

The Fourth Meeting of the Sixteenth Town Council of the Town of Bay Roberts took place in the Town Hall, Tuesday, November 24, 2009, at 7:00 p.m.

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

Also Present Town Clerk Shirley Hawe
 Denise Pike, Compass Correspondent
 Residents

Minutes

Mayor Littlejohn asked if there were any errors or omissions to the minutes of the regular meeting of November 10, 2009, which had been circulated with the agenda.

Motion 2009 - 648 - Greenland/Yetman

Resolved that minutes of November 10, 2009, be adopted as presented.

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

Opposed: 0

Abstaining: 0

Motion Carried.

Business Arising from Minutes

Motion 2009 - 649 - Walsh/Seymour

Resolved that additional information/drawing for the previously submitted application by x to construct a 3 unit residential building at 8 Efford's Subdivision, be referred to the Planning & Development Committee.

In favour: Mayor Littlejohn

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

Opposed: 0
Abstaining: 0
Motion Carried.

Motion 2009 - 650 - Yetman/Mercer

Resolved that due to receipt of numerous correspondence from the public notice, the request by x to open and operate a banquet hall / lounge at 237 Water Street, be referred to the Planning & Development Committee for further review.

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

Opposed: 0
Abstaining: 0
Motion Carried.

Motion 2009 - 651 - Greenland/Wood

Resolved that approval be given x, as per submitted application, to open and operate a recreational vehicles retail sales business at 14 Bareneed Road, Coley's Point, subject to all Municipal Development Regulations and all other regulatory departments.

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

Opposed: 0
Abstaining: 0
Motion Carried.

Additions to Agenda

Motion 2009 - 652 - Greenland/Mercer

Resolved that correspondence from x be added to the agenda.

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

Opposed: 0
Abstaining: 0
Motion Carried.

Motion 2009 - 653 - Yetman/Seymour

Resolved that x application to construct a boat house at North Road, Coley's Point, be added to the agenda.

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

Opposed: 0
Abstaining: 0
Motion Carried.

New Business

Item 1 : Correspondence and petition received from x and area residents regarding the proposed new usage for the former St. Matthew's Hall property.

Item 2 : Letter received from x regarding the proposed new usage for the former St. Matthew's Hall property.

Item 3 : Letter received from the x regarding the proposed new usage for the former St. Matthew's Hall property.

Item 4 : Letter received from x regarding the proposed new usage for the former St. Matthew's Hall property.

Motion 2009 - 654 - Mercer/Yetman

Resolved that agenda items 1, 2, 3 & 4, be referred to the Planning & Development Committee.

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

Opposed: 0
Abstaining: 0
Motion Carried.

Item 5 : Letter received from x regarding water build up adjacent to his property at 1 Mosdell's Lane.

Motion 2009 - 655 - Walsh/Mercer

Resolved that x concerns are addressed and his correspondence be placed on file.

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

Opposed: 0

Abstaining: 0

Motion Carried.

Item 6 : Letter received from x regarding issues surrounding x.

Motion 2009 - 656 - Greenland/Yetman

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

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

Opposed: 0

Abstaining: 0

Motion Carried.

Item 7 : Letter received from x regarding a possible water leakage problem at Mission Lane.

Motion 2009 - 657 - Greenland/Yetman

Resolved that x be advised that her concerns are being addressed by Public Works and should be resolved before the end of next week.

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

Opposed: 0

Abstaining: 0

Motion Carried.

Item 8 : Letter received from x regarding garbage and debris blowing on his property from a nearby commercial property.

Motion 2009 - 658 - Mercer/Seymour

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

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

Item 9 : Letter received from the Bay Arena seeking an annual donation.

Motion 2009 - 659 - Greenland/Walsh

Resolved that a donation of \$5,250.00 be given to the Bay Arena.

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

Item 10 : Letter received from the Bay Arena seeking financial support to purchase an ice cleaning machine.

Motion 2009 - 660 - Mercer/Yetman

Resolved that the Bay Arena request for financial support to purchase an ice cleaning machine be referred to the Finance Committee.

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

Item 11 : Correspondence received from x regarding an alleged survey alteration.

