

The Eighty-Seventh meeting of the Fifteenth Town Council of the Town of Bay Roberts took place in the Town Hall, Tuesday, September 9, 2008, at 7:45 p.m.

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

Also Present Town Manager Edwin Fradsham
 Town Clerk Shirley Hawe
 Resident -

Minutes

Mayor Littlejohn asked if there were any errors or omissions to the minutes of the regular meeting of August 26, 2008, which had been circulated with the agenda.

Discussion and update regarding the following:

- ▶ Mayor Littlejohn will confirm that the owner of 238-240 Water Street has no objection to vehicles being parked at that location.
- ▶ Town Manager will advise council during an in camera session regarding contact with the fence owner at Delaney's Ave., Shearstown.
- ▶ Request by x to operate an home care support agency.

Motion 2008 - 329 - Greenland/Yetman

Resolved that approval be given x to operate an home care support agency from 163 Shearstown Road, subject to all Municipal Development Regulations and all other regulatory departments.

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

Opposed: 0

Abstaining: 0

Motion Carried.

- ▶ No response received from Dr. x regarding a written and a verbal request for a meeting. Residents are advised that Dr. x is not interested in pursuing this matter.
- ▶ Residential building application for x.

Motion 2008 - 330 - Seymour/Mercer

Resolved that approval be given x, as per submitted application, to construct a dwelling at 43 Badcock Boulevard, Bay Roberts, subject to all Municipal Development Regulations and all other regulatory departments.

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

- ▶ dma Planning & Management Services will be holding a series of meetings this fall regarding the Multi-Purpose Facility Feasibility Study and a full report will be available in November.

Motion 2008 - 331 - Mercer/Seymour

Resolved that minutes of the regular meeting of August 26, 2008, be adopted.

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

Additions to Agenda

Motion 2008 - 332 - Mercer/Seymour

Resolved that correspondence from Dennis Brown be added to the agenda.

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

Opposed: 0
Abstaining: 0
Motion Carried.

Motion 2008 - 333 - Walsh/Greenland

Resolved that correspondence from x and Eastern Newfoundland Regional Appeal Board be added to the agenda.

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

X entered the Chambers.

New Business

Item 1 : Correspondence received from x and Eastern Newfoundland Regional Appeal Board regarding an appeal of conditions of an approval to build at 31 Green's Road Extension.

Motion 2008 - 334 - Mercer/Walsh

Resolved that approval be given for x to obtain his building permit and proceed with construction of dwelling, subject to re-submission of the survey, signed and dated by x, revised to clearly outline that his property boundary at Arney's Pond Road is 22 ½ feet from the center of the right of way and also, subject to removal of the boulders.

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

Motion 2008 - 335 - Greenland/Seymour

Resolved that Eastern Newfoundland Regional Appeal Board be advised that an agreement has been reached between x and Council regarding conditions placed on x's

residential building approval. x has informed Council that he will be withdrawing his application to the Appeal Board by telephone and with a follow up letter.

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

x left the Chambers.

Item 2 : Letter received from O’Dea, Earle regarding the Supreme Court judgement against x.

Motion 2008 - 336 - Walsh/Seymour

Resolved that O’Dea, Earle be advised that outstanding municipal taxes are owing for the property, 129A Central Street, x., in the amount of \$88,318.49.

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

Item 3 : Correspondence received from x regarding Delaney’s Road, Bay Roberts.

Motion 2008 - 337 - Walsh/Yetman

Resolved that x’s correspondence be placed on file.

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

Item 4 : Correspondence received from Morrow & Morrow regarding x.

Motion 2008 - 338 - Seymour/Yetman

Resolved that Morrow & Morrow correspondence be placed on file and appropriate action commence by the Town Manager along with consultation by the Planning & Development Committee.

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

Item 5 : Letter received from x regarding a problem with the town sewer line between 21 Central Street and the intersection of Green's Road and Central Street.

Motion 2008 - 339 - Seymour/Yetman

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

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

Item 6 : Letter received from x regarding fence damage at 11 & 13 Church Lane, Bay Roberts.

Motion 2008 - 340 - Mercer/Greenland

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

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

Item 7 : Letter received from x regarding the former x property at Green's Road.

Motion 2008 - 341 - Mercer/Walsh

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

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

Item 8 : Letter received from Moores, Andrews, Collins, on behalf of x seeking approval in principle for the Sinnott building to be incorporated into its clinic, utilizing the former furniture store as an integral and connected part of same.

Motion 2008 - 342 - Walsh/Yetman

Resolved that correspondence from Moores, Andrews, Collins, on behalf of x be referred to the Planning & Development Committee.

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

Item 9 : Correspondence received from MNL and the City of Corner Brook regarding accommodations for the annual convention.

Motion 2008 - 343 - Mercer/Yetman

Resolved that MNL and City of Corner Brook correspondence be placed on file.

In favour: Mayor Littlejohn
Deputy Mayor Walsh

Councillors: C. Mercer, G. Greenland, W. Yetman and B. Seymour

Opposed: 0

Abstaining: 0

Motion Carried.

Item 10 : Commercial occupancy application received from x seeking permission to reopen x, Green's Road, under the business name, x.

Motion 2008 - 344 - Yetman/Seymour

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

In favour: Mayor Littlejohn

Deputy Mayor Walsh

Councillors: C. Mercer, G. Greenland, W. Yetman and B. Seymour

Opposed: 0

Abstaining: 0

Motion Carried.

Item 11 : Residential building application received from x.

Motion 2008 - 345 - Greenland/Seymour

Resolved that approval be given x., as per submitted application, to construct a dwelling at 14 Marina Place, Bay Roberts, subject to all Municipal Development Regulations and all other regulatory departments.

In favour: Mayor Littlejohn

Deputy Mayor Walsh

Councillors: C. Mercer, G. Greenland, W. Yetman and B. Seymour

Opposed: 0

Abstaining: 0

Motion Carried.

Item 12 : Correspondence received from MNL regarding topics for the Small Towns Caucus Meeting at the annual convention.

MNL correspondence to be placed on file.

Item 13 : Letter received from Dennis Brown advising of his resignation as councillor from the Bay Roberts Municipal Council as of September 1, 2008.

Motion 2008 - 346 - Walsh/Greenland

Resolved that Mr. Brown's resignation from council be accepted.

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

Opposed: 0

Abstaining: 0

Motion Carried.

Congratulations to Dennis on his recent appointment as returning officer for the federal district of Avalon and best wishes were offered all around.

Deputy Mayor Walsh will take over former Councillor Brown's position on the Finance Committee. Consideration will be given for filling vacated positions on Economic Development and Special Events Committees.

Committee Report

Finance

Accounts Payable for August 2008 was tabled.

Councillor Mercer requested a report at next meeting on the total amount owing for this year to x for his services.

Motion 2008 - 347 - Seymour/Greenland

Resolved that Accounts Payable for August 2008 be approved.

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

Opposed: 0

Abstaining: 0

Motion Carried.

Tourism

Councillor Mercer tabled a draft letter addressed to Superintendent, Dept. of Transportation.

Motion 2008 - 348 - Mercer/Seymour

Resolved that the contents of the draft letter to x be accepted and put on town letterhead and signed by Mayor Littlejohn.

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

Councillor Mercer advised that x has resigned from her position on the Pigeon Inlet Steering Committee.

Motion 2008 - 349 - Mercer/Yetman

Resolved that a letter of appreciation be written to x.

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

Public Works

Councillor Greenland tabled Public Works minutes of September 4 meeting.

Re: Request to extend culvert between x & x property

Motion 2008 - 350 - Greenland/Yetman

Resolved that x be advised that his request poses an unnecessary expense and is not required at this time. Planning & Development Committee will determine if the shed is acceptable.

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

Re: x - Sodding

Motion 2008 - 351 - Greenland/Yetman

Resolved that x be advised that ditches throughout the town require regular maintenance resulting in removal of debris and shrub lining the ditches. Landscaping around ditches is at the discretion of property owners and therefore, the town cannot assume responsibility for damages within the road right of way.

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

Re: Curb & Gutter - Roach Place

Motion 2008 - 352 - Greenland/Yetman

Resolved that the Town Manager is to obtain quotation for curb and gutter along west side of Roach Place and if price is comparable with previous quotes, approval is given to proceed with the work.

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

Re: x

Motion 2008 - 353 - Greenland/Seymour

Resolved that the Town Manager is to obtain a price on curbing and if this price is around \$1,500.00, approval is given for work to proceed.

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

UMC

Motion 2008 - 354 - Walsh/Yetman

Resolved that UMC minutes of May 23 & 24 be tabled.

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

Motion 2008 - 355 - Walsh/Seymour

Resolved that UMC minutes of September 5 & 6 be tabled for discussion at next meeting of council.

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

Former councillor Dennis Brown entered the Chambers at 9:15 p.m.

Mayor's Report

Mayor Littlejohn gave a report on activities and meetings he attended on behalf of council.

Council extended best wishes to Dennis on his new appointment as returning officer for the federal district of Avalon. Dennis thanked council and staff for their support during his 23 years as a member of council.

Adjournment

Motion 2008 - 356 - Walsh/Yetman

Resolved that the meeting do now adjourn at 9:45 p.m.

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

Glenn Littlejohn
Mayor

Shirley Hawe
Town Clerk