

Bay Roberts Town Council Minutes

November 18th, 2003

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A Thirty Fifth meeting of the Fourteenth Town Council was held in the Town Hall with the following in attendance:

Mayor Wilbur Sparkes
Deputy Mayor Glenn Littlejohn
Councillor Gerald Greenland
Councillor Perry Bowering
Councillor Melvin Walsh
Councillor Bill Seymour

Special meeting commenced 6:40 p.m.

Mr. Ron Delaney and Ms. Christine Bradbury presented a report on the Klondyke Concert 2003.

The report itemized revenue and expenses, and a detailed breakdown for each category.

Ron requested that some of the resulting net income be reserved in an investment account for future Klondyke Concerts. Also, the money allocated to run our annual programming is not enough to sustain all special event activities.

It was moved by D.M. Littlejohn and seconded by Councillor Seymour that a portion of this years profit from the Klondyke Concert be put into a G.I.C. and the remainder to used for the Festival of Lights 2003.

Motion Carried.

Special meeting ended at 7:25 p.m.

Regular meeting commenced at 7:30 p.m.

Mr. Bob Schmiedendorf, Eastern Habitat Joint Venture Biologist, gave a presentation on the Stewardship Agreement signed between the Town of Bay Roberts and the Town of Spaniard's Bay which protects and conserves a key habitat estuary for waterfowl. The purpose of this presentation was to inform new Councillors about the program and to answer any questions regarding the Stewardship Agreement. The EHJV is one of fourteen Joint Ventures created under the North American Waterfowl Management Plan. It is administered by the provincial Inland Fish and Wildlife Division, but involves many partners including Wildlife Habitat Canada, Ducks Unlimited and the Canadian Wildlife Service from which information may be obtained regarding funding and also ideas on developing resources. Mr. Schmiedendorf will get back to Council at the beginning of the New Year to present a draft of the

Management Plan to the Town's of Bay Roberts and Spaniard's Bay.

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Concerns arising from minutes of October 28th, 2003.

Councillor Greenland inquired as to whether action should be taken with regard to the decision of the Eastern Regional Appeal Board hearings concerning the appeal of the Coley's Point Concerned Citizens Group opposing the approval in principle to Avalon Coal, Salt & Oil Ltd. to infill two ponds and construct a wharf.

D.M. Littlejohn asked that the Town Manager determine if any necessary corrections are to be made to the approval in principle given Avalon Coal, Salt & Oil Ltd so that it complies with the amendments requested by the Appeal Board and also bring these recommendations back to the next meeting of Council.

Councillor Greenland suggested that the Town Manager check with the Dept. of Municipal & Provincial Affairs regarding tax issues which relate to quarry operations.

It was moved by D.M. Littlejohn and seconded by Councillor Walsh that a donation of \$50.00 be given to the Bay Roberts Scouts in support of their Apple Day event.
Motion Carried.

It was moved by D.M. Littlejohn and seconded by Councillor Seymour that a donation of \$50.00 be given to the Arthritis Society in support of its Fourth Annual Jingle Bell Walk/Run.
Motion Carried.

D.M. Littlejohn inquired as to whether a time line was given to identified property owners for the completion to plywood windows and door openings from the recommendations made by the Fire Chief and Control Officer.

Councillor Bowering suggested that these property owners be given til this coming spring to have their property repaired or torn down.

Minutes of October 28th, 2003 were approved.

Mr. Arthur Dominx and Mr. Rodney Snow and delegation from Country Road were present.

Councillor Greenland advised that the Works Committee had looked into the complaints received from residents of Country Road regarding a problem they are experiencing with dust, noise and fumes emitting from heavy equipment being used by the Canadian Training Institute on the C.B. Access Road.

Councillor Greenland advised that approval had been given Mr. Arthur Dominix to construct a driving school and to construct a commercial building subject to all regulatory departments and municipal development regulations. The Canadian Training Institute development has proceeded outside the conditions of its original permit and the present continued use of heavy equipment is not acceptable with regard to zoning regulations for that area.

It was moved by Councillor Greenland and seconded by Councillor Seymour that a Stop Work Order be issued to the Canadian Training Institute stating that all use of heavy equipment (industrial use vehicles) contrary to municipal development regulations, are to be ceased immediately. A condition of the Stop Work Order is that heavy equipment may be used to carry out restoration work to this site which is to say the banks are to be sloped and benched, and the site be brought to an acceptable level by November 30th, 2003. No industrial use vehicles are to be used for future training purposes at the site after 6:00 p.m. on Sunday, November 30th, 2003.

Motion Carried.

Mr. Arthur Dominix made suggestions to Council which he felt would address the concerns of Mr. Snow.

