

Town of Bishop's Falls  
Public Council Meeting No. 1238  
March 24, 2009 at 7:00 pm  
Council Chambers

## Minutes

Mayor J. Fancey called the meeting to order at 7:00 pm on March 24, 2009 and presided with the following Councillors and staff in attendance:

Councillor D. Tremblett  
Councillor B. Saunders  
Councillor H. Sutton  
Councillor A. Hynes  
Councillor N. Stewart

Mr. Gary Drover, Chief Administrative Officer  
Mr. Randy Drover, Town Clerk

Deputy Mayor J. Budgell was absent with regrets.

### Item 1: Adoption of the Agenda

#### Motion 123/2009 – Councillor H. Sutton/Councillor D. Tremblett

To adopt the agenda as presented.

**In Favour:** Mayor J. Fancey, Councillor D. Tremblett, Councillor B. Saunders, Councillor A. Hynes, Councillor H. Sutton and Councillor N. Stewart.

**Opposed:** None

**Abstained:** None

**Motion Carried**

### Item 2: Adoption of Minutes for Public Council Meeting No. 1237

#### Motion 124/2009 – Councillor D. Tremblett/Councillor N. Stewart

To adopt the minutes for Public Meeting no. 1237 as presented.

**In Favour:** Mayor J. Fancey, Councillor D. Tremblett, Councillor B. Saunders, Councillor A. Hynes, Councillor H. Sutton and Councillor N. Stewart.

**Opposed:** None

**Abstained:** None

## **Motion Carried**

### **Item 3: Mayor's Report – Meeting with Minister Skinner on March 6, 2009**

On Friday, March 6, 2009 Councillor Saunders, Mr. Gary Drover (CAO) Mr. Randy Drover (Town Clerk) and I met with Minister Shawn Skinner in St. John's at the Department of Innovation, Trade, and Rural Development. MHA Clayton Forsey was also in attendance. The meeting began around 11:30 am and I reviewed the priorities of Council as it concerned the closure of AbitibiBowater in Grand Falls-Windsor. The following is a summary of the Minister's response to the issues put forth by Council:

#### Increase available commercial land in Bishop's Falls

Minister Skinner – while believing this was an economic development stimulus – offered little assurance that the Task Force would be able to provide assistance. He took this time to explain the role of the Task Force, which is more preoccupied with addressing the closure at a policy level rather than individual projects. He did state, however, that the Town should submit an application to the appropriate Department, and in that case the Task Force could provide assistance by helping our projects through the system. I also asked the Minister for assistance to resolve the environmental issues at Station Road. The cost of conducting a phase II study (which will result in a remediation plan) is \$42,000, and Council simply cannot afford to pay for another assessment. The Minister, in response, stated that he will look into the “status of the land”, which essentially means ownership and responsibility.

#### Amalgamation

The Minister stated this was not within the Task Force's mandate, and directed the delegation to consult Municipal Affairs.

#### Power Plant and Municipal Operating Grant (MOG)

Discussions on the Power Plant and MOG became interconnected as the meeting proceeded. The Minister did not directly respond to Council's proposal for a regional management entity and transfer payments. There was a commitment by the Minister that the negative impact on MOGs is being considered, and Council can expect to receive the same grant for 2009 and it did in 2008. There was some indication that Nalcor may be liable for the grant.

#### Environmental Issues

It was noted that both environmental issues flagged by Council (abutments and water levels) have been recognized and are being addressed. The Minister took this opportunity

to advise the delegation that negotiations with AbitibiBowater concerning the expropriated assets are underway, and that things are “going well”. The Minister also shared government’s concept of a “Community Development Committee”, but he did not reveal the details of its mandate or composition.

**Motion 125/2009 – Councillor H. Sutton/Councillor A. Hynes**

To adopt the report from Mayor Fancey concerning the outcomes of the meeting with Minister Skinner in St. John’s on March 6, 2009.

**In Favour:** Mayor J. Fancey, Councillor D. Tremblett, Councillor B. Saunders, Councillor A. Hynes, Councillor H. Sutton and Councillor N. Stewart.

**Opposed:** None

**Abstained:** None

**Motion Carried**

**Item 4: Standing Committee Reports and Recommendations**

4.1 COMMUNITY RELATIONS STANDING COMMITTEE MEETING NO. 3 (MAR 9, 2009)

4.1.1 Chairperson’s Report

“Madame Mayor, the Community Relations Standing Committee held a meeting on March 9, 2009. The Committee is actively planning the 2009 Civic Awards that, as my colleagues are aware, will take place on April 23, 2009. Nomination forms are now available for the each of the awards categories, and I encourage residents to ensure those individuals who are most deserving of recognition are nominated in the near future. Madame Mayor, I now submit this report for Council’s consideration.”

**Motion 126/2009 – Councillor A. Hynes/Councillor D. Tremblett**

To adopt the report for Community Relations Standing Committee meeting no. 3 as presented.

**In Favour:** Mayor J. Fancey, Councillor D. Tremblett, Councillor B. Saunders, Councillor A. Hynes, Councillor H. Sutton and Councillor N. Stewart.

