

The Ninety-Eighth meeting of the Fifteenth Town Council of the Town of Bay Roberts took place in the Town Hall, Tuesday, March 10, 2009, at 6:50 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 error or omissions to the minutes of the regular meeting of February 24, 2009, which had been circulated with the agenda.

Discussion and update regarding the following:

1. Dept. of Fisheries and Oceans will carry out a site visit to Rocky Pond Brook pending St. John's office schedule.
2. Mayor Littlejohn will be meeting with town engineer this Thursday to discuss overlay for business park.
3. Dept. of Transportation & Works will meet with Town Manager to discuss various items including entrances and exits at a couple of commercial properties on the C. B. Highway.
4. Councillor Wood noted that the Klondyke Gazette newsletter has been distributed and also, requested items for the next edition be submitted as early as possible for editing.
5. No response received from x regarding Motion 2009 - 93.
6. The meeting scheduled for Tuesday, March 17, with Minister Diane Whalen has been postponed and will be re-scheduled for a later date.
7. Mayor and Town Manager will be meeting with town lawyer regarding x property dispute and Cable Building Trust Agreement.
8. Closing date for sale of former Shearstown post office is March 19.
9. Correction to Motion 2009 - 119 (the word "light" was inadvertently omitted).

Motion 2009 - 122 - Mercer/Yetman

Resolved that minutes of the regular meeting of February 24, 2009, be approved with correction to Motion 2009 - 119.

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 - 123 - Walsh/Yetman

Resolved that letter pertaining to the x 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.

Motion 2009 - 124 - Walsh/Yetman

Resolved that minutes of the following committees be added to the agenda: Finance Committee, Pigeon Inlet Steering Committee, Green Committee and 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.

Motion 2009 - 125 - Seymour/Wood

Resolved that a design drawing for an extended yard at x 139-141 C. B. Highway, 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 : Letter received from the Bay Arena Association requesting a meeting with council.

Motion 2009 - 126 - Greenland/Mercer

Resolved that a meeting be arranged with the Bay Arena Board of Directors.

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.

Lindsey Saunders and Michelle Cannizzaro of the Canadian Cancer Society entered the Chambers.

Item 2 : Correspondence received from x regarding water and sewer hook up in Wareham's Lane.

Motion 2009 - 127 - Yetman/Seymour

Resolved that x's 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 3 : Letter received from x, requesting street lights for the C. B. Access Road.

Motion 2009 - 128 - Greenland/Seymour

Resolved that x's 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 4 : Correspondence received from x requesting approval for the construction of seniors apartments behind the Silverwood Inn.

Motion 2009 - 129 - Yetman/Mercer

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 5 : Commercial occupancy application received from x.

Motion 2009 - 130 - Wood/Greenland

Resolved that x be given approval to open and operate Creative Pastimes, a fiber and leisure arts studio at 25 Bareneed Road, 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 6 : Residential building application received from x.

Motion 2009 - 131 - Mercer/Seymour

Resolved that approval be given to x, as per submitted application, to construct a dwelling off Badcock's Road, Shearstown, pending submission of a survey and subject to all Municipal Development Regulations and all other regulatory departments. Also, municipal services will **not** be provided beyond the main road known as Badcock's Road.

Item 7 : Letter received from Avalon North Wolverines Ground Search & Rescue seeking financial support for their trip to Ireland to attend the Sarscene Games.

Motion 2009 - 132 - Mercer/Walsh

Resolved that the Avalon North Wolverines 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 8 : Correspondence received from Grace United Church advising of their 100th Anniversary Celebrations and inviting council to attend a special service of appreciation and celebration on March 15 at 11:00 a.m.

Item 9 : Letter received from CBN Minor Soccer England Division seeking financial support.

Motion 2009 - 133 - Mercer/Walsh

Resolved that the CBN Minor Soccer England Division letter 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 : Letter received from Deborah Quilty, Director of the Municipal Assessment Agency, offering to meet with council on December 4, 2009.

Item 11 : Correspondence received from Ocean Net regarding the Green Fair on Saturday, March 28 at Ascension Collegiate from 1-5 p.m.

Item 12 : Correspondence received from the House of Assembly Opposition Office pertaining to a questionnaire on the implementation of the Provincial Waste Management strategy.

Motion 2009 - 134 - Mercer/Yetman

Resolved that the Town Manager is to complete the questionnaire on waste management.

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 : Minutes of February 26 received from the CBN Joint Councils Committee.

Motion 2009 - 135 - Mercer/Seymour

Resolved that the CBN Joint Councils minutes 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 14 : Government Services approvals received for the x.

Motion 2009 - 136 - Greenland/Seymour

Resolved that approval be given x to renovate and annex the properties, 291-293 C. B. Highway and 295-297 C. B. Highway, as per their submitted plan, and subject to all Municipal Development Regulations and all other regulatory departments and also, pending written commitment to our correspondence dated January 14, 2009 and February 11, 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.

