

**Town of Bay Roberts
Minutes of Regular Council Meeting
Tuesday, June 15, 2010**

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

In Attendance:

Council Mayor Glenn Littlejohn
 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
 Director Ron Delaney

Call to Order

Mayor Littlejohn called the meeting to order at 7:10 p.m.

1.0 Agenda

1.1 Agenda for June 15, 2010

Motion 2010 – 334 – Mercer/Seymour
Resolved that agenda for June 15, 2010 be accepted.
Carried unanimously

2.0 Minutes

2.1 Minutes of Regular Meeting for May 25, 2010

Motion 2010 – 335 – Mercer/Walsh
Resolved that regular meeting minutes of May 25, 2010 be adopted as presented.
Carried unanimously

3.0 New Business / Staff Reports

3.1 Municipal Enforcement – Council Orders

3.0 New Business / Staff Reports

Motion 2010 – 336 – Wood/Yetman

Resolved that the Chief Administrative Officer and the Municipal Enforcement Officer be given authority to issue orders as permitted by section 404 (6) of the *Municipalities Act, 1999*.

Carried unanimously

3.2 Parking Request – 50 Plus Club

Motion 2010 – 337 – Mercer/Seymour

Resolved that 50 Plus Club correspondence be referred to the Public Works Committee for a cost estimate and further referred to the Finance Committee for consideration and prioritization.

Carried unanimously

3.3 Expression of Interest for Land Purchase – Central Street

Motion 2010 – 338 – Wood/Yetman

Resolved that the individual who expressed interest in purchasing town owned land at Central Street be advised that Council is not willing to consider a sale of said land at this point in time.

Carried unanimously

3.4 Coley's Point Subdivision – North Road

Motion 2010 – 339 – Yetman/Wood

Resolved that the developer of a proposed subdivision at North Road be advised that the conditions of the Town's current subdivision policy and development regulations must be followed, however, Council will offer some flexibility and negotiation regarding timing of payment of public space fees to coincide with the sale of lots; acceptable development security and timing of costs; realignment of drainage on North Road if required when the engineered development plan is completed; and, an accommodation of the minor variance required for the width of road allowance.

Carried unanimously

3.5 Residential Building Application – 11 Mercer's Place

Motion 2010 – 340 – Mercer/Seymour

Resolved that approval be given developer, as per submitted application, to construct a dwelling at 11 Mercer's Place, subject to the Town's Municipal Development Regulations and those required by all other regulatory departments, and also, subject to identification of an acceptable level of water, sewer and road extension prior to issuance of the permit.

Carried unanimously

3.0 New Business / Staff Reports

3.6 Residential Building Application – 159 Neck Road

Motion 2010 – 341 – Seymour/Walsh

Resolved that approval be given developer, as per submitted application, to construct a dwelling at 159 Neck Road, Coley’s Point, subject to the Town’s Municipal Development Regulations and those required by all other regulatory departments.

Carried unanimously

3.7 Residential Building Application – 6 Bay Shore Estates

Motion 2010 – 342 – Yetman/Mercer

Resolved that approval be given developer, as per submitted application, to construct a dwelling at 6 Bay Shore Estates, Bay Roberts, subject to the Town’s Municipal Development Regulations and those required by all other regulatory departments.

Carried unanimously

3.8 Residential Building Application – 47 Farm Road

Motion 2010 – 343 – Mercer/Yetman

Resolved that approval be given developer, as per submitted application, to construct a dwelling at 47 Farm Road, Bay Roberts, subject to the Town’s Municipal Development Regulations and those required by all other regulatory departments.

Carried unanimously

3.9 Residential Building Application – 237 Water Street

Motion 2010 – 344 – Yetman/Mercer

Resolved that approval be given developer, as per submitted application, to renovate and convert into an 8 unit seniors apartment complex, the existing building situated at 237 Water Street, subject to the Town’s Municipal Development Regulations and those required by all other regulatory departments.

Carried unanimously

3.10 Residential Building Application – 25 Farm Road

Motion 2010 – 345 – Yetman/Walsh

Resolved that approval be given developer, as per submitted application, to construct a dwelling at 25 Farm Road, Bay Roberts, subject to the Town’s Municipal Development Regulations and those required by all other regulatory departments.

Carried unanimously

3.0 New Business / Staff Reports

3.11 Residential Building Application – 202 Country Road

Motion 2010 – 346 – Yetman/Greenland

Resolved that approval be given developer, as per submitted application, to construct a

dwelling at 202 Country Road, Bay Roberts, subject to the Town's Municipal Development Regulations and those required by all other regulatory departments.
Carried unanimously

3.12 Residential Building Application – 11 Bay Shore Estates

Motion 2010 – 347 – Mercer/Wood

Resolved that approval be given developer, as per submitted application, to construct a dwelling at Lot 11 Bay Shore Estates, Bay Roberts, subject to the Town's Municipal Development Regulations and those required by all other regulatory departments.
Carried unanimously

3.13 Residential Building Application – 11 Delaney's Road

Motion 2010 – 348 – Yetman/Seymour

Resolved that approval be given developer, as per submitted application, to construct a dwelling at 11 Delaney's Road, Bay Roberts, subject to the Town's Municipal Development Regulations and those required by all other regulatory departments.
Carried unanimously

3.14 Residential Building Application – 13 Delaney's Road

Motion 2010 – 349 – Yetman/Mercer

Resolved that approval be given developer, as per submitted application, to construct a dwelling at 13 Delaney's Road, Bay Roberts, subject to the Town's Municipal Development Regulations and those required by all other regulatory departments.
Carried unanimously

4.0 Correspondence for Action

4.1 Commercial Occupancy – 114 C. B. Highway

Motion 2010 – 350 – Greenland/Yetman

Resolved that approval be given, as per submitted application, to open and operate a real estate office, Exit Realty on the Rock, at 114 Conception Bay Highway, Bay Roberts, subject to the Town's Municipal Development Regulations and

4.0 Correspondence for Action

those required by all other regulatory departments.
Carried unanimously

4.2 Daycare Center – 19 Bay Shore Estates

Motion 2010 – 351 – Mercer/Walsh

Resolved that the request for permission to operate a daycare center from 19 Bay Shore Estates be referred to the Planning & Development Committee for review, and if

recommended, the applicant must publish intentions in the Compass.
Carried unanimously

4.3 Water Taxi & Tours of Conception Bay

Motion 2010 – 352 – Mercer/Wood

Resolved that the request for permission to operate a Water Taxi and Tours of Conception Bay business be referred to Director Delaney for review and recommendation.
Carried unanimously

4.4 Pavement Replacement – 227-231 C. B. Highway

Motion 2010 – 353 – Mercer/Yetman

Resolved that pavement has already been replaced at 227-231 C. B. Highway and the correspondence be placed on file.
Carried unanimously

4.5 Water Build Up – 62 Green’s Road

Motion 2010 – 354 – Yetman/Seymour

Resolved that correspondence regarding water build up at 62 Green’s Road be referred to the Public Works Committee for review and recommendation.
Carried unanimously

4.6 Install Culverts – 2 Duncan Road

Motion 2010 – 355 – Mercer/Greenland

Resolved that correspondence requesting culverts at 2 Duncan Road be referred to the Public Works Committee for review and recommendation.
Carried unanimously

4.7 Sewer Line Blockage – 25 Central Street

Motion 2010 – 356 – Wood/Mercer

Resolved that correspondence requesting compensation for repairs to a blocked

4.0 Correspondence for Action

sewer line at 25 Central Street be referred to the Public Works Committee for review and recommendation.
Carried unanimously

4.8 Road Upgrade & Lift Station – 357-359 Central Street

Motion 2010 – 357 – Seymour/Mercer

Resolved that correspondence regarding road upgrades and lift station capabilities in relation to possible future development at 357-359 Central Street be referred to the

Planning & Development Committee for review and recommendation.
Carried unanimously

4.9 Open Ditch – 22-30 Cleary’s Road

Motion 2010 – 358 – Mercer/Greenland

Resolved that correspondence regarding concerns with an open ditch being created in front of 22-30 Cleary’s Road be referred to the Public Works Committee for review and recommendation.

Carried unanimously

4.10 Water & Sewer Extension – 33 Bareneed Road

Motion 2010 – 359 – Greenland/Walsh

Resolved that correspondence requesting water and sewer services extension to 33 Bareneed Road be referred to the Public Works Committee for review and recommendation.

Carried unanimously

4.11 Ronald McDonald House NL – Donation

Motion 2010 – 360 – Wood/Seymour

Resolved that correspondence seeking financial support for Ronald McDonald House NL be placed on file.

Carried unanimously

4.12 Tim Horton’s Camp Day – Donation

Motion 2010 – 361 – Wood/Mercer

Resolved that correspondence seeking financial support for Tim Horton’s Camp Day be placed on file.

Carried unanimously

4.13 Rock Relocation – Juggler’s Cove

4.0 Correspondence for Action

Motion 2010 – 362 – Mercer/Walsh

Resolved that correspondence regarding relocation of a rock at Juggler’s Cove be referred to the Planning & Development Committee for review and recommendation.

Carried unanimously

4.14 Crown Lands Application – Juggler’s Cove

Motion 2010 – 363 – Walsh/Yetman

Resolved that correspondence and application regarding crown lands at Juggler’s Cove be

referred to the Planning & Development Committee for review and consideration.
Carried unanimously

4.15 Commercial Building Construction – 236-238 Country Road

Motion 2010 – 364 – Greenland/Wood

Resolved that *Approval in Principle* is given to developer, as per submitted application, to construct a commercial building at 236-238 Country Road to be utilized for professional space for Eastern Health’s Community Services, subject to the following:

- (1) Publish Discretionary Use under current zoning regulations;
- (2) Submission of professional development plans; and,
- (3) Subject to the Town’s Municipal Development Regulations and those required by all other regulatory departments.

Carried unanimously

5.0 Correspondence for Information

5.1 Accounts Payable – May 2010

Motion 2010 – 365 – Mercer/Seymour

Resolved that May 2010 Accounts Payable be accepted.
Carried unanimously

5.2 Dept. of Gov’t Services – 359-365 C. B. Highway

Motion 2010 – 366 – Mercer/Greenland

Resolved that Government Services’ correspondence regarding registration of 359-365 C. G. Highway for the Storage and Handling of Gasoline and Associated Products Regulations be placed on file.
Carried unanimously

5.3 Urban Municipalities Committee

5.0 Correspondence for Information

Motion 2010 – 367 – Mercer/Wood

Resolved that UMC correspondence be placed on file.
Carried unanimously

5.4 Urban Municipalities Committee – Next Meeting Date

Motion 2010 – 368 – Greenland/Mercer

Resolved that approval be given for Councillor Walsh to attend the UMC meeting in Stephenville on July 9th and 10th.
Carried unanimously

5.5 Dept. of Municipal Affairs – 2010 Budget Submission

Motion 2010 – 369 – Wood/Walsh

Resolved that Municipal Affairs' correspondence regarding the 2010 Budget Submission be placed on file.

Carried unanimously

5.6 Mayor of Corner Brook – Cultural Partnership

Motion 2010 – 370 – Yetman/Mercer

Resolved that Mayor Greeley's correspondence be placed on file.

Carried unanimously

5.7 MMSB – Household Hazardous Waste Day

Motion 2010 – 371 – Seymour/Wood

Resolved that MMSB's correspondence be placed on file.

Carried unanimously

5.8 MNL – Avalon Region Appreciation Letter

Motion 2010 – 372 – Mercer/Yetman

Resolved that MNL's letter of appreciation regarding use of the Visitor's Pavilion for their regional meetings be placed on file.

Carried unanimously

5.9 M-RON – Supported Employment Proclamation

Motion 2010 – 373 – Greenland/Seymour

Resolved that the Supported Employment Proclamation be placed on file.

Carried unanimously

5.10 M-RON – Regional Economic Development Workshop

5.0 Correspondence for Information

Motion 2010 – 374 – Mercer/Seymour

Resolved that correspondence regarding the Baccalieu Trail Regional Economic Development Workshop be referred to CAO for consideration.

Carried unanimously

5.11 Animal Cruelty Concerns re: Cirque Estival

Motion 2010 – 375 – Seymour/Wood

Resolved that correspondence regarding possible animal cruelty by Cirque Estival be placed on file and a copy given to the Bay Arena Board of Directors for their consideration.