**Opposed:** None

**Abstained:** None

**Motion Carried**

## 4.2 RECREATION STANDING COMMITTEE MEETING NO. 210 (MAR 10, 2009)

### 4.2.1 Chairperson's Report

“Madame Mayor, the Recreation Standing Committee is pleased to advise Council that it has finalized the Recreation Infrastructure Investment Plan after consulting the youth and user groups in the community. We identified five priority projects that include renovating the dressing rooms; constructing two new dressing rooms and a meeting room; scraping and painting the roof beams; relocating the zamboni room; and removing the damaged fence around the Faulkner Recreation playground. The total cost of all these projects is estimated to be \$290,200, and we will be looking to access funding under various government programs on a federal and provincial level. One such program is Recreation Infrastructure Canada (RINC) that was recently announced in the 2009 federal budget. The Committee is keeping a close eye on this program as it's being developed. During this meeting we also received a delegation from the Junior Cataracts, and we drafted the *Stadium Rental Fees Policy* that will be presented later. Madame Mayor, I am also pleased to advise Council that Bishop's Falls will host the 2010 Vancouver Olympic Flame on November 14, 2009. We are one of 41 communities in the province to do so. To celebrate this honour, the Committee will be recommending that Council form an ad hoc planning committee to organize celebratory events over the coming months. Madame Mayor, the Committee discussed a serious issue at the Pat O'Reilly Memorial Community Centre as well. We continue to discover individuals smoking in this public building despite provincial legislation to the contrary. Therefore, a motion will be tabled tonight that will bring in more severe consequence for this infraction. Madame Mayor, I now submit this report for Council's consideration.”

### **Motion 127/2009 – Councillor N. Stewart/Councillor A. Hynes**

To adopt the report for Recreation Standing Committee meeting no. 210 as presented.

**In Favour:** Mayor J. Fancey, Councillor D. Tremblett, Councillor B. Saunders, Councillor A. Hynes, Councillor H. Sutton and Councillor N. Stewart.

**Opposed:** None

**Abstained:** None

### **Motion Carried**

### 4.2.2 Recommendations

### **Motion 128/2009 – Councillor N. Stewart/Councillor B. Saunders**

Whereas motion 322/2008 of the Bishop's Falls Town Council provides the Central Junior Cataracts (hereinafter referred to as 'team') with one (1) free hour of ice-time at the Pat O'Reilly Memorial Community Centre (hereinafter referred to as the 'stadium') for a practice;

and whereas the team has not been able to take full advantage of this opportunity because the hour is restricted to Sundays; therefore, be it resolved that;

1. Effective March 24, 2009 Council shall provide the team with one (1) free hour of ice-time at the stadium. This hour can be used at any time from Monday through Sunday, provided the time has not been or becomes reserved by a paying renter.
2. Motion 322/2008 is hereby rescinded.

**In Favour:** Mayor J. Fancey, Councillor D. Tremblett, Councillor B. Saunders, Councillor A. Hynes, Councillor H. Sutton and Councillor N. Stewart.

**Opposed:** None

**Abstained:** None

### **Motion Carried**

#### **Motion 129/2009 – Councillor N. Stewart/Councillor D. Tremblett**

Whereas the 38<sup>th</sup> Annual General Meeting and Conference of Recreation Newfoundland and Labrador is taking place in Corner Brook on May 21-23, 2009; and whereas Council made an allocation in the 2009 Operating Budget to send a delegation to this Conference; and whereas the cost per delegate is \$150 excluding accommodations and meals; therefore, be it resolved that Council shall send three (3) delegates, one of which shall be the Chief Administrative Officer, to the 38<sup>th</sup> Annual General Meeting and Conference of Recreation Newfoundland and Labrador.

**In Favour:** Mayor J. Fancey, Councillor D. Tremblett, Councillor B. Saunders, Councillor A. Hynes, Councillor H. Sutton and Councillor N. Stewart.

**Opposed:** None

**Abstained:** None

### **Motion Carried**

#### **Motion 130/2009 – Councillor N. Stewart/Councillor B. Saunders**

Whereas Recreation Newfoundland and Labrador will be hosting the 5<sup>th</sup> Annual Arena Operators Course in Deer Lake on April 20-23, 2009; and whereas stadium employees and management must receive this training for the benefit of the Town; and whereas the course will cost \$500 per participant excluding accommodations and meals; therefore, be it resolved that Council shall approve the training for the Chief Administrative Officer and one (1) employee from the bargaining unit.

**In Favour:** Mayor J. Fancey, Councillor D. Tremblett, Councillor B. Saunders, Councillor A. Hynes, Councillor H. Sutton and Councillor N. Stewart.

**Opposed:** None

**Abstained:** None

**Motion Carried**

**Motion 131/2009 – Councillor N. Stewart/Councillor A. Hynes**

Whereas the Recreation Standing Committee, over the course of several months, has been preparing a Recreation Infrastructure Investment Plan that addresses much needed renovations to the Pat O'Reilly Memorial Community Centre and other recreation facilities; and whereas the Committee consulted recreation user groups and youth on the Plan's contents; therefore, be it resolved that Council adopt the Recreation Infrastructure Investment Plan.

**In Favour:** Mayor J. Fancey, Councillor D. Tremblett, Councillor B. Saunders, Councillor A. Hynes, Councillor H. Sutton and Councillor N. Stewart.

**Opposed:** None

**Abstained:** None

**Motion Carried**

**Motion 132/2009 – Councillor N. Stewart/Councillor A. Hynes**

Whereas the *Stadium Rental Booking and Cancellation Policy* was adopted by Council during Public Meeting 1236; and whereas since that time the Town received constructive criticism from residents concerning subsection 6.2; and whereas these residents believe a notice period of 72 hours would benefit the Town and renter; therefore, be it resolved that Council shall amend subsection 6.2 of the *Stadium Rental Booking and Cancellation Policy* as follows: "In the event of an Extended Rental cancellation, the Renter shall be liable for a cancellation fee of \$50.00 where the cancellation is made within 72 hours of the Extended Rental".

**In Favour:** Mayor J. Fancey, Councillor D. Tremblett, Councillor B. Saunders, Councillor A. Hynes, Councillor H. Sutton and Councillor N. Stewart.

**Opposed:** None

**Abstained:** None

**Motion Carried**

**Motion 133/2009 – Councillor N. Stewart/Councillor B. Saunders**

Whereas it is evident that some members of the public, including those renting the Pat O'Reilly Memorial Community Centre (hereinafter referred to as 'stadium') continue to smoke in the stadium despite Council's efforts to deter the practice; and whereas subsection 4(k) of the *Smoke Free Environment Act, 2005* makes it unlawful for a person to smoke in "a

recreational facility where the primary activity is physical recreation, a bowling alley, fitness centre, gymnasium, pool or rink”; therefore, be it resolved that;

1. Effective immediately, security personnel at the stadium shall strictly adhere to the following procedure upon discovering an individual smoking in the stadium;
  - a. Immediately ask the individual to leave the stadium.
  - b. Where the individual does not comply with the request to leave, immediately contact the R.C.M.P and advise the authorities that the individual is smoking in a public building and will not vacate the premises.
2. Individuals who have been found smoking in the stadium shall be banned from the stadium for a period of thirty (30) days.
3. Upon committing the offence a second time, the individual shall be banned from the stadium for a period of ninety (90) days.

**In Favour:** Mayor J. Fancey, Councillor D. Tremblett, Councillor B. Saunders, Councillor A. Hynes, Councillor H. Sutton and Councillor N. Stewart.

**Opposed:** None

**Abstained:** None

### **Motion Carried**

#### **Motion 134/2009 – Councillor N. Stewart/Councillor A. Hynes**

Whereas Bishop’s Falls is one of 41 communities that will have the great privilege of hosting the Vancouver 2010 Olympic Flame; and whereas the Flame is scheduled to pass through the community on November 14, 2009; and whereas Council believes this is an excellent opportunity for the community to show its excitement and spirit; therefore, be it resolved that Council shall establish an ad hoc planning committee of residents and Councillors to organize celebratory events associated with the Olympic Flame; be it further resolved that this planning committee also implement activities associated with the Sogo Active Program

**In Favour:** Mayor J. Fancey, Councillor D. Tremblett, Councillor B. Saunders, Councillor A. Hynes, Councillor H. Sutton and Councillor N. Stewart.

**Opposed:** None

**Abstained:** None

### **Motion Carried**

#### **Motion 135/2009 – Councillor N. Stewart/Councillor D. Tremblett**

Whereas the Anchor Family Resource Centre is seeking a partnership with the Town to provide a children’s physical activity program in Bishop’s Falls; and whereas Council is being

asked to provide an in-kind contribution to the program in the form of free space; and whereas there are no associated costs to Council; and whereas Council believes this program will provide significant benefits to the community; therefore, be it resolved that Council shall donate the multi-purpose room at the Pat O'Reilly Memorial Community Centre once a week to the Anchor Family Resource Centre for the purpose of hosting the children physical activity program as outlined in the letter received March 10, 2009.

**In Favour:** Mayor J. Fancey, Councillor D. Tremblett, Councillor B. Saunders, Councillor A. Hynes, Councillor H. Sutton and Councillor N. Stewart.

**Opposed:** None

**Abstained:** None

### **Motion Carried**

#### **Motion 136/2009 – Councillor N. Stewart/Councillor A. Hynes**

That Bishop's Falls Day will be celebrated on July 27, 2009.

### DISCUSSION

Mayor J. Fancey indicated that she received several complaints from residents about the dates of this year's concert. The residents are displeased that the event is taking place on the same weekend as Botwood's Flying Boat Festival and not around Bishop's Falls Day. The Mayor directed the Clerk to pass along the complaints to the Deputy Mayor. With no further discussion, question was called.

**In Favour:** Mayor J. Fancey, Councillor D. Tremblett, Councillor B. Saunders, Councillor A. Hynes, Councillor H. Sutton and Councillor N. Stewart.