Item 15 : Drawing received from x regarding extension to outside storage yard at 239 C. B. Highway, Bay Roberts.

Motion 2009 - 137 - Greenland/Walsh

Resolved that approval be given to x, as per submitted drawing #P01B, for the installation of chain link fencing around outside lumber storage yard at 239 C. B. Highway.

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.

Council presented a cheque in the amount of \$2,750.00 to the Canadian Cancer Society for Daffodil Place. The donation was accepted on behalf of Daffodil Place by Cancer Society representatives, Lindsey Saunders and Michelle Cannizzaro.

Ms. Saunders and Ms. Cannizzaro left the Chambers at 7:40 p.m.

Committee Reports

Finance Committee

Motion 2009 - 138 - Walsh/Mercer

Resolved that Accounts Payable for February 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.

Re: Kids Help Phone - Knights of Columbus - Child Find NL

Motion 2009 - 139 - Walsh/Yetman

Resolved that a \$100.00 donation be given each to Kids Help Phone, Knights of Columbus and Child Find NL.

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: CBN Slate Works Junior Stars

Motion 2009 - 140 - Seymour/Wood

Resolved that a \$400.00 donation be given to CBN Slate Works Junior Stars hockey team.

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: CBN Lightning Sports Club

Motion 2009 - 141 - Greenland/Mercer

Resolved that CBN Lightning Sports Club's request for financial support does not comply with the town's donation policy and therefore, their request is denied.

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: Committee met with x regarding outstanding business taxes. A payment plan was verbally agreed to with the initial payment due on or before April 14, 2009. Failure to comply with this agreement will mean water shut off to both their facilities.

Re: Recommends the following proposal be made to , x -
60-40 split of first \$100,000. Recovery of our initial investment of \$60,000. Then 50-50 up of any monies up to an additional \$36,000. which would cover all taxes owing to the town.

Re: Request for two additional Councillors to attend FCM

Motion 2009 - 142 - Walsh/Mercer

Resolved that request for two additional councillors to attend FCM be denied.

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

Re: Town Manager will arrange a meeting of the appropriate parties regarding the Cable Building Trust Agreement.

Re: Recommends a flat fee for bed and breakfast business tax. (Rate to be determined)

Motion 2009 - 143 - Yetman/Walsh

Resolved that the Finance Committee report of March 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.

Tourism Committee

Motion 2009 - 144 - Mercer/Yetman

Resolved that Pigeon Inlet Steering Committee minutes of January 26 and February 23, 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 - 145 - Mercer/Yetman

Resolved that Tourism Committee minutes of February 9, 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.

Public Works Committee

Motion 2009 - 146 - Greenland/Seymour

Resolved that Public Works Committee minutes of March 5, be accepted.

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

Opposed: 0

Abstaining: 0

Motion Carried.

Re: x - Drainage

Committee will arrange a site inspection meeting with x.

Re: x - Drainage

Committee will arrange a site inspection meeting with x.

Re: x - Vehicle Damage

Motion 2009 - 147 - Greenland/Mercer

Resolved that x be advised that the town does not assume responsibility for vehicle damage which occurred as a result of road conditions and therefore, his request for compensation be denied.

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: Klondyke / Water Street Intersection

Work will commence early spring to correct drainage patterns and the road sub-grade.

Re: x - Drainage

Advise x that the necessary work to correct the water drainage problem at 57 North Side Road will be carried out when weather permits.

Re: x - Water & Sewer Services

Advise x that before a recommendation can be made, further investigation is required to determine the depth of the existing sewer line.

Re: x - Water & Sewer Request Track Road

Town Manager to request engineering firm to provide estimate to include servicing area from Barracks Road to Mission Lane in this years work.

Re: Lions Club Snow Clearing

Motion 2009 - 148 - Greenland/Seymour

Resolved that the Lions Club request for snow clearing does not comply with town policy and therefore, is denied.

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: Adler Place Drainage

Committee is exploring drainage options.

Re: x- Rocky Pond Brook Relocation

Awaiting a return call from Dept. of Fisheries and Oceans regarding a site inspection.

Re: Equipment Fleet

Discussion on rental option for a screener; quotes for new 14 ton garbage truck; and quotes on new dump truck. Recommends to try and replace aging fleet over the next several years.

Re: Guard Rails

Work will be completed when weather permits.

Re: Street Lighting for Coley's Point Intersection

Motion 2009 - 149 - Greenland/Seymour

Resolved that approval be given to install a street light at the 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.

Planning & Development Committee

Re: Barracks Road Improvements

Motion 2009 - 150 - Greenland/Yetman

Resolved that the tender from x be accepted in the amount of \$238,000. plus HST. (Original amount of \$286,000. minus a pavement credit of \$48,000.)

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, Salt Pond In-Filling

Committee will arrange separate meetings with owner and residents.