1. A meeting take place with himself, Mr. Snow, a representative of Council and the Town Manager.
2. In time this problem will resolve itself.
3. Class A and stone have been brought in to alleviate the dust.
4. Council provide him with a quarry permit on the land that he owns on Jack's Hill which will permit him to perform the majority of training in an area that is not adjacent to any residences.

It was suggested that Mr. Dominix go through the proper procedures with regard to applying for a quarry permit.

Mr. Rodney Snow felt the situation will be best resolved by the Stop Work Order.

A report on the Municipal Plan Appeal Hearing was submitted by Commissioner, Mr. Eric Jerrett.

It is recommended that the proposed Town Plan be accepted with the exception that a portion of the Shoreline Heritage Walk (from Crane's Brook Wharf to French's Cove) be labeled as Conservation, as ruled in the original Hearing. Mr. Jerrett asked that this error be corrected on the final version of the Town Plan.

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It was moved by D.M. Littlejohn and seconded Councillor Greenland that the Municipal Plan & Development Regulations be adopted and the shoreline area of the walking trail from Crane's Brook Wharf to French's Cove be included under conservation because it was omitted on the draft copy of the Town Plan.

Motion Carried.

Letter received from Ms. Elaine Mitchell, Planning Operations Manager, Department of Municipal and Provincial Affairs, Urban and Rural Planning Division, stating that she no longer has a role in the preparation of the town's planning documents and that the Town has complete autonomy to determine whether it wishes to proceed with any amendments to its Municipal Plan and Development Regulations. However, at some future time, the Town may wish to process an amendment to accommodate cottage development on Shearstown Road.

MHA Roland Butler has written the Minister of Government Services and Lands, requesting that the Shearstown Road area be re-zoned to allow for Cottage Development.

It was moved by D.M. Littlejohn and seconded by Councillor Bowering that we seek advise on the proper procedure to include the re-zoning of the Shearstown Road First Pond area to allow for Cottage Development.

Motion Carried.

Letter received from the Department of Environment stating that Harbour International Limited's permit to alter a body of water is amended. It states that the area permitted to be infilled within the waters of Bay Roberts Harbour to facilitate the westward expansion of an existing cold storage building may be increased to approximately 2,500 square metres.

Letter received from Mr. Randy Dawe informing that the Silverwood Inn, lounge, coffee shop and restaurant will close following the figure skating competition November 9th, 2003.

Letter received from Captain Terry Feltham of the Salvation Army requesting a donation for Christmas Kettles 2003.

It was moved by D.M. Littlejohn and seconded by Councillor Seymour that a \$100.00 donation be given.

Motion Carried.

Letter received from Mr. Arthur Dominix, Canadian Training Institute, expressing his appreciation for being given to opportunity to speak at the October 28th, 2003, Council meeting.

Letter to be placed on file.

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Letter received from lawyer, Mr. John Babb, regarding a water line problem experienced at 14 New Found Lane, owner, Mr. Aiden Hibbs.

Previous owners of property on New found lane were advised to connect to the new Town water & sewer services which were provided to their properties due to the fact that the existing water services was a temporary line installed by land developer Mr. Gerald Snow. It was Councils understanding that all property owners in the New Found Lane area had taken advantage of the new services provided by the Town and were connected to the new water & sewer system. Any problems incurred by Mr. Aiden Hibbs concerning his water & sewer system should be handled between his real estate agent and the previous owners.

Letter received from Derrick & Wendy Neil seeking permission to open and operate an engraving, trophy supplies and screen printing business from 142 C.B. Highway.

It was moved by D.M. Littlejohn and seconded by Councillor Bowering that approval be given, subject to all other regulatory departments.

Motion Carried.

Letter was received from Ms. Penny A. Gardiner, Executive Director for the Economic Developers Association of Canada stating that our application for membership has been approved.

Mr. Ron Delaney informed that our membership entitles us to receive advise in the field of economic development and provides a forum for communication and interchange of ideas with other colleagues.

Letter received from the Bay Roberts Lions Club requesting financial support for the annual Santa Claus Parade to take place on Saturday, December 6th, 2003.

It was moved by D.M. Littlejohn and seconded by Councillor Seymour that a \$500.00 donation be given.

Motion Carried.

Letters received from Mayor Gary Gosine, Deputy Mayor Sam Stack, and Deputy Mayor Sandra Baggs asking for support in their individual bids to seek the position of Avalon Director with the NLFM

Board of Directors.

It was decided that Mayor Sparkes would vote on behalf of Council by submitting the Avalon Regional Director Election By Mail-In Ballot form.

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Member's Advisory received regarding FCM pre-budget submission calls for new Federal-Municipal fiscal partnership, and also, suggesting that the election of Mr. Paul Martin as Leader of the Liberal Party of Canada is good news for Canada's municipal governments and their communities.

Info Note received from NLFM regarding the Newfoundland Historic Trust calls for 2004 Southcott Awards nominations.