**Opposed:** None

**Abstained:** None

### **Motion Carried**

#### 4.3 GOVERNANCE STANDING COMMITTEE MEETING NO. 3 (MAR 11, 2009)

##### 4.3.1 Chairperson's Report

"Madame Mayor, the Governance Standing Committee held a meeting on March 11, 2009. During this time the Committee reviewed the Income/Expense Statement as of March 11, 2009, and Council will be pleased to know that we are "on-track" with the budget. We are now in the process of securing financing for the sewage treatment project that will increase our debt load by 50%. Discussions are taking place with the BMO concerning the loan, and during the drawdown stage the variable interest rate will be 1% above prime (which is approximately 2.5%); however, after that the Town could transfer the instrument (which will

convert to a fixed term loan) to another institution. We are looking at a 20-25 year term. Council should know that, with this loan, there will be no debt relief for approximately ten to twelve years. On another note, it won't be long before the summer is here, and Council will be pleased to know that we have submitted our applications to Service Canada and Human Resources, Labour and Employment for summer students. Finally, Mayor Fancey approached Vain Entertainment following the last Public Meeting concerning the Strongman Transfer Agreement. I am happy to report that a final agreement was reached, and it will be presented later tonight for approval. Madame Mayor, I now submit this report for Council's consideration."

**Motion 137/2009 – Councillor D. Tremblett/Councillor A. Hynes**

To adopt the report for Governance Standing Committee meeting no. 3 as presented.

DISCUSSION

Councillor N. Stewart wondered how many students we applied for this year, and the Clerk stated 22 under Canada Summer Jobs and four under SWASP. Councillor B. Saunders indicated that the region's budget for summer students was increased this year by approximately \$35,000; therefore, we should get more positions than normal. With no further questions or discussion, the Mayor called for a vote.

**In Favour:** Mayor J. Fancey, Councillor D. Tremblett, Councillor B. Saunders, Councillor A. Hynes, Councillor H. Sutton and Councillor N. Stewart.

**Opposed:** None

**Abstained:** None

**Motion Carried**

4.3.2 Business Arising

\*\*\*COUNCILLOR N. STEWART DECLARED A CONFLICT OF INTEREST WITH THE NEXT AGENDA ITEM, AND VACATED CHAMBERS AT 7:17 PM\*\*\*

**Motion 138/2009 – Councillor D. Tremblett/Councillor A. Hynes**

Where as the Independent Living Resource Centre requested a donation for its Information Fair for Persons with Disabilities; and whereas Council did not allocate such a donation in the 2009 Operating Budget, but would like to provide a moderate donation to demonstrate its support; therefore, be it resolved that Council shall provide a donation of \$25.00 to the Independent Living Resource Centre for the said event.

**In Favour:** Mayor J. Fancey, Councillor D. Tremblett, Councillor B. Saunders, Councillor A. Hynes, and Councillor H. Sutton.

**Opposed:** None

**Abstained:** Councillor N. Stewart (conflict of interest)

**Motion Carried**

\*\*\*HAVING ADDRESSED THE MOTION, MAYOR J. FANCEY INVITED COUNCILLOR N. STEWART BACK INTO CHAMBERS AT 7:18 PM\*\*\*

**Motion 139/2009 – Councillor D. Tremblett/Councillor A. Hynes**

That Council purchase a 1/2 page advertisement in the 2009 Business Guide at a cost of \$290.

**In Favour:** Mayor J. Fancey, Councillor D. Tremblett, Councillor B. Saunders, Councillor A. Hynes, Councillor H. Sutton and Councillor N. Stewart.

**Opposed:** None

**Abstained:** None

**Motion Carried**

**Motion 140/2009 – Councillor D. Tremblett/Councillor A. Hynes**

Whereas the Bishop's Falls Centennial Committee requested the final instalment of its \$20,000 grant to help cover the costs of the upcoming celebrations; and whereas the Committee was provided the first, second and third instalments totalling \$15,000 in 2007 and 2008; and whereas Council budgeted for \$20,000 of the \$20,000 grant as of 2009; therefore, be it resolved that Council shall issue the Bishop's Falls Centennial Committee \$5,000 that represents the final instalment of its \$20,000 grant.

**In Favour:** Mayor J. Fancey, Councillor D. Tremblett, Councillor B. Saunders, Councillor A. Hynes, Councillor H. Sutton and Councillor N. Stewart.

**Opposed:** None

**Abstained:** None

**Motion Carried**

**Motion 141/2009 – Councillor D. Tremblett/Councillor N. Stewart**

That the Town renew its membership with the Newfoundland T'Railway Council for 2009 at a cost of \$50.00.

**In Favour:** Mayor J. Fancey, Councillor D. Tremblett, Councillor B. Saunders, Councillor A. Hynes, Councillor H. Sutton and Councillor N. Stewart.

**Opposed:** None

**Abstained:** None

**Motion Carried**

**Motion 142/2009 – Councillor D. Tremblett/Councillor N. Stewart**

To adopt the final report for ACOA project 620-17210-194044 as presented.

**In Favour:** Mayor J. Fancey, Councillor D. Tremblett, Councillor B. Saunders, Councillor A. Hynes, Councillor H. Sutton and Councillor N. Stewart.

**Opposed:** None

**Abstained:** None

**Motion Carried**

**Motion 143/2009 – Councillor D. Tremblett/Councillor A. Hynes**

To adopt the Cheque Register for the period ending March 11, 2009 as presented.

**In Favour:** Mayor J. Fancey, Councillor D. Tremblett, Councillor B. Saunders, Councillor A. Hynes, Councillor H. Sutton and Councillor N. Stewart.

**Opposed:** None

**Abstained:** None

**Motion Carried**

**Motion 144/2009 – Councillor D. Tremblett/Councillor B. Saunders**

That the AP Transaction Journal, totalling \$238,960.73, as of March 10, 2009 be approved for payment as presented.

**In Favour:** Mayor J. Fancey, Councillor D. Tremblett, Councillor B. Saunders, Councillor A. Hynes, Councillor H. Sutton and Councillor N. Stewart.

**Opposed:** None

**Abstained:** None

**Motion Carried**

**Motion 145/2009 – Councillor D. Tremblett/Councillor N. Stewart**

That the Income/Expense Statement as of March 11, 2009 be adopted as presented.

**In Favour:** Mayor J. Fancey, Councillor D. Tremblett, Councillor B. Saunders, Councillor A. Hynes, Councillor H. Sutton and Councillor N. Stewart.

**Opposed:** None

**Abstained:** None

**Motion Carried**

**Motion 146/2009 – Councillor D. Tremblett/Councillor H. Sutton**

That the invoice from Newfoundland Power dated February 13, 2009 in the amount of \$1,114.01 be approved for payment under the Economic Development Account.

**In Favour:** Mayor J. Fancey, Councillor D. Tremblett, Councillor B. Saunders, Councillor A. Hynes, Councillor H. Sutton and Councillor N. Stewart.

**Opposed:** None

**Abstained:** None

**Motion Carried**

**Motion 147/2009 – Councillor D. Tremblett/Councillor N. Stewart**

Whereas the Town of Bishop's Falls is in the process of implementing a community wide sewage treatment system; and whereas this system is estimated to cost \$10,000,000; and whereas Council will need to contribute approximately \$2,000,000; therefore, be it resolved that Council authorizes the Town Treasure to borrow \$2,000,000 from an acceptable financial institution for the sewage treatment project.

**In Favour:** Mayor J. Fancey, Councillor D. Tremblett, Councillor B. Saunders, Councillor A. Hynes, Councillor H. Sutton and Councillor N. Stewart.

**Opposed:** None

**Abstained:** None

**Motion Carried**

**Motion 148/2009 – Councillor D. Tremblett/Councillor N. Stewart**

Whereas in 2009 Council made an allocation in the 2009 Budget to initiate the centre access road capital works project; and whereas this project is estimated to cost \$360,000; and whereas Council will need to contribute approximately \$72,000; therefore, be it resolved that Council authorizes the Town Treasure to borrow up to \$90,000 from an acceptable financial institution for the centre access road capital works project.

**In Favour:** Mayor J. Fancey, Councillor D. Tremblett, Councillor B. Saunders, Councillor A. Hynes, Councillor H. Sutton and Councillor N. Stewart.

**Opposed:** None

**Abstained:** None

**Motion Carried**

**Motion 149/2009 – Councillor D. Tremblett/Councillor B. Saunders**

Whereas the Town of Bishop’s Falls, on occasion, purchases goods and services from businesses where a charge account does not exist; and whereas in such cases Town employees often use personal credit cards; and whereas this is not an acceptable practice, but Council recognizes that it was sometimes necessary; therefore, be it resolved that;

1. Council shall authorize the Town Treasure to apply for a corporate credit card from an acceptable financial institution with a maximum spending limit of \$20,000;
2. Mr. Gary Drover, Ms. Linda Snow, and the Bishop’s Falls Fire Department shall be authorized to have access to the corporate credit card account; and
3. Mr. Gary Drover, Ms. Linda Snow, and the Bishop’s Falls Fire Department shall have daily spending limits of \$10,000, \$500, and \$1,000, respectively.

**In Favour:** Mayor J. Fancey, Councillor D. Tremblett, Councillor B. Saunders, Councillor A. Hynes, Councillor H. Sutton and Councillor N. Stewart.

**Opposed:** None

**Abstained:** None

**Motion Carried**

**Motion 150/2009 – Councillor D. Tremblett/Councillor B. Saunders**

Whereas Council sold the building at 11 Dominic Street to Newfoundland Styro in 2008; and whereas this building has not been assessed by the Municipal Assessment Agency for taxation purposes; therefore, be it resolved that the Municipal Assessment Agency be instructed to complete an assessment of the building at 11 Dominic Street; be it further resolved all applicable taxes be levied in relation to the building at 11 Dominic Street.

**In Favour:** Mayor J. Fancey, Councillor D. Tremblett, Councillor B. Saunders, Councillor A. Hynes, Councillor H. Sutton and Councillor N. Stewart.

**Opposed:** None

**Abstained:** None

**Motion Carried**

**Motion 151/2009 – Councillor D. Tremblett/Councillor N. Stewart**

That the Caregiver Water Rate Exemption Application from Ms. Sarah Guy dated February 17, 2008 be approved as per the *Caregiver Water Rate Exemption Policy*.

