

Town of Bishop's Falls
Public Council Meeting No. 1240
May 5, 2009 at 7:00 pm
Council Chambers

Minutes

With the Mayor and Deputy Mayor being absent, the Town Clerk, in accordance with Standing Order 5.1, called the meeting to order at 7:00 pm on May 5, 2009 with the following Councillors and staff in attendance:

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

Mr. Gary Drover, Chief Administrative Officer

Mayor J. Fancey and Deputy Mayor J. Budgell were absent with regrets.

The Town Clerk proceeded to facilitate the appointment of a Presiding Officer. Upon the advice of Councillor N. Stewart, Councillor D. Tremblett was appointed Presiding Officer by consensus.

Councillor D. Tremblett, on behalf of the Mayor, Council, and residents of Bishop's Falls, expressed condolences to Deputy Mayor J. Budgell for the loss of her special aunt.

Councillor D. Tremblett informed the Councillors that several items, all of which emerged since the agenda was distributed, require Council's attention. However, to add new business requires a suspension of Standing Order 8.2.

Motion 196/2009 – Councillor B. Saunders/Councillor H. Sutton

To suspend Standing Order 8.2 that interferes with additions to the agenda for the purpose of this Public Meeting.

Yeas: 5 - Councillor D. Tremblett, Councillor H. Sutton, Councillor A. Hynes, Councillor B. Saunders, and Councillor N. Stewart.

Nays: 0

Abstained: 0

Motion Carried

Item 1: Adoption of the Agenda

Councillor D. Tremblett suggested the Council add the following items to the agenda under general business: 2009 spring clean-up, Deputy Mayor – motion to grant leave from Public Meeting 1240, and Carson Sampson’s Crown Land application.

Motion 197/2009 – Councillor N. Stewart/Councillor A. Hynes

To adopt the agenda with the following additions: 2009 spring clean-up, Deputy Mayor – motion to grant leave from Public Meeting 1240, and Carson Sampson’s Crown Land application.

Yeas: 5 - Councillor D. Tremblett, Councillor H. Sutton, Councillor A. Hynes, Councillor B. Saunders, and Councillor N. Stewart.

Nays: 0

Abstained: 0

Motion Carried

Item 2: Municipal Awareness Day Proclamation

Motion 198/2009 – Councillor N. Stewart/Councillor H. Sutton

Whereas municipal government is responsible for the provision of services that enhance the quality of life of its citizens; and

Whereas dedicated mayors, councillors and staff are essential for the effective governance of their municipalities; and

Whereas it is fitting and proper to recognize and encourage the contribution of all who work diligently for the improvement of our municipalities;

Therefore, be it proclaimed that May 20, 2009 be known as Municipal Awareness Day in municipality of Bishop’s Falls in recognition of the vital role of municipal government and in recognition of all whom efforts support it.

DISCUSSION

Councillor N. Stewart asked what plans were in place to celebrate Municipal Awareness Day. She suggested that a colouring contest, school speaking session, or something along those lines should be organized. Some Councillors felt there was insufficient time to adequately plan an event, but perhaps it would be feasible to send the Mayor to the schools to speak about municipal government. Councillor D. Tremblett stated that in the past Council held an

open house but no one attended. She suggested that the matter could best be dealt with by the Community Relations Standing Committee. The other Councillors agreed. There being no further discussion, Councillor D. Tremblett called for the question.

Yeas: 5 - Councillor D. Tremblett, Councillor H. Sutton, Councillor A. Hynes, Councillor B. Saunders, and Councillor N. Stewart.

Nays: 0

Abstained: 0

Motion Carried

The motion having carried, Councillor D. Tremblett signed the proclamation on behalf of Her Worship, Mayor Jody Fancey.

Item 3: Adoption of Minutes for Public Council Meeting No. 1239

Motion 199/2009 – Councillor B. Saunders/Councillor N. Stewart

To adopt the minutes for Public Meeting no. 1239 as presented.

Yeas: 5 - Councillor D. Tremblett, Councillor H. Sutton, Councillor A. Hynes, Councillor B. Saunders, and Councillor N. Stewart.

Nays: 0

Abstained: 0

Motion Carried

Item 4: Motion to Rescind (Motion 181/2009)

Motion 200/2009 – Councillor N. Stewart/Councillor H. Sutton

To rescind motion 181/2009 that was adopted during Public Meeting 1239.

Yeas: 5 - Councillor D. Tremblett, Councillor H. Sutton, Councillor A. Hynes, Councillor B. Saunders, and Councillor N. Stewart.