Re: x Application - Yetman's Lane

Motion 2009 - 151 - Greenland/Walsh

Resolved that x must publish his intent to erect a building at 2 Yetman's Lane for the purpose of operating a small Paintless Dent Repair business.

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 Application - Development of 3 Residential Lots

Motion 2009 - 152 - Greenland/Yetman

Resolved that the present zoning for 236 Water Street will be changed to Mixed Development so as to accommodate future residential construction.

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: Mayor Littlejohn will respond to x re: x Motion & Related Questions.

Re: x Correspondence re: x Property, Green's Road

Committee will review all previous correspondence and will prepare a draft reply for Council's perusal.

Motion 2009 - 153 - Greenland/Walsh

Resolved that Planning & Development minutes of March 2, 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.

Councillor Greenland and Town Manager left the Chambers.

Re: Turning circle at Rocky Pond Road.

Motion 2009 - 154 - Yetman/Walsh

Resolved that a written agreement, as per survey, be signed by x, stating that they agree to relinquish to the Town of Bay Roberts the section of land indicated on the said survey and that the sole purpose of this land will be to construct a paved turning circle at the end of the street that abuts each of their properties.

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

Councillor Greenland and Town Manager returned to the Chambers.

Green Committee

Motion 2009 - 155 - Yetman/Mercer

Resolved that Green Committee minutes of March 5, 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.

Re: Green Committee is partnering with Gaia to host the Ocean Net Green Community Fair at Ascension Collegiate on March 28 from 1-5 p.m. The committee will display a booth at this event.

Re: A neighbourhood clean-up is scheduled for June 13 at 10 am - 12 noon with councillors coordinating their respective neighbourhoods.

Re: 2008 Blue Box Recycling Program revenue in the amount of \$750.00.

Motion 2009 - 156 - Seymour/Yetman

Resolved that the Blue Box revenue be divided equally and donated (\$250.00 each) to Amalgamated Academy (predetermined scholarships), Coley's Point Primary (school lunch program) and Ascension Collegiate (Gaia Project).

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: Request the Public Works Committee to give consideration to a Municipal Composting Site.

Municipal Enforcement Committee

Motion 2009 - 157 - Walsh/Seymour

Resolved that Municipal Enforcement minutes of March 3, 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 - 158 - Walsh/Greenland

Resolved that the request for a pole and street light at the entrance to Badcock Boulevard from the C. B. Highway 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.

Motion 2009 - 159 - Walsh/Mercer

Resolved that the draft for Open Air Burning Regulations be tabled for review and discussion.

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.

UMC Report

Motion 2009 - 160 - Walsh/Yetman

Resolved that the UMC report for February 27 - 28, 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.

Re: Deputy Mayor Walsh requested permission to attend the next UMC meeting in Happy Valley Goose Bay and tabled a cost estimate for the travel expenses.

Motion 2009 - 161 - Walsh/Mercer

Resolved that Deputy Mayor Walsh be given permission to attend the UMC meeting in Happy Valley / Goose Bay.

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

Abstaining: 0
Motion Carried.

Councillor Seymour, on behalf of the Bay Roberts Lions Club, presented a plaque for best overall float during the 2008 Santa Claus Parade and a certificate of appreciation to the Bay Roberts Fire Department. Deputy Mayor Walsh accepted on behalf of the Fire Department.

Mayor's Report

- ▶ The meeting with Minister Diane Whalen scheduled for Monday, March 16, has been postponed for a later date.
- ▶ Met with the Trinity United Church Cemetery Committee to clarify any misinformation regarding the bridge to the cemetery.
- ▶ Meeting with town engineer on Thursday regarding various issues.
- ▶ Congratulations to Special Events Committee on successful Winter Carnival.

Adjournment

Motion 2009 - 162 - Yetman/Mercer

Resolved that the public meeting do now adjourn at 9:25 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.

Motion 2009 - 163 - Walsh/Greenland

Resolved that a special meeting be now convened at 9:26 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.

Letter received from x, outlining the following Valleyview Subdivision proposal:

- The developer would install curb, gutter and catch basins throughout the development. Sidewalks would be installed on one side of the streets.
- Storm sewer would be installed throughout the proposed development with the exception of Whiffen Place. Because of grade restrictions in Whiffen Place it was agreed that storm sewer would be prohibitively expensive. Street drainage in that area would be accommodated by two catch basins located at the low point and discharging to a nearby stream.
- Storm drainage on Badcock Boulevard would be the responsibility of the Town.
- The developer is not prepared to undertake any upgrading to drainage structures downstream of the proposed subdivision.

Motion 2009 - 164 - Mercer/Yetman

Resolved that consideration be given to the proposal as outlined in x letter, dated March 9, 2009, pending engineering findings pertaining to any required upgrades for downstream drainage of the proposed subdivision.

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.

Adjournment

Motion 2009 - 165 - Walsh

Resolved that the special meeting do now adjourn at 9:45 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