

The One Hundredth and Fifth meeting of the Fifteenth Town Council of the Town of Bay Roberts took place in the Town Hall, Tuesday, July 7, 2009, at 7:15 p.m.

Members Present Mayor Glenn Littlejohn
 Deputy Mayor 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
 Residents -

Minutes

Mayor Littlejohn asked if there were any errors or omissions to the minutes of the regular meeting of June 16, 2009, which had been circulated with the agenda.

- Low water supply advisory continues to be in effect and residents are asked to conserve.
- Error Correction on page 17. Motion 2009 - 402 - should state "134 North Road".

Motion 2009 - 406 - Seymour/Mercer

Resolved that minutes of the regular meeting of June 16, 2009, be adopted with correction.

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

Opposed: 0

Abstaining: 0

Motion Carried.

Additions to Agenda

Motion 2009 - 407 - Walsh/Mercer

Resolved that x correspondence be added to the agenda.

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

Motion 2009 - 408 - Yetman/Seymour

Resolved that x residential building application be added to the agenda.

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

Motion 2009 - 409 - Greenland/Mercer

Resolved that Public Works Committee minutes of July 2 and Planning and Development Committee minutes of July 2 be added to that agenda.

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

Motion 2009 - 410 - Greenland/Wood

Resolved that x's letter be added to the agenda.

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

Opposed: 0
Abstaining: 0
Motion Carried.

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New Business

Item 1 : Letter dated June 25, 2009 received from Curtis, Dawe Law Firm, on behalf of x, proposing the Town and x enter into a ten year lease for the amount of \$90,000 for ten years to be paid annually (\$9,000 per year) with further conditions as stated in letter.

Motion 2009 - 411 - Walsh/Wood

Resolved that expropriation proceedings be commenced regarding the disputed land adjacent to 88 Water Street, Bay Roberts.

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

Item 2 : Letter received from x, on behalf of x, requesting a meeting regarding the work that is being done on the south side of Bay Roberts Harbour.

Motion 2009 - 412 - Greenland/Wood

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

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

Item 3 : Correspondence received from x, on behalf of x, regarding the installation of a large culvert through land west of 66-70 Water Street.

Motion 2009 - 413 - Mercer/Walsh

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

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

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Opposed: 0

Abstaining: 0

Motion Carried.

Item 4 : Letter received from x requesting the name of the person who made the statement regarding a ownership dispute on a portion of his property at Country Pond, and a copy of any supporting documentation presented to Council to support this statement, and confirmation of who authorized the statement to be entered into the public record.

Motion 2009 - 414 - Mercer/Yetman

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

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

Opposed: 0

Abstaining: 0

Motion Carried.

Item 5 : Occupancy application received from x.

Motion 2009 - 415 - Greenland/Seymour

Resolved that approval be given x, as per submitted application, to open and operate a financial planning, life insurance and investments business from 38-40 C. B. Highway, Bay Roberts, subject to all Municipal Development Regulations and all other regulatory departments.

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

Opposed: 0

Abstaining: 0

Motion Carried.

Item 6 : Occupancy application received from x.

Councillor Yetman declared a conflict of interest and left the Chambers.

Motion 2009 - 416 - Seymour/Mercer

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Resolved that approval be given to x, as per submitted application, to open and operate a fitness center from 202-204 C. B. Highway, Bay Roberts, subject to all Municipal Development Regulations and all other regulatory departments. Also, x be advised that the Dept. of Transportation has indicated possible future improvements for safety reasons to the entrance and exit of the above noted property.

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

Councillor Yetman returned to the Chambers.

Item 7 : Residential building application received from x.

Motion 2009 - 417 - Greenland/Yetman

Resolved that approval be given x, as per submitted application, to construct a dwelling at 311-317 Central Street, Bay Roberts, subject to all Municipal Development Regulations and all other regulatory departments.

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

Item 8 : Residential building extension application received from x.

Councillor Yetman declared a conflict of interest and left the Chambers.

Motion 2009 - 418 - Walsh/Mercer

Resolved that approval be given x, as per submitted application, to add an extension to his existing dwelling at 12 Green's Road Extension, Bay Roberts, subject to all Municipal Development Regulations and all other regulatory departments.

In favour: Mayor Littlejohn
Deputy Mayor Walsh

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Councillors: Mercer, Greenland, Wood, and Seymour

Opposed: 0

Abstaining: 0

Motion Carried.

Councillor Yetman returned to the Chambers.

Item 9 : Residential building application received from x.

Motion 2009 - 419 - Greenland/Wood

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

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

Opposed: 0

Abstaining: 0

Motion Carried.

