Motion 2009 - 465 - Greenland/Walsh

Resolved that x be advised that further to the meeting with him on July 17, 2009, Council, in its entirety, has reviewed his correspondence of July 15, 2009, and has not altered their decision, as stated in our correspondence of July 10, 2009.

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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 17 : Drawing received from x requesting permission to construct a shed at Green's Road, Bay Roberts.

Motion 2009 - 466 - Yetman/Mercer

Resolved that x's drawing and request 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.

Item 18 : Residential building application received from x.

Motion 2009 - 467 - Mercer/Yetman

Resolved that approval be given x., as per submitted application, to construct a dwelling at Lot # 3, 12 Parade Street, 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.

Committee Reports

Executive Committee

Motion 2009 - 468 - Mercer/Walsh

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Resolved that approval be given for the Mayor and Town Clerk, on behalf of Council, to sign an agreement with the Department of Municipal Affairs, for the financing of repairs related to Tropical Storm Chantal flood damage not covered by the Disaster Financial Assistance Agreement, Project No. 09232, and have agreed to cost not in excess of \$8,500 which amounts to \$8,124 after the GST rebate calculation.

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

Planning & Development Committee

Re: x correspondence of July 3, 2009.

Motion 2009 - 469 - Greenland/Seymour

Resolved that x be advised of the following:

Re: x/Arney's Pond Road - Clarification is written and forwarded to x for their review.

Re: Wire Pole/Anchor at Green's Road Extension - Town Manager advises that the poles are located on the property of x. Location of poles on private property is with agreement of landowners and Newfoundland Power.

Re: x/Arney's Pond Road - Executive Committee of Council will respond at a later date to this item.

Re: Licence to Occupy/Arney's Pond Road - Council is in receipt of the application for development outlining the work to be performed and has referred the application to the Planning & Development

Committee for review.

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

Re: x correspondence of June 29, 2009.

Motion 2009 - 470 - Greenland/Walsh

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Resolved that x be advised the grade of the fill line must be modified to permit a more gradual slope from the road shoulder to the boardwalk. Work will be performed from the Klondyke to the existing parking lot of x. This work will be done to improve the view for x and not in recognition of ownership rights.

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

Re: x application for seniors' apartments.

Motion 2009 - 471 - Greenland/Wood

Resolved that approval in principle be given x to construct seniors' apartments at 179A Water Street, subject to submission and review of necessary drawings and conformance with Development Regulations including public input from the advertising notice of the application.

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

Re: Government Services Approvals for x.

Motion 2009 - 472 - Greenland/Mercer

Resolved that approval be given x, pending submission of final engineering drawings, to construct a 43 room personal care home at Country Road, Bay Roberts, to house 55-60 residents, 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.

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Heritage Advisory Board

Motion 2009 - 473 - Wood/Walsh

Resolved that the newly proposed Town of Bay Roberts Heritage Regulations be adopted and will come into effect on July 29, 2009.

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

Recreation Committee

Motion 2009 - 474 - Yetman/Mercer

Resolved that Recreation Committee minutes of July 9, 2009, be accepted.

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

Motion Carried.

Urban Municipalities Committee

UMC minutes of June 19 & 20, 2009, previously e-mailed for information and review.

Emergency Measures Committee

Motion 2009 - 475 - Walsh/Yetman

Resolved that the new revised Town of Bay Roberts Emergency Plan be tabled for review.

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

Opposed: 0

Abstaining: 0

Motion Carried.

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Municipal Enforcement Committee

Motion 2009 - 476 - Walsh/Yetman

Resolved that the newly revised Town of Bay Roberts Fence Regulations be adopted and will come into effect on July 29, 2009.

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

Opposed: 0

Abstaining: 0

Motion Carried.

Fire Department

Fire Chief Clarence Russell gave a report on matters of concern to the Fire Department.

Motion 2009 - 477 - Walsh/Yetman

Resolved that the Fire Department request for installation of another fire hydrant at Parade Street, Coley's Point, 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.

Motion 2009 - 478 - Seymour/Greenland

Resolved that, due to extremely dry weather conditions and water and fire bans currently in place, a letter be hand delivered to x advising that he must remove the tree branches and boughs he cut on the trail way located near Heney's Pond Road, within two (2) days from date of this notification.

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 - 479 - Greenland/Seymour

Resolved that x be requested to meet with the Planning & Development and Public Works Committees to discuss ways to manage and control drop off of organic materials at C. B. Access Road, Bay Roberts.

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

Councillor Concerns

Councillor Greenland noted that a private citizen has the key for the gate to French's Park, Coley's Point, and opens and closes the gate daily.

Motion 2009 - 480 - Greenland/Seymour

Resolved that x be given ten (10) days extension to the order to remove the existing fence at Delaney's

Avenue, Shearstown and also, permission is granted to construct a new fence prior to removal of the existing outside fence.

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

Motion 2009 - 481 - Walsh/Greenland

Resolved that AEM Human Resources Consultant be hired to carry out the CAO position short listing, interview and recommendation process.

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

Motion 2009 - 482 - Greenland/Walsh

Resolved that the meeting do now adjourn at 9:55 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