**In Favour:** Mayor J. Fancey, Councillor D. Tremblett, Councillor B. Saunders, Councillor A. Hynes, Councillor H. Sutton and Councillor N. Stewart.

**Opposed:** None

**Abstained:** None

**Motion Carried**

**Motion 152/2009 – Councillor D. Tremblett/Councillor B. Saunders**

Whereas Mr. Craig Luff requested to purchase a piece of land near his property at 14 McDonald Crescent as illustrated in the survey dated August 27, 2008 (job number 08-467); and whereas Council does not have any problems with this offer to purchase; therefore, be it resolved that Council shall sell the land as illustrated in the said survey to Mr. Craig Luff for the sum of \$1,000 plus HST, deed, and survey.

**In Favour:** Mayor J. Fancey, Councillor D. Tremblett, Councillor B. Saunders, Councillor A. Hynes, Councillor H. Sutton and Councillor N. Stewart.

**Opposed:** None

**Abstained:** None

**Motion Carried**

**Motion 153/2009 – Councillor D. Tremblett/Councillor H. Sutton**

That the Routine Payments Reports for January and February 2009 in the amounts of \$35,822.94 and \$26,676.13, respectively, be adopted as presented.

**In Favour:** Mayor J. Fancey, Councillor D. Tremblett, Councillor B. Saunders, Councillor A. Hynes, Councillor H. Sutton and Councillor N. Stewart.

**Opposed:** None

**Abstained:** None

**Motion Carried**

**Motion 154/2009 – Councillor D. Tremblett/Councillor B. Saunders**

Whereas Council occasionally receives requests from businesses to adjust business taxes for various reasons; and whereas the reasons range from the business being a seasonal operation to permanent closures; therefore, be it resolved that effective March 24, 2009, under no circumstances will Council adjust business taxes with the exception of those businesses that permanently cease operations during the fiscal year, and in that case business taxes shall be prorated on a monthly basis.

**In Favour:** Mayor J. Fancey, Councillor D. Tremblett, Councillor B. Saunders, Councillor A. Hynes, Councillor H. Sutton and Councillor N. Stewart.

**Opposed:** None

**Abstained:** None

## **Motion Carried**

### **Motion 155/2009 – Councillor D. Tremblett/Councillor N. Stewart**

Whereas 2009 municipal general elections will take place on September 29, 2009; and whereas Council must make some decisions to provide the administrative framework for the Returning Officer; therefore, be it resolved that;

1. Mr. Gary Drover shall be appointed as the Alternant Returning Officer.
2. Nominations for Mayor and Councillors will take place on September 2, 2009 from 8:00 am to 8:00 pm.
3. Candidates will be provided the voters list for a fee of \$5.00 for an electronic copy and \$0.15 per page for a hardcopy.
4. The advance poll shall take place on September 12, 2009.
5. The election of Mayor shall remain separate from that of Councillors.
6. Section 67 (3) of the *Municipal Election Act* shall be applicable.
7. Council approves the Memorandum of Understanding between the Town of Bishop's Falls and the Chief Electoral Officer and authorizes Mayor Fancey to execute the agreement on the Town's behalf.

**In Favour:** Mayor J. Fancey, Councillor D. Tremblett, Councillor B. Saunders, Councillor A. Hynes, Councillor H. Sutton and Councillor N. Stewart.

**Opposed:** None

**Abstained:** None

## **Motion Carried**

### **Motion 156/2009 – Councillor D. Tremblett/Councillor B. Saunders**

Whereas the Town of Bishop's Falls and Vain Entertainment jointly organized the Newfoundland Strongman Competition in 2007 and 2008; and whereas the Town of Bishop's Falls no longer has the resources to continue organizing the event; and whereas Vain Entertainment is interested in acquiring ownership of the event; therefore, be it resolved that Council shall approve the Transfer Agreement between the Town of Bishop's Falls and Vain Entertainment, as presented; be it further resolved that Council authorizes Mayor Jody Fancey to execute the Transfer Agreement on the Town's behalf.

**In Favour:** Mayor J. Fancey, Councillor D. Tremblett, Councillor B. Saunders, Councillor A. Hynes, Councillor H. Sutton and Councillor N. Stewart.

**Opposed:** None

**Abstained:** None

## **Motion Carried**

**Motion 157/2009 – Councillor D. Tremblett/Councillor N. Stewart**

That Council approves the drawings prepared by Exploits Engineering for the installation of a wheelchair lift at the Town Hall as presented.

**In Favour:** Mayor J. Fancey, Councillor D. Tremblett, Councillor B. Saunders, Councillor A. Hynes, Councillor H. Sutton and Councillor N. Stewart.