Motion 2009 - 661 -Seymour/Walsh

Resolved that x correspondence be referred to the Executive Committee.

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

Item 12 : Letter received from the Hon. Dianne Whalen, Minister of Municipal Affairs, extending appreciation to members of council for their contribution to the MakeYourMarkNL campaign by offering themselves to serve on council.

Motion 2009 - 662 - Mercer/Wood

Resolved that Minister Whalen’s correspondence be placed on file.

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

Item 13 : Letter received from the Fund Raising Committee for Central United Church Board of Management requesting a donation item (flag) for their annual Christmas Dinner and Auction.

Motion 2009 - 663 - Mercer/Greenland

Resolved that the Fund Raising Committee’s request be referred to Director Delaney for action.

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

Item 14 : Letter received from the Town of Harbour Grace seeking a letter of support for the Harbour Grace Volunteer Fire Brigade regarding their application for funding under the Joint Emergency Preparedness Program to purchase a “Hovercraft” for this Region.

Motion 2009 - 664 - Wood/Yetman

Resolved that a copy of the Town of Harbour Grace letter be given to the Bay Roberts Fire Department and the Avalon North Wolverines Search and Rescue Group for review and recommendation.

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

Item 15 : Letter received from Ascension Collegiate seeking funding for the annual scholarship Award for Academic Achievement.

Motion 2009 - 665 - Mercer/Walsh

Resolved that the annual donation of \$225.00 be given.

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

Item 16 : Letter received from Amalgamated Academy seeking funding for the annual scholarship for Awards Night.

Motion 2009 - 666 - Mercer/Seymour

Resolved that the annual donation of \$125.00 be given.

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

Item 17 : Correspondence received from Eastern Waste Management regarding an increase in the tipping fees at Robin Hood Bay for 2010.

Motion 2009 - 667 - Seymour/Walsh

Resolved that Eastern Waste Management's correspondence be referred to the Finance Committee.

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

Item 18 : Correspondence received from the Municipal Assessment Agency regarding ballots for the positions of Avalon Director and Urban Director.

Motion 2009 - 668 - Walsh/Mercer

Resolved that a vote be marked for Councillor Gerald Greenland for the position of Avalon Director.

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

Motion 2009 - 669 - Wood/Greenland

Resolved that a vote be marked for John Pickett, Clarenville, for the position of Urban Director.

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

Items 19, 20 & 21 : Letters received from Deborah Quilty, Elmo Bingle and Sterling Willis, seeking support for their candidacy for the positions of Avalon and Urban Director of the Municipal Assessment Agency.

Motion 2009 - 670 - Yetman/Mercer

Resolved that correspondence for agenda items 19, 20 & 21, be place on file.

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

Item 22 : Info Note including resolution to reject proposed NAFO amendments received from Municipalities Newfoundland and Labrador.

Motion 2009 - 671 - Seymour/Walsh

Resolved that the MNL Info Note be placed on file.

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

Motion 2009 - 672 - Mercer/Wood

Resolved that a letter of support be forwarded to MP Scott Andrews regarding the MNL Resolution to reject proposed NAFO amendments.

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

Item 23 : Letter received from x requesting a meeting with the Planning & Development Committee to discuss plans to develop seven residential building lots on what was x land, north of Neck Road and West of Love Street.

Motion 2009 - 673 - Yetman/Walsh

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

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

Item 24 : Application previously submitted by x for a boat house at North Road, Coley's Point.

Motion 2009 - 674 - Yetman/Seymour

Resolved that approval be given x, as per submitted application, to erect a boat house at North Road, Coley's Point, subject to all Municipal Development Regulations and all other regulatory departments. Also, approval is subject to applicable Tourism Committee conditions and Conservation Development Regulations.

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

Committee Reports

Public Works Committee (copy appended to minutes)

Re: Coley's Point Primary - Barricades

This was an isolated incident. Policy is when barricades are in place buses and emergency vehicles area always permitted to pass. In future, schools will be advised the day prior to placement of barriers. However, there will be emergency situations when advance notice will not be possible.

