

The One Hundredth and Fourth meeting of the Fifteenth Town Council of the Town of Bay Roberts took place in the Town Hall, Tuesday, June 16, 2009, at 6:50 p.m.

Members Present Mayor Glenn Littlejohn
 Deputy Mayor Melvin 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
 Fire Chief Clarence H. Russell
 Compass Correspondent Lillian Simmons
 Residents from Green's Road, Cleary's Place & Rocky Pond Road

Minutes

Mayor Littlejohn asked if there were any errors or omissions to the minutes of the regular meeting of May 26, 2009, and the special meeting of June 2, 1009, which had been circulated with the agenda.

Motion 2009 - 356 - Wood/Walsh

Resolved that a public notice be published advising that the draft copy of Heritage Regulations is available for public review and comment for a two week period.

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

Motion 2009 - 357 - Mercer/Yetman

Resolved that minutes of the regular meeting of May 26, 2009, be adopted.

In favour: Mayor Littlejohn

Deputy Mayor Walsh

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Councillors: Mercer, Greenland, Wood, Yetman and Seymour

Opposed: 0

Abstaining: 0

Motion Carried.

Motion 2009 - 358 - Yetman/Walsh

Resolved that minutes of the special meeting of June 2, 2009, be adopted.

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 - 359 - Greenland/Walsh

Resolved that Planning & Development minutes 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 - 360 - Walsh/Mercer

Resolved that the Public Works Superintendent's report 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.

Pending Business

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Motion 2009 - 361 - Greenland/Seymour

Resolved that approval be given to x, as per submitted application, to construct a commercial building at C. B. Highway, Bay Roberts, subject to all Municipal Development Regulations and all other regulatory departments. Also, subject to a green space of a minimum of 6 feet to be installed adjacent to the property's entrance/exit.

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

Motion 2009 - 362 - Greenland/Yetman

Resolved that approval be given to x, as per submitted application, to open and operate a hair and nails salon at 186 Butlerville Road, 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.

Motion 2009 - 363 - Mercer/Seymour

Resolved that approval be given to x, as per submitted application, to construct a building at 39 Shearstown Road to be used for the purpose of operating a Hair, Nails & Tanning Salon business, 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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Motion 2009 - 364 - Mercer/Seymour

Resolved that the request to operate a Bed & Breakfast establishment at 21 Cleary's Place 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.

New Business

Item 1 : Petition received from residents objecting to a Bed & Breakfast at 21 Cleary's Place.

Motion 2009 - 365 - Seymour/Wood

Resolved that the petition 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's 2 & 3: Letter and pictures received from x regarding concerns with a neighbouring property and an email received from Municipal Plan Consultant, regarding same.

Motion 2009 - 366 - Walsh/Wood

Resolved that x correspondence and x email 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.

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Item 4 : Letter received from the Honourable Peter MacKay, Minister of National Defence, acknowledging receipt of our correspondence of May 1, 2009.

Motion 2009 - 367 - Walsh/Seymour

Resolved that Minister MacKay'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.

Item 5 : Letter and pictures received from Bay Roberts Harbour Authority regarding concerns with a neighbouring dilapidated building and waste coming from a nearby business.

Motion 2009 - 368 - Greenland/Mercer

Resolved that the Bay Roberts Harbour Authority 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.

Councillor Greenland was excused from the Chambers.

Item 6 : Letter received from x requesting written confirmation from the Planning & Development Committee regarding a verbal agreement to remove pavement to the same distance from his property as the adjoining properties and the land be reinstated to it's natural condition.

Motion 2009 - 369 - Yetman/Walsh

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

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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.

Item 7 : Letter received from x regarding a recurring water problem at his property.

Motion 2009 - 370 - Yetman/Mercer

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

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

Item 8 : Letter received from x concerning erosion of the embankment in front of her driveway.

Motion 2009 - 371 - Yetman/Mercer

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

Opposed: 0

Abstaining: 0

Motion Carried.

Item 9 : Email received from x regarding her thoughts on the new Municipal Plan as it relates to Bay Roberts East End.

Motion 2009 - 372 - Walsh/Wood

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Resolved that x's email be referred to the Heritage Advisory Board.

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 Deputy Minister Baxter Rose, Dept. of Municipal Affairs, seeking input regarding the Provincial Solid Waste Management Strategy.

Motion 2009 - 373 - Walsh/Seymour

Resolved that Deputy Minister Rose's correspondence 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 : Letter received from x regarding a new business venture, Parsons' Waste Management's Organic Plus.

Motion 2009 - 374 - Walsh/Mercer

Resolved that x' correspondence be referred to the Green Committee.