Nays: 0

Abstained: 0

Motion Carried

Motion 201/2009 – Councillor H. Sutton/Councillor B. Saunders

Whereas Leo Burke Academy, in a letter dated March 23, 2009, requested the Town’s sponsorship by way of purchasing advertising in the Musical “Annie” Program; and whereas Council fully supports initiatives that benefit youth and the broader community; therefore, be it resolved that Council shall purchase an ad in the Program for a total cost of \$100.

Yeas: 5 - Councillor D. Tremblett, Councillor H. Sutton, Councillor A. Hynes, Councillor B. Saunders, and Councillor N. Stewart.

Nays: 0

Abstained: 0

Motion Carried

Item 5: Standing Committee Reports and Recommendations

5.1 COMMUNITY RELATIONS STANDING COMMITTEE MEETING NO. 5 (APR 22, 2009)

5.1.1 Chairperson’s Report

The Chairperson, Councillor A. Hynes, presented the following report:

“Councillor Tremblett, the Community Relations Standing Committee held a meeting on April 22, 2009, and we discussed the disposal of the Unit 4 Pumper with the Fire Department. The cost of repairing the Pumper is no longer efficient, and we are now looking at purchasing a new one. Finally, I am please to state that the 2009 Civic Awards banquet was a great success. For the record, I want to congratulate Blanchard’s Woodworking Ltd (entrepreneur of the year), Ms. Diana Tatic (citizen of the year), Ms. Ashley Coffin (youth of the year), LBA Hockey Team (team of year), Mr. Adam Gaye (male athlete of the year), and Ms. Jill Snow (female athlete of the year) as this year’s recipients. Councillor Tremblett, I now submit this report for Council’s consideration.”

Motion 202 – Councillor A. Hynes/Councillor N. Stewart

To adopt the report for Community Relations Standing Committee meeting no. 5 as presented.

Yeas: 5 - Councillor D. Tremblett, Councillor H. Sutton, Councillor A. Hynes, Councillor B. Saunders, and Councillor N. Stewart.

Nays: 0

Abstained: 0

Motion Carried

5.2 RECREATION STANDING COMMITTEE MEETING NO. 212 (APR 21, 2009)

5.2.1 Chairperson's Report

The Chairperson, Councillor N. Stewart, presented the following report:

“Councillor Tremblett, the Recreation Standing Committee held a meeting on April 21, 2009. We discussed several pieces of correspondence that were mostly of a routine nature, and we also received a delegation from the Bishop's Falls Minor Hockey Moms' Association. The latter would like to see rubber tiles place in the stadium for the upcoming season, and we are working together to see that it becomes a reality. Councillor Tremblett, I now submit this report for Council's consideration.”

Motion 203/2009 – Councillor N. Stewart/Councillor H. Sutton

To adopt the report for Recreation Standing Committee meeting no. 212 as presented.

Yeas: 5 - Councillor D. Tremblett, Councillor H. Sutton, Councillor A. Hynes, Councillor B. Saunders, and Councillor N. Stewart.

Nays: 0

Abstained: 0

Motion Carried

5.2.2 Recommendations

Motion 204/2009 – Councillor N. Stewart/Councillor H. Sutton

That *Beware of Flying Pucks and Parents are Responsible for the Safety of Their Children* signs shall be placed in the Pat O'Reilly Memorial Community Centre before October 2009.

Yeas: 5 - Councillor D. Tremblett, Councillor H. Sutton, Councillor A. Hynes, Councillor B. Saunders, and Councillor N. Stewart.

Nays: 0

Abstained: 0

Motion Carried

5.3 GOVERNANCE STANDING COMMITTEE MEETING NO. 7 (APR 22, 2009)

5.3.1 Chairperson's Report

Acting Chairperson, Councillor B. Saunders, presented the following report:

“Councillor Tremblett, the Governance Standing Committee held a meeting on April 22, 2009. This was a routine meeting and there is little to report at this time. Council will be interested to know, however, that we are in the process of evaluating the strategic Community Development Plan, and will table a report in the near future. Councillor Tremblett, I now submit this report for Council's consideration.”

Motion 205/2009 – Councillor B. Saunders/Councillor N. Stewart

To adopt the report for Governance Standing Committee meeting no. 7 as presented.

Yeas: 5 - Councillor D. Tremblett, Councillor H. Sutton, Councillor A. Hynes, Councillor B. Saunders, and Councillor N. Stewart.

Nays: 0

Abstained: 0

Motion Carried

5.3.2 Recommendations

Motion 206/2009 – Councillor B. Saunders/Councillor H. Sutton

That Council not provide a donation to the 2009 Point Leamington Academy Safe Grad, as requested, because of budget limitations.

Yeas: 5 - Councillor D. Tremblett, Councