

The Third Meeting of the Sixteenth Town Council of the Town of Bay Roberts took place in the Town Hall, Tuesday, November 10, 2009, at 7:00 p.m.

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

Member Absent Mayor Glenn Littlejohn

Also Present Town Clerk Shirley Hawe
 Fire Chief Clarence H. Russell
 Denise Pike, Compass Correspondent

Additions to Agenda

Motion 2009 - 615 - Seymour/Greenland

Resolved that the following items be added to the agenda: CAO Position; correspondence from Morrow & Morrow; Occupancy Application from x; and, Residential Building Applications from x.

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

Minutes

Deputy Mayor Wood asked if there were any errors or omissions to the minutes of the regular meeting of October 27, 2009, which had been circulated with the agenda.

Motion 2009 - 616 - Yetman/Walsh

Resolved that the minutes of October 27, 2009, be adopted.

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

New Business

Item 1 : x addressed Council regarding a request for a Licence to Occupy Arney's Pond Road. X asked why they are allowed to go in front of x and x's properties but not in front of x's property. Also, x asked that Council discuss this matter at the public meeting.

Motion 2009 - 617 - Yetman/Greenland

Resolved that x's presentation and correspondence be referred to the Planning & Development Committee and a reply to follow in a timely manner.

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

Item 2 : Correspondence received from Town Planner, regarding the Municipal Plan Review.

Motion 2009 - 618 - Greenland/Mercer

Resolved that a meeting be arranged with x to discuss the Municipal Plan Review.

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

Item 3 : Correspondence received from x requesting compensation for damages sustained when sewage backed up at 56 Crossroads.

Motion 2009 - 619 - Yetman/Seymour

Resolved that x's request be referred to the Public Works Committee.

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

Item 4 : Letter received from x regarding water flooding at 367-369 Shearstown Road.

Motion 2009 - 620 - Walsh/Mercer

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

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

Item 5 : Letter of appreciation received from x for attending to the open ditch in front of her property.

Motion 2009 - 621 - Walsh/Yetman

Resolved that a copy of x's letter be forwarded to the Works Superintendent and placed on file.

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

Item 6 : Petition from residents of Shearstown requesting the flooding problem created at Fox Place be rectified.

Motion 2009 - 622 - Mercer/Seymour

Resolved that the petition be referred to the Public Works Committee.

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

Item 7 : Correspondence received from Dept. of Environment and Conservation, Water Resources Management Division, regarding a “Permit to Construct” issued for Valleyview Subdivision, Phase III.

Motion 2009 - 623 - Yetman/Mercer

Resolved that the Permit to Construct correspondence be placed on file.

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

Item 8 : Correspondence received from lawyer, s, on behalf of x regarding water & sewer installation for x and also, requesting answers to previously asked questions regarding a right of way off Yetman’s Lane.

Motion 2009 - 624 - Yetman/Walsh

Resolved that x’s correspondence be referred to the Planning & Development Committee.

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

Item 9 : Residential building application received from x.

Motion 2009 - 625 - Yetman/Mercer

Resolved that x building application for 73 Water Street be referred to the Planning & Development Committee.

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

Item 10 : Residential building application received from x.

Motion 2009 - 626 - Walsh/Seymour

Resolved that x's building application for 2 Bayshore Estates be referred to the Planning & Development Committee.

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

Item 11 : Residential building application received from x.

Motion 2009 - 627 - Mercer/Walsh

Resolved that x's building application for 65 South Road, Coley's Point, be referred to the Planning & Development Committee.

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

Item 12 : Residential building application received from x.

Motion 2009 - 628 - Seymour/Greenland

Resolved that x building application for Farm Road, Bay Roberts, be referred to the Planning & Development Committee.

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

Item 13 : Correspondence received from the Dept. of Environment and Conservation, Water Resources Management Division, regarding a “Permit to Alter a Body of Water” issued to x for 236 Water Street.

Item 14 : Copy of e-mails sent from Clyde McLean, Manager, Water Resources Management Division, to x.

Item 15 : Correspondence dated October 29, 2009 and November 1, 2009, received from x regarding in-filling at 236 Water Street.

Item 16 : Correspondence received from x regarding in-filling at 236 Water Street.

Motion 2009 - 629 - Mercer/Walsh

Resolved that x and x be advised that permission to alter a body of water through in-filling must be approved by the Dept. of Environment and Conservation, and therefore, it is the responsibility of that Department to ensure that their regulations are not being violated.

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

Item 17 : Correspondence received from x requesting permission to construct an addition to the existing building at 161 C. B. Highway.

Motion 2009 - 630 - Yetman/Mercer

Resolved that x’s request be referred to the Planning & Development Committee.

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

Item 18 : Letter received from Principal, Coley's Point Primary, requesting road barricades not be set up until after the school buses have picked up students at the bus stops.

Motion 2009 - 631 - Mercer/Yetman

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

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

Item 19 : Letter received from Chief Development Officer, Trinity Conception Placentia Health Foundation, extending appreciation for supporting the 20th Annual Telethon.

Motion 2009 - 632 - Seymour/Greenland

Resolved that x correspondence be placed on file.

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

Item 20 : Letter received from the Bay Roberts Lions Club seeking financial support for the Annual Bay Roberts Lions Club Santa Claus Parade.

Motion 2009 - 633 - Seymour/Walsh

Resolved that a \$500.00 donation be given for the Annual Santa Claus Parade.

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

Item 21 : Correspondence received from x advising that she entered the Towns' of Bay Roberts and Spaniard's Bay in the MNL 2009 Torngat Achievement Awards.

Motion 2009 - 634 - Mercer/Seymour

Resolved that a letter be written to x and x in appreciation for their efforts in helping the Shearstown Estuary Joint Management Committee win the 2009 Torngat Achievement Award for Environmental Sustainability.

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

Councillor Walsh left Chambers at 8:00 p.m.

Item 22 : Correspondence received from NL Alliance for the Control of Tobacco, requesting completion of a survey regarding implementation of our smoke free outdoor recreation and sport policy.

Motion 2009 - 635 - Yetman/Mercer

Resolved that x's correspondence and survey be referred to Ian Flynn, Program Officer, for completion and submission.

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

Item 23 : Correspondence and Annual Report for 2008-2009 received from the Municipal Assessment Agency.

Item 24 : Correspondence received from the Community Cooperation Resource Centre advising that a free Climate Change Adaptation Workshop will be held November 19 at St. John's.

Motion 2009 - 636 - Yetman/Seymour

Resolved that items 23 & 24 be placed on file.

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

Opposed: 0
Abstaining: 0
Motion Carried.

Councillor Walsh returned to the Chambers at 8:05 p.m

Item 25 : Chief Administrative Officer position.

Motion 2009 - 637 - Yetman/Greenland

Resolved that the recommendation of AEM Human Resources Consulting be accepted and the recommended candidate be offered the position of CAO.

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

Item 26 : Correspondence received from Morrow & Morrow Law Office regarding easements and rights-of-way.

Motion 2009 - 638 - Walsh/Yetman

Resolved that the Morrow & Morrow correspondence be referred to the Planning & Development Committee for development of a policy dealing with rights-of-way.

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

Item 27 : Commercial occupancy application received from x.

Motion 2009 - 639 - Yetman/Mercer

Resolved that x application be referred to the Planning & Development Committee.

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

Opposed: 0
Abstaining: 0
Motion Carried.

Item 28 : Residential building application received from x.

Motion 2009 - 640 - Yetman/Greenland

Resolved that x's application be referred to the Planning & Development Committee.

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

Item 29 : Residential building application received from x.

Motion 2009 - 641 - Mercer/Yetman

Resolved that x's application be referred to the Planning & Development Committee.

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

Item 30 : Residential building application received from x.

Motion 2009 - 642 - Mercer/Seymour

Resolved that x's building application be referred to the Planning & Development Committee.

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

Committee Reports

Finance

Motion 2009 - 643 - Seymour/Mercer

Resolved that October 2009 Accounts Payable be accepted.

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

Heritage

Deputy Mayor Wood advised that he will be attending Heritage Foundation NL meetings in Bonavista on November 20 & 21 which will be dealing with establishing heritage districts within communities.

Green

Councillor Yetman noted that the Town won the Provincial Award for TidyTowns in the population category for over 3, 500.

Fire Department

Fire Chief requested a meeting be arranged with x of the Bay de Grave Fire Protection Committee to discuss a time frame for opening their new fire department.

Councillor Concerns

Deputy Mayor Wood advised that a meeting will be arranged with x to discuss alternative solutions regarding burning brush at their C. B. Access Road property.

Action List Update

Motion 2009 - 644 - Greenland/Walsh

Resolved that x be advised that subsequent to their meeting with the Heritage Advisory Committee, a building application is required prior to construction/renovation at 216 Water Street, and also, demolished material must be disposed of in an acceptable manner and site remediation to Council satisfaction.

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

Motion 2009 - 645 - Mercer/Greenland

Resolved that the Amalgamated Academy Recycling Program will start immediately and Councillor Yetman will work with staff at Amalgamated Academy to develop a Simple Agreement regarding collection.

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

Motion 2009 - 646 - Greenland/Mercer

Resolved that Bae/Newplan Group be given approval to award contract: Part A - DMA # 26648 - Ph. 3 North Road Lift Station and Forcemain; Part B - DMA # 26660 - Ph. 3 B Forcemain & Gravity Sewer; Part C - DMA # 08202 - MYCW Bear's Cove Outfall; & Part D - Town Funded - Track Road Water & Sewer, to Newfound Construction Limited.

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

Adjournment

Motion 2009 - 647 - Greenland/Seymour

Resolved that the meeting do now adjourn at 9:10 p.m.

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

Opposed: 0
Abstaining: 0
Motion Carried.

Philip Wood
Deputy Mayor

Shirley Hawe
Town Clerk