Carried unanimously

6.0 New Business / Committee Reports

6.1 Public Works Committee

Motion 2010 – 376 – Greenland/Walsh

Resolved that Public Works minutes of May 27, 2010 be accepted.

Carried unanimously

6.2 Residence Flooding – Hope Avenue

Motion 2010 – 377 – Greenland/Walsh

Resolved that the property owner be advised that the installed backwater valve was not operating properly, and therefore, council does not assume any liability.

Carried unanimously

6.3 Flooding – 220 Shearstown Road

A site visit was made during a heavy rainfall and, while there was sign of significant water pooling on the property, the problem area was drained within a short period of time. Town staff will continue to monitor the area during periods of heavy rainfalls, and if necessary, may take future action to address the issue.

6.4 Road Grading – Country Road to Pit

Advise correspondent to contact the Dept. of Transportation and Works regarding maintenance of Country Road west of C. B. Access Road.

6.5 Sale of Excavator

6.0 New Business / Committee Reports

Motion 2010 – 378 – Greenland/Mercer

Resolved that the excavator be sold for the amount of \$1,500.00.

Motion Carried

Opposed: Councillor Seymour

6.6 Rock Removal – Butlerville Brook

Motion 2010 – 379 – Greenland/Yetman

Resolved that a site visit was carried out and it has been determined that no remedial work is required at the time.

Carried unanimously

6.7 FCM Convention Report

Motion 2010 – 380 – Wood/Seymour

Resolved that Deputy Mayor Wood’s FCM Convention report be placed on file.
Carried unanimously

6.8 Recreation Committee

Motion 2010 – 381 – Yetman/Walsh

Resolved that Recreation minutes of May 3, 2010 be accepted.
Carried unanimously

6.9 Green Committee

Committee requests Councils’ opinion regarding a proposed community cleanup for June 26th.

6.10 Municipal Enforcement Committee

Motion 2010 – 382 – Walsh/Seymour

Resolved that Municipal Enforcement minutes of June 9, 2010 be accepted.
Carried unanimously

6.11 Stewardship Association of Municipalities

Councillor Seymour tabled information regarding the SAM Annual General Meeting in Springdale on June 5, 2010

6.12 Finance Committee

Motion 2010 – 383 – Wood/Mercer

Resolved that correspondence regarding the Law Enforcement Torch Run be

6.0 New Business / Committee Reports

placed on file.
Carried unanimously

Mayor Littlejohn declared *conflict of interest* and left the Chambers.
Deputy Mayor Wood took Chair.

6.13 Motion 2010 – 384 – Seymour/Mercer

Resolved that a \$500.00 donation be given to Bay Roberts Minor Softball.
Carried unanimously

Mayor Littlejohn resumed Chair.

7.0 Resolutions from Privileged Meetings

7.1 Privileged Minutes – May 25, 2010

Motion 2010 – 385 – Greenland/Yetman

Resolved that Motion 2010 – 306 of the Privileged Meeting for May 25, 2010 be ratified.
Carried unanimously

8.0 Councillor Concerns

8.1 Councillor Mercer – Public Parking Lots

Motion 2010 – 386 – Mercer/Greenland

Resolved that an order be issued to the owner of 188-192 Water Street to cease parking all business related vehicles on public parking lots and to immediately cleanup all business related garbage such as tires, wheel rims and discarded vehicle parts, and in future, store such business related material in a screened area to the rear of 188-192 Water Street.
Carried unanimously

8.2 Councillor Greenland – Earle’s Road Building Application

Councillor Greenland requested further consideration be given to the denied building application for 31 Earle’s Road based on previous approvals of similar circumstances and to encourage development in that area.

8.3 Councillor Yetman – Proposed Multi-Purpose Recreation Complex

Councillor Greenland requested that a steering committee be established with a goal to move the proposed multi-purpose recreation complex concept forward.

9.0 Adjournment

9.1 Motion to Adjourn

Motion 2010 – 387 – Greenland/

Resolved that Council adjourn the regular meeting at 9:30 p.m.
Carried unanimously

Glenn Littlejohn, Mayor

Shirley Hawe, Town Clerk