**Opposed:** None

**Abstained:** None

**Motion Carried**

4.4 PUBLIC WORKS STANDING COMMITTEE MEETING NO. 267 (FEB 19, 2009)

4.4.1 Chairperson’s Report

“Madame Mayor, the Public Works Standing Committee held a meeting on March 12, 2009. We invited all residents along Kinsmen Drive to this meeting to discuss the rezoning process, and most individuals are pleased with our response. However, the residents provided two suggestions that we feel will strengthen the proposal, and Councillor Stewart and I will table a notice of motion to rescind later tonight. We wish to reopen debate on the motion to include two amendments. The Committee also finalized the *Bishop’s Falls Snow Removal Regulations*, and they have been provided to each Councillor. We will ask Council to adopt the regulations during the next meeting. Madame Mayor, I now submit this report for Council’s consideration.”

**Motion 158/2009 – Councillor H. Sutton/Councillor N. Stewart**

To adopt the report for Public Works Standing Committee meeting no. 268 as presented.

**In Favour:** Mayor J. Fancey, Councillor D. Tremblett, Councillor B. Saunders, Councillor A. Hynes, Councillor H. Sutton and Councillor N. Stewart.

**Opposed:** None

**Abstained:** None

**Motion Carried**

4.4.2 Business Arising

**Motion 159/2009 – Councillor H. Sutton/Councillor N. Stewart**

Whereas there is a higher level of pedestrian activity along Main Street from Beaumont Heights to Kinsmen Drive; and whereas the street lights in the area should be upgraded to ensure optimal lighting conditions; and whereas Newfoundland Power quoted a installation

charge of \$1,317.58 (including taxes) for the upgrade; and whereas the upgrade will increase the monthly electrical bill by \$44.77 (excluding taxes); therefore, be it resolved that the street lights along Main Street from Beaumont Heights to Kinsmen Drive shall be upgraded as per the proposal received from Newfoundland Power dated February 2, 2009.

**In Favour:** Mayor J. Fancey, Councillor D. Tremblett, Councillor B. Saunders, Councillor A. Hynes, Councillor H. Sutton and Councillor N. Stewart.

**Opposed:** None

**Abstained:** None

### **Motion Carried**

#### **Motion 160/2009 – Councillor H. Sutton/Councillor B. Saunders**

Whereas a resident submitted a Snow Clearing Damages or Grass Replacement Claim on March 3, 2009 in the amount of \$1,751; and whereas the damages concerned a truck cap; and whereas the damages were not the result of negligence in accordance with subsection 4.2 (b) of the *Snow Clearing Damages and Grass Replacement Policy*; therefore, be it resolved that Council shall not approve the resident's claim.

**In Favour:** Mayor J. Fancey, Councillor D. Tremblett, Councillor B. Saunders, Councillor A. Hynes, Councillor H. Sutton and Councillor N. Stewart.

**Opposed:** None

**Abstained:** None

### **Motion Carried**

#### **Motion 161/2009 – Councillor H. Sutton/Councillor B. Saunders**

Whereas a resident submitted a Snow Clearing Damages or Grass Replacement Claim on February 25, 2009 in the amount of \$200; and whereas the damages concerned a tree; and whereas the property was located within 5 meters of a main or side street; and whereas the damages were not the result of negligence in accordance with subsection 4.2 (b) of the *Snow Clearing Damages and Grass Replacement Policy*; therefore, be it resolved that Council shall not approve the resident's claim.

**In Favour:** Mayor J. Fancey, Councillor D. Tremblett, Councillor B. Saunders, Councillor A. Hynes, and Councillor H. Sutton.

**Opposed:** Councillor N. Stewart

**Abstained:** None

### **Motion Carried**

**Motion 162/2009 – Councillor H. Sutton/Councillor B. Saunders**

Whereas a resident submitted a Snow Clearing Damages or Grass Replacement Claim on December 23, 2008 in an undetermined amount; and whereas the damages concerned paved driveway; and whereas the property was located within 5 meters of a main or side street; and whereas the damages were not the result of negligence in accordance with subsection 4.2 (b) of the *Snow Clearing Damages and Grass Replacement Policy*; therefore, be it resolved that Council shall not approve the resident's claim.

**In Favour:** Mayor J. Fancey, Councillor D. Tremblett, Councillor B. Saunders, Councillor A. Hynes, and Councillor H. Sutton.

**Opposed:** Councillor N. Stewart

**Abstained:** None

**Motion Carried**

**Item 5: External Boards and Committee Reports**

No reports were tabled during this meeting.

**Item 6: Policies**

6.1 RECREATION: *STADIUM RENTAL FEES POLICY*

**Motion 163/2009 – Councillor N. Stewart/Councillor A. Hynes**

Whereas the Pat O'Reilly Memorial Community Centre (hereinafter referred to as the 'stadium') is rented by the public for sports activities, birthday parties, and other events of a recreational and non-recreational nature; and whereas, over a period of time, a rental fee system developed that varies with the nature of the renter; and whereas this system has not been properly documented in a Policy format; therefore, be it resolved that Council adopt the *Stadium Rental Fees Policy* effective March 24, 2009; be it further resolved that the *Stadium Rental Fees Policy* shall replace all other practices, policies, and motions dealing with the subject matter of the said policy.

**In Favour:** Mayor J. Fancey, Councillor D. Tremblett, Councillor B. Saunders, Councillor A. Hynes, Councillor H. Sutton and Councillor N. Stewart.