Item 10 : Letter received from Seniors Resource Centre, regarding their Friendly Visiting program.

Motion 2009 - 420 - Mercer/Seymour

Resolved that the Seniors Resource Centre letter be placed on file.

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

Opposed: 0

Abstaining: 0

Motion Carried.

Item 11 : Correspondence received from Mayor Woodrow French, Town of Conception Bay South, regarding the 10th Anniversary of “Walk-A-Mile” for prostate cancer.

Motion 2009 - 421 - Walsh/Mercer

Resolved that Mayor French’s correspondence be placed on file.

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

Opposed: 0

Abstaining: 0

Motion Carried.

Item 12 : Letter received from MNL advising that Gloria Peddle, Town of Heart’s Content, has filled the position of Municipal Representative on the Mariner Resource Opportunities Network Board of Directors.

Motion 2009 - 422 - Mercer/Yetman

Resolved that the MNL advisory be placed on file.

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

Opposed: 0

Abstaining: 0

Motion Carried.

Item 13 : Correspondence received from x regarding an ownership dispute on a small portion of the survey for the proposed quarry development by Edwin Snow of Country Road on a parcel of land located opposite Country Pond, Bay Roberts.

Motion 2009 - 423 - Walsh/Seymour

Resolved that x’s correspondence be referred to the Executive Committee.

In favour: Mayor Littlejohn
Deputy Mayor Walsh

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

Ron Delaney entered the Chambers.

Item 14 : Correspondence received from x regarding Arney's Pond Road / Green's Road Extension, Bay Roberts.

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Motion 2009 - 424 - Mercer/Wood

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

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

Item 15 : Correspondence received from x requesting approval in principle to construction Seniors' apartments on the land adjacent to and belonging to x.

Motion 2009 - 425 - Yetman/Wood

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

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

Item 16 : Residential building application received from x.

Motion 2009 - 426 - Seymour/Mercer

Resolved that approval be given x, as per submitted application, to construct a dwelling at Yetman's

Lane, Bay Roberts, subject to all Municipal Development Regulations and all other regulatory departments.

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

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Item 17 : Letter received from x advising that the stock pile of salt located by the side of North Road, Coley's Point, will be completely removed by weeks end.

Motion 2009 - 427 - Mercer/Yetman

Resolved that x's letter be placed on file.

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

Committee Reports

Planning & Development Committee

Re: Noise & Nuisance Complaint - Green's Road

Motion 2009 - 428 - Greenland/Seymour

Resolved that a directive be issued to x that all work must stop and the boat be removed from the present location within fourteen (14) days. Considering the extent and duration of future work, x be advised that a permit is required to regulate future work and to ensure conformance of the work with town regulations.

In favour: Mayor Littlejohn

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

Opposed: 0
Abstaining: 0
Motion Carried.

Re: Rocky Pond Road Cul de Sac

Councillor Greenland declared a conflict of interest and left the Chambers.

Motion 2009 - 429 - Yetman/Walsh

Resolved that to facilitate the transfer of land at Rocky Pond Road from x to the Town of Bay Roberts, without compensation, the following conditions be met:

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- Land will be surveyed and serviced as requested from correspondence of May 27, 2009.
- Pavement will be removed from property as part of development of new cul de sac and the land reinstated to its natural condition.
- Posts that have been requested to act as a barrier would have to be placed at 22 ½ ft from center of road. The Committee feels that construction of cul de sac should be completed before the quantity and location of posts can be determined.
- Cul de sac will be developed according to survey done by Norman and Parsons Surveys Limited on April 2, 2009.

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

Opposed: 0
Abstaining: 0
Motion Carried.

Municipal Enforcement Officer Bowering entered the Chambers.

Re: Rocky Pond Road Cul de Sac

Motion 2009 - 430 - Yetman/Walsh

Resolved that to facilitate the transfer of land at Rocky Pond Road from x to the Town of Bay Roberts, without compensation, the following conditions be met:

- Land will be surveyed and serviced as requested from correspondence of April 6, 2009.

- The guy wire from the existing pole will be moved and a new pole will be erected further east along the turnaround.
- Cul de sac will be developed according to survey done by Norman and Parsons Surveys Limited on April 2, 2009 and should be completed during the 2009 construction season.

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

Opposed: 0

Abstaining: 0

Motion Carried.

Councillor Greenland returned to the Chambers.

Public Works Committee

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Re: x, Delaney's Road Land Development

Motion 2009 - 431 - Greenland/Seymour

Resolved that approval be given x, as per submitted correspondence, to extend road, water and sewer services approximately 200 feet subject to:

- Road & ditch construction in accordance with town standard;
- Right of way may be reduced to 40 feet;
- Water line may be reduced to 4 inches;
- Manhole must be installed at end of line;
- All work must be co-ordinated with Works Superintendent and inspected prior to backfill; and,
- Any remedial work to existing services and costs will be the responsibility of x.

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

Opposed: 0

Abstaining: 0

Motion Carried.

Re: x, Country Road Land

Motion 2009 - 432 - Greenland/Walsh

Resolved that x be requested to identify land boundaries with flagging and then advise Works Superintendent who will arrange exploration of sub-grade.

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

Opposed: 0

Abstaining: 0

Motion Carried.

Re: Equipment Purchase & Repairs

Motion 2009 - 433 - Greenland/Yetman

Resolved that purchase of a new loader and repairs to old loader with after market parts and local labour be referred to the Finance Committee.

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

Opposed: 0

Abstaining: 0

Motion Carried.

Re: Purchase x one and a quarter ton dump truck

Motion 2009 - 434 - Greenland/Seymour

Resolved that approval be given to purchase a one and a quarter ton dump truck for \$10,000 dollars from x.

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

Opposed: 0

Abstaining: 0

Motion Carried.

Re: Labourer Advertisement

Motion 2009 - 435 - Greenland/Mercer

Resolved that x and x be hired for the two labour positions for a ten (10) week period.

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

Re: x, Shearstown, Culvert Request

Motion 2009 - 436 - Greenland/Yetman

Resolved that x be advised that approval is given for the provision of four (4) culverts as requested in correspondence of June 1, 2009, however, x will be responsible for any future problems.

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

Municipal Enforcement Committee

Motion 2009 - 437 - Walsh/Yetman

Resolved that Municipal Enforcement minutes of July 2 be accepted.

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

Re: Mobility Impaired Parking Spaces

Committee advises that x's concerns are covered by provincially controlled regulations and not within the town's jurisdiction, however, Perry will make inquiries regarding provincial rules and regulations.

Motion 2009 - 438 - Walsh/Yetman

Resolved that Notice of Motion be given for adoption of the newly proposed Town of Bay Roberts Fence Regulations.

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

Municipal Enforcement Officer Bowering gave a verbal report of his ongoing activities ie. animal control, untidy properties, policing, permits, etc., and projects he is currently involved in.

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Finance Committee

Motion 2009 - 439 - Mercer/Walsh

Resolved that Accounts Payable for June 2009 be approved.

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

Cultural Foundation

Motion 2009 - 440 - Mercer/Yetman

Resolved that Cultural Foundation minutes of June 23 be accepted.

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

Abstaining: 0
Motion Carried.

Tourism Committee

The Town has been awarded a grant in the amount of \$14, 900 from the Cupids 400 group to facilitate interpretive signage for historic points of interest within the town.

Special Events Committee

Motion 2009 - 441 - Wood/Yetman

Resolved that Special Events minutes of June 10 be accepted.

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

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Motion 2009 - 442 - Wood/Yetman

Resolved that Special Events minutes of June 17 be accepted.

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

Heritage Advisory Board

Motion 2009 - 443 - Wood/Mercer

Resolved that the property, 219 Water Street, be designated as a Municipal Heritage Site.

In favour: Mayor Littlejohn
Deputy Mayor Walsh

Councillors: Mercer, Greenland, Wood, Yetman and Seymour

Opposed: 0

Abstaining: 0

Motion Carried.

Motion 2009 - 444 - Wood/Yetman

Resolved that the Western Union Cable Building, 321 Water Street, be designated as a Municipal Heritage Site.

In favour: Mayor Littlejohn

Deputy Mayor Walsh

Councillors: Mercer, Greenland, Wood, Yetman and Seymour

Opposed: 0

Abstaining: 0

Motion Carried.

Director of Economic Development, Tourism & Recreation

Director Delaney gave a verbal report from his various departments. Highlights - lights are installed at the tennis and ball hockey courts, soccer pitch is coming along, hydro seeding should take place soon, and recreation program is almost to capacity.

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Mayor's Report

Motion 2009 - 445 - Walsh/Greenland

Resolved that Nomination Day for Municipal Election 2009 will be Tuesday, September 1, 2009 from 8:00 a.m. to 8:00 p.m. at the Town Hall.

In favour: Mayor Littlejohn

Deputy Mayor Walsh

Councillors: Mercer, Greenland, Wood, Yetman and Seymour

Opposed: 0

Abstaining: 0

Motion Carried.

Adjournment

Motion 2009 - 446 - Mercer/Seymour

Resolved that the meeting do now adjourn at 9:35 p.m.

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

Glenn Littlejohn
Mayor

Shirley Hawe
Town Clerk