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 Newfoundland Historic Trust advising that the Bay Roberts Railway Station did not win a Southcott Award.

Motion 2009 - 375 - Mercer/Seymour

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Resolved that Newfoundland Historic Trust correspondence be placed on file.

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

Deputy Mayor Walsh was excused from the Chambers.

Item 13 : Email received from x regarding mobility impaired parking spaces.

Motion 2009 - 376 - Mercer/Seymour

Resolved that x's email be referred to the Municipal Enforcement Committee.

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

Deputy Mayor Walsh returned to the Chambers.

Item 14 : Correspondence received from x seeking permission to quarry land at Country Road.

Motion 2009 - 377 - Greenland/Mercer

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.

X entered the Chambers.

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Item 15 : Occupancy application received from x.

Motion 2009 - 378 - Greenland/Walsh

Resolved that approval be given x, as per submitted application, to open and operate a health technology business, from 204-206 C. B. Highway, former Subway building, 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 16 : Commercial building application received from x.

Motion 2009 - 379 - Greenland/Seymour

Resolved that the application by x 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 17 : Residential building application received from x.

Motion 2009 - 380 - Seymour/Mercer

Resolved that approval be given x, as per submitted application, to construct a dwelling at 110 Butlerville Road, subject to all Municipal Development Regulations and all other regulatory departments. Also, town services ie. garbage collection, street lighting, snow clearing, road maintenance, etc., will not be provided beyond the main road, Butlerville Road.

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 18 : Residential building application received from x.

Motion 2009 - 381 - Mercer/Yetman

Resolved that approval be given x, as per submitted application, to construct a dwelling at 166-168 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 19 : Residential building application received from x.

Motion 2009 - 382 - Greenland/Mercer

Resolved that approval be given x, as per submitted application, to construct a dwelling at 29 Badcock

Boulevard, Valleyview Subdivision, 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 20 : Residential building application received from x.

Motion 2009 - 383 - Mercer/Yetman

Resolved that approval be given x, as per submitted application, to construct a dwelling at 397-399 Shearstown Road, Shearstown, subject to all Municipal Development Regulations and all other regulatory departments.

In favour: Mayor Littlejohn

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

Item 21 : Minutes of May 28 received from Conception Bay North Joint Councils' Association.

Motion 2009 - 384 - Seymour/Mercer

Resolved that C.B.N. Joint Councils' minutes be accepted.

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

Committee Reports

Public Works Committee

Motion 2009 - 385 - Greenland/Walsh

Resolved that Public Works Committee minutes of June 8 be accepted.

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

Municipal Enforcement Officer entered the Chambers.

Motion 2009 - 386 - Greenland/Yetman

Resolved that approval be given to hire two (2) non unionized labours for a ten (10) week period to work on the garbage compactor and other related duties. Also, a notice be posted in the garage depot seeking current employees who are interested in training for chlorination duties.

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

Planning & Development Committee

Re: x, 91 Shearstown Road, request for paving of right of way adjacent to his property.

Motion 2009 - 387 - Greenland/Yetman

Resolved that x be advised the existing right of way does not appear to meet town regulations, ie. 36' right of way and adequate turning space at end. If these minimum regulations can be met, the Committee will reconsideration x's request.

In favour: Mayor Littlejohn
Deputy Mayor Walsh

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

Re: x's building extension and site improvements.

Motion 2009 - 388 - Greenland/Seymour

Resolved that a 10 meter buffer must be provided to adjoining residential properties in accordance with regulations and a complete set of drawings must be submitted for further review.

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

Re: Mayor Littlejohn, Deputy Mayor Walsh and Town Manager will arrange a meeting with x.

Re: Crown land applications received from x.

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Motion 2009 - 389 - Greenland/Mercer

Resolved that x be advised that Town policy is all crown land within town boundaries is reserved for town use and therefore, their request is denied.

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

Re: x, Quarry Application.

Motion 2009 - 390 - Greenland/Yetman

Resolved that approval in principle be given to x, as per his letter and survey of May 26, 2009, subject

to all Municipal Development Regulations and all other regulatory departments and pending approval from Dept. of Natural Resources, Mines & Energy. Also, a \$1,000.00 annual fee is required and Council will set further conditions for x's proposed quarry development.

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

Town Manager advised that a small portion of the land on x's submitted survey is in ownership dispute.

Re: x, Commercial Application

Motion 2009 - 391 - Greenland/Walsh

Resolved that approval be given x, as per submitted application, to construct a building for the purpose of operating a small paintless dent repair business from 2 Yetman's Lane, 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, Yetman and Seymour
Opposed: 0
Abstaining: 0
Motion Carried.