**Opposed:** None

**Abstained:** None

**Motion Carried**

6.2 GOVERNANCE: HUMAN RESOURCES DEVELOPMENT POLICY AND PROCEDURE

**Motion 164/2009 – Councillor D. Tremblett/Councillor B. Saunders**

Whereas the Town of Bishop's Falls recognizes that the most valuable asset it possesses is its employees; and whereas the goal of an effective human resource management system is to ensure employees are appropriately trained, highly motivated, and well led; therefore, be it resolved that Council shall adopt the *Town of Bishop's Falls Human Resource Development Policy and Procedure* as presented.

**In Favour:** Mayor J. Fancey, Councillor D. Tremblett, Councillor B. Saunders, Councillor A. Hynes, Councillor H. Sutton and Councillor N. Stewart.

**Opposed:** None

**Abstained:** None

**Motion Carried**

6.3 PUBLIC WORKS: TOWN OF BISHOP'S FALLS PRIVATE ROADS SNOW CLEARING POLICY

**Motion 165/2009 – Councillor H. Sutton/Councillor B. Saunders**

Whereas since the Town's inception in 1961 several privately owned roads have been incorporated into the municipality's snow clearing operations; and whereas this system has resulted in unequal treatment of residents; therefore, be it resolved that Council shall adopt the *Town of Bishop's falls Private Roads Snow Clearing Policy*, as presented; be it further resolved that the *Town of Bishop's Falls Private Roads Snow Clearing Policy* shall become effective October 1, 2009.

**In Favour:** Mayor J. Fancey, Councillor B. Saunders, Councillor A. Hynes, Councillor H. Sutton and Councillor N. Stewart.

**Opposed:** Councillor D. Tremblett

**Abstained:** None

**Motion Carried**

**Item 7: General Business**

7.1 APPLICATION: MR. ALEX COOKE (ABITIBIBOWATER LAND)

**Motion 166/2009 – Councillor H. Sutton/Councillor B. Saunders**

That Council has no objections to an application from Mr. Alex Cooke pertaining to a piece of AbitibiBowater land at the rear of 405 Main Street, provided that the depth of the land does not exceed that of neighbouring properties.

**In Favour:** Mayor J. Fancey, Councillor B. Saunders, Councillor A. Hynes, Councillor H. Sutton and Councillor N. Stewart.

**Opposed:** Councillor D. Tremblett

**Abstained:** None

### **Motion Carried**

## **Item 8: Notice of Motions**

### 8.1 PUBLIC WORKS: BISHOP'S FALLS SNOW REMOVAL REGULATIONS

Councillor H. Sutton tabled the following notice of motion:

“Madame Mayor, I speak today to advise my fellow Councillors that during a Public Meeting to be held on April 14, 2009 it will be moved and seconded that Council adopt the *Town of Bishop’s Falls Snow Removal Regulations*. The regulations have been submitted to the Town Clerk and are available for Council’s review.”

## **Item 9: Notice of Motions to Rescind**

### 9.1 MOTION 118/2009 (KINSMEN DRIVE REZONING)

Councillor H. Sutton tabled the following notice of motion to rescind:

“Madame Mayor, I speak today to advise my fellow Councillors that during a Public Meeting to be held on April 14, 2009 it will be moved and seconded that Council rescind *motion 118/2009* that was carried during a Public Meeting held on March 3, 2009. Specifically, we will be asking Council to pass a new motion to read as follows:

Whereas the residents of Kinsman Drive have, over a period of many years, expressed interest to purchase the land immediately behind their dwellings; and whereas Council does not have any current or future plans for this land; and whereas the area is currently zoned as Recreation Open Space; therefore, be it resolved that;

1. The area of land immediately behind Kinsman Drive and boarding the stadium road shall be rezoned from Recreation Open Space to Residential Medium Density.
2. Prior to the commencement of the rezoning process, all residents from 8 Kinsmen Drive to 24 Kinsmen Drive will be provided an opportunity to submit a letter of interest to purchase the section of land located behind their properties up to a line to the west of the brook (see attached map) at a cost of \$1,000 plus HST, deed, survey, and an equal share of the rezoning fees.

3. This motion shall be null and void if all residents from 8 Kinsmen Drive to 24 Kinsmen Drive do not submit a letter of interest to purchase that section of land behind their properties as per stipulation two (2) and a deposit of \$1,000 + HST by May 31, 2009.
4. Notwithstanding stipulation three (3), where it is evident that a resident is not interested in purchasing that section of land behind his/her dwelling as per stipulation two (2), that land shall be available for purchase by another resident on Kinsmen Drive.

## **Item 10: Adjournment**

### **Motion 167/2009 – Councillor A. Hynes/Councillor B. Saunders**

To adjourn Public Meeting no. 1238.

**In Favour:** Mayor J. Fancey, Councillor B. Saunders, Councillor A. Hynes, Councillor H. Sutton and Councillor N. Stewart.

**Opposed:** Councillor D. Tremblett

**Abstained:** None

### **Motion Carried**

The meeting adjourned at 7:45 pm.

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Jody Fancey, Mayor

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Randy Drover, Town Clerk