It was suggested that a copy of this note be given to the Bay Roberts Heritage Society.

Minutes of October 1st, 2003 meeting of the Conception Bay North Incinerator Association were tabled and placed on file.

Minutes of November 13th, 2003 Waste Disposal Meeting at the Carbonear Civic Centre were presented. It was stated that the CBNIA will no longer be involved in finding a solution to the waste disposal situation but will be addressed in the future by the Mayor's Committee.

An invitation was received from EDM Consultants Limited inviting the Mayor, Councillors, Town Manager, office staff and Works Superintendent to an appreciation dinner at Fortune Restaurant on Monday, December 15th, 2003.

Committee Reports

D.M. Littlejohn gave a report from the Finance Committee.

At the scheduled December 9th, 2003 meeting of Council, the 2004 Budget will be presented.

It was noted that outstanding taxes collected to date is \$157,936.22. Another \$50,000.00 was collected from the sale of 11 properties by auction. A total of \$190,000.00 to \$200,000.00 has been collected to date in back taxes.

Councillor Greenland gave a report from the Works Committee.

At the last Works meeting the matter involving the Canadian Training Institute was discussed.

With regard to work being performed on the Klondyke, it was noted that the grant is over and it is hopeful that HRDC will make available a grant to continue on next year. The Committee is pleased with the work done thus far and the area will be secured and made safe for the winter.

A right of way dispute off Porter's Lane involving the property of Dave Neville, has been resolved.
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Recommendation to approve the application from Dawe's Concrete Products seeking permission for operate a quarry south of Long Pond, Country Road, was tabled.

It was moved by Councillor Greenland and seconded by Councillor Seymour that approval in principle be given to Dawe's Concrete Products to operate a gravel and sand quarry 50 meters south of Long Pond, Country Road, subject to all provincial and municipal regulatory departments.
Motion Carried.

Two tenders were received for the new garbage truck. Western Star was \$155,825.00 including tax and Harvey & Company was \$152,327.00 plus tax.

It was moved by Councillor Greenland and seconded by Councillor Bowering that the lowest tender of \$155,825.00 including tax, received from Western Star be accepted and the garbage truck be order as soon as possible.
Motion Carried.

All temporary water lines must be disconnected due to pending frost conditions.

The application of Mr. Sheldon Morgan to build residential dwelling on land situated west on the old railway bed off Barrack's Road is deferred until access and ownership of the railway bed is determined.

Mr. Pat Foley, Works Superintendent, is to be contacted to see if water & sewer services can be accessed from the Barrack's Road. Also, ownership or approval to use railway bed must be obtained in order for application to be processed.

Councillor Greenland advised of discrepancies with the water & sewer contract in Shearstown/Butlerville and it was decided that the Town Manager would contact Mr. Charlie Hunt to look into any concerns and have them corrected by Sun Construction.

Mr. Ron Delaney gave a report from the Tourism and Economic Development Department.

It was moved by D.M. Littlejohn and seconded by Councillor Bowering that the Special Events Committee be given permission to move forward with plans for the Klondyke Concert 2004.
Motion Carried.

Ron gave some statistics on visitation compiled in a report by Ms. Margaret Ayad, website design and consulting agent. In less than a year we have had 78,517 visitors to our website with 141,397 page visits. People have shown an interest in Council Minutes, every month we create a mini website to spot light specific businesses in the Town, and also, Economic Development stats are available. At least 45 different countries have visited our website.

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The Klondyke Concert site has received 164,622 visitors with 21,436 in the week preceding the concert. We have a quality website which is winning provincial awards and is up for a national award.

The Schedule of Events for the Festival of Lights is finished and will be in the mail the first of next week. The countdown for the Festival of Lights starts Wednesday, November 19th on CHVO and cable to inform residents to decorate their property by December 1st because the Nation Judges will be here on December 2nd.

The Christmas booklet will be ready next week and the Christmas TV Show will be taping in a couple of weeks. Passport to Christmas is in place with 12 businesses participating.

Ron informed that he has been elected to the Board of Directors for the Baccalieu Trail Tourism Association.

Councillor Concerns

Councillor Bowering advised that the deadline date of November 15th on three letters which were issued regarding fencing and property clean up, has passed. The Town Manager is to contact each of the property owners involved to advise them that further action will be taken if they do not comply with the written request.

Also, Town Manager is to contact Mr. Tom Porter of the Department of Works, Services and Transportation regarding the removal of debris stored at the highways depot site.

D.M. Littlejohn suggested that a letter be sent to the Minister of Justice regarding a motion presented by the NLFM at the Annual Municipal Convention regarding increased funding for policing in this province.

It was moved by Councillor Greenland and seconded by Councillor Seymour that the meeting be adjourned 9:45 p.m.

Motion Carried.

Wilbur Sparkes
Mayor

Shirley Hawe
Acting Town Clerk