Re: Word of caution received from Works Superintendent advising that our water supply is dangerously low.

It was decided that a low water advisory be placed on our website and displayed at the 3 post offices. Also, Municipal Enforcement Officer will advise specific companies to decrease water usage.

Executive Committee

Re: Chief Administrative Officer position and organizational review of inside and outside staff.

Motion 2009 - 392 - Greenland/Wood

Resolved that the present position of Town Manager become redundant and the position of Chief Administrative Officer be created.

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

Motion 2009 - 393 - Greenland/Yetman

Resolved that the Executive Committee draft a job description for the new position of Chief Administrative Officer for review and input from Council and staff. Then a consultant will be hired to facilitate the search for suitable candidate to fill the position of CAO.

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

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Finance Committee

Motion 2009 - 394 - Mercer/Walsh

Resolved that May 2009 Accounts Payable be approved.

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

Tourism Committee

Motion 2009 - 395 - Mercer/Yetman

Resolved that Tourism Committee minutes of April 20 be accepted.

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

Motion 2009 - 396 - Mercer/Yetman

Resolved that Bay Roberts Cultural Foundation minutes of May 19 be accepted.

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

Special Events Committee

Motion 2009 - 397 - Wood/Yetman

Resolved that Special Events minutes of May 13 be accepted.

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

Recreation Committee

The 1st Annual Bay Roberts Neighbourhood Clean-Up Day will be held Saturday, June 20 from 10:00 a.m. -12:00 noon.

Municipal Enforcement Committee

Motion 2009 - 398 - Walsh/Mercer

Resolved that Municipal Enforcement minutes of June 9 be accepted.

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

Re: Paving Recycling Companies

Municipal Enforcement Officer Bowering will verbally request paving companies to be mindful of residents in immediate area of paving such that the residue and smoke will have minimal effect on nearby properties.

Motion 2009 - 399 - Walsh/Yetman

Resolved that x be given written notice to remove an abandoned boat trailer from the property, 238-240 Water Street, within fourteen (14) days of receipt of said notice. cc. Property owner, x.

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 - 400 - Walsh/Yetman

Resolved that x be given written notice to clean up the property, 20 Country Road, Bay Roberts, within fourteen (14) days of receipt of said notice.

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

Motion 2009 - 401 - Walsh/Yetman

Resolved that x be given written notice to remove scrapped vehicles at Pit Road, Butlerville, within fourteen (14) days of receipt of said notice. Also, all quarrying activity at Pit Road must cease.

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

Motion 2009 - 402 - Walsh/Yetman

Resolved that x be given written notice to clean up the property, 134 North Road, Coley's Point, within fourteen (14) days of receipt of said notice.

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

Motion 2009 - 403 - Walsh/Yetman

Resolved that x be given written notice to clean up the property, 38-42 Central Street, Bay Roberts, within fourteen (14) days of receipt of said notice.

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

Re: Backyard Mechanics - Country Road

MEO Bowering has determined that no out of the ordinary activity is taking place and advises no further action is necessary.

Re: Noise and Outside Work at 8-18 Bishop's Road

MEO Bowering investigated and has determined that some work is performed outside the building and advised the owner that all outside work activity must stop and the old trailer stored at the site be removed. Subsequently, the owner has submitted an application for an extension to the building to allow for all inside work.

Fire Department

Approximately \$4,000.00 was raised through a toll gate endeavour for the Janeway Children's Hospital.

Wetlands

Councillor Seymour attended the annual conference this past weekend and minutes from the meeting will be forthcoming.

Director of Economic Development, Tourism & Recreation

Director Delaney highlighted ongoing activities from his various departments.

Motion 2009 - 404 - Seymour/Yetman

Resolved that Bae/Newplan be given approval to finalize the completion of the Cross Roads project consisting of a new forcemain, curb, gutter, storm sewer, sidewalk and paving.

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

Opposed: 0

Abstaining: 0

Motion Carried.

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Mayor's Report

Mayor Littlejohn tabled a report containing highlights from the 2009 FCM Conference. Also, Mayor Littlejohn announced that he will be seeking re-election as Mayor of the Town of Bay Roberts.

Councillor Concerns

Councillor Wood inquired about road repairs and the monitoring of pavement thickness.

Councillor Yetman inquired about the start date for the new soccer pitch and the Barracks Road improvements.

X asked that brook dredging at Rocky Pond Road start soon.

Adjournment

Motion 2009 - 405 - Seymour/Greenland

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

Motion Carried.

Glenn Littlejohn
Mayor

Shirley Hawe
Town Clerk