Re: Sewer Backup, Crossroads

Motion 2009 - 675 - Greenland/Walsh

Resolved that x's request for compensation due to sewer backup be denied because a backwater valve was not installed as required by town policy.

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

Re: x, Duncan Road

Motion 2009 - 676 - Greenland/Wood

Resolved that x's request for culverts to be installed at the back of his property be denied. It is not Town policy to supply culverts for natural drainage systems. There are some exceptions, however, previous requests from neighbouring properties were refused. The ditch must remain open or culverts may be installed at the landowners expense with approval by the Town.

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

Re: Cleay's Subdivision

Motion 2009 - 677 - Greenland/Seymour

Resolved that x be advised that the previously existing ditch in front of his property must be restored to its original open state which is to prevent any future water runoff from causing a serious drainage problem in the area.

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

Re: Earle's Road - Side Road Snow Clearing

Motion 2009 - 678 - Greenland/Walsh

Resolved that x be advised that building permits were issued on the condition that Town services terminated at Earle's Road, however, x may submit a detailed development plan including road width for re-consideration.

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

Re: Drainage - Duncan Road

Motion 2009 - 679 - Greenland/Yetman

Resolved that the following assurance and conditions will be given to x regarding installation of culverts on his Duncan Road property:

1. x is not liable or responsible for any damages to drainage pipe during residential construction on his property.
2. If future maintenance is done to the pipe, x's property will be restored to its original condition.
3. x will be given advance notification of when work is to proceed.

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

Re: x - Playground Road

Motion 2009 - 680 - Greenland/Yetman

Resolved that x be advised that he must correct the water drainage problem at Playground Road created when in-filling of his property without maintaining adequate ditching.

In favour: Mayor Littlejohn
Deputy Mayor Wood

Councillors: Mercer, Greenland, Yetman, Walsh and Seymour
Opposed: 0
Abstaining: 0
Motion Carried.

Re: x - Loss of Production

Motion 2009 - 681 - Greenland/Seymour

Resolved that x's request for compensation for loss of production due to water shut off be denied. Water usage from July 2008 to July 2009 was 99,973,700 gallons, continued excessive usage one month into a total community water ban, water was restored after only 1 ½ hours, and x confirmed to Municipal Enforcement Officer Bowering that the freezers were running during the water shut off.

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

Re: x - Speed Limit

Motion 2009 - 682 - Greenland/Walsh

Resolved that Municipal Enforcement Officer Bowering will install a proper speed limit and patrol the area.

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

Planning & Development Committee (copy appended to minutes)

Re: Right of way dispute at Yetman's Lane involving x.

Motion 2009 - 683 - Yetman/Greenland

Resolved that the Town of Bay Roberts adopt the following resolution:

- (1) The Town of Bay Roberts (“the Town”) will not be determining the existence of a right-of-way.
- (2) The Town will not be determining the dimensions and location of a claimed right-of-way.
- (3) In the event of a dispute relating to the alleged existence of an easement or right-of-way, Council and/or Councillors individually shall advise the affected residents of the Town that Council has no legal authority to resolve or decide such disputes.
- (4) Neither Council nor Councillors individually shall provide legal advice or make representations on behalf of residents involved in a dispute relating to the alleged existence of an easement or right-of-way.
- (5) In the event a Councillor is advised by a resident of the Town of a dispute relating to the alleged existence of an easement or right-of-way, that Councillor shall immediately advise the resident to seek legal advice to determine their legal rights and/or obligations and it/he/she shall refrain from any further involvement in the dispute.
- (6) Council may seek legal advice involving a dispute relating to the alleged existence of an easement or right-of-way and, if in the sole discretion of Council, it is determined that the dispute in any way affects the public interest, public interest being the interests of most, if not all, residents of the Town, Council may intercede in the dispute in order to ensure that the public interest is protected.
- (7) Council shall develop a requirement that in the event that property does not border on a public street in the Town, the party or parties proposing development of that property shall provide Council with documentation (satisfactory to Council) verifying access to the property proposed for development. The documentation must provide the proposed developer(s) with an easement for a clearly defined and surveyed area of property from the adjoining property owner(s) and shall be in a form register-able at the Registry of Deeds for the Province of Newfoundland and Labrador.
- (8) Council shall not issue a building permit for the affected property unless and until the proposed developer(s) has/have satisfied Council that he/she/it has/have complied with paragraph 7 hereof.

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

Opposed: 0

Abstaining: 0

Motion Carried.

Re: Commercial Occupancy Application

Motion 2009 - 684 - Yetman/Mercer

Resolved that approval be given x, as per submitted application, to open and operate an auto detailing (interior and exterior cleaning) business, x, from 15 Conception Bay Highway, subject to all Municipal Development Regulations and all other regulatory departments.

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

Re: Application for proposed Retirement Housing

Motion 2009 - 685 - Yetman/Greenland

Resolved that the proposal by x for retirement housing at 251 Water Street be denied because the proposed development does not meet the town's development standards regarding lot area, building line setback, and rear yard depth.

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

Re: x - Licence to Occupy Arney's Pond Road

Motion 2009 - 686 - Yetman/Mercer

Resolved that Council will stand by its decision that the claim of a Pepper's Road right-of-way is disputed and the issue that the road must terminate at the end of x's property to be developed will not be addressed by Council until the dispute is settled.

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

Re: x - Discussions at Public Meetings

Motion 2009 - 687 - Yetman/Walsh

Resolved that x's inquiry regarding public discussion of issues be referred to the Executive Committee.

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

Re: Residential Building Application - x, 133 Neck Road

Motion 2009 - 688 - Yetman/Mercer

Resolved that approval be given x, as per submitted application, to construct a dwelling at 133 Neck Road, Coley's Point, subject to all Municipal Development Regulations and all other regulatory departments.

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

Re: Residential Building Application - x, 65 South Road

Motion 2009 - 689 - Yetman/Walsh

Resolved that approval be given x, as per submitted application, to construct a dwelling at 65 South Road, Coley's Point, subject to all Municipal Development Regulations and all other regulatory departments.

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

Re: Residential Building Application - x, 2 Bayshore Estates

Motion 2009 - 690 - Yetman/Seymour

Resolved that approval be given x, as per submitted application, to construct a dwelling at 2 Bayshore Estates, subject to all Municipal Development Regulations and all other regulatory departments.

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

Re: Residential Building Application - x, 73 Water Street

Motion 2009 - 691 - Yetman/Wood

Resolved that approval be given x, as per submitted application, to construct a dwelling at 73 Water Street, subject to all Municipal Development Regulations and all other regulatory departments.

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

Re: Residential Building Application - x

Motion 2009 - 692 - Yetman/Mercer

Resolved that approval be given x, as per submitted application, to construct a dwelling at Farm Road, Bay Roberts, subject to all Municipal Development Regulations and all other regulatory departments.

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

Opposed: 0
Abstaining: 0
Motion Carried.

Re: Residential Building Application - x, 38 Badcock Boulevard

Motion 2009 - 693 - Yetman/Greenland

Resolved that approval be given x, as per submitted application, to construct a dwelling at 38 Badcock Boulevard, subject to all Municipal Development Regulations and all other regulatory departments.

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

UMC

Motion 2009 - 694 - Walsh/Yetman

Resolved that UMC minutes of August 21 & 22 held at Port aux Basques and November 7 held at Gander be accepted.

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

Ron Delaney entered the Chambers at 9:02 p.m.

Councillor Concerns

Councillor Yetman tabled concerns regarding the following:

- (1) Request consideration be given to starting a Community Composting Site.
- (2) Consideration be given to relocating the Town quarry from Central Street to a different location.

Director's Report

Director Delaney gave a report on various items and upcoming events: Christmas Park opening; Green roadside receptacles; available compost containers; Christmas Gazette; Economic Development meeting with Libby Smith of Miller, Dickinson, Blais Inc.; Visitor's Pavilion opening and new Tourism Officer position; and, Illumination Park.

Adjournment

Motion 2009 - 695 - Walsh

Resolved that the meeting do now adjourn at 9:30 p.m.

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

Motion Carried.

Glenn Littlejohn
Mayor

Shirley Hawe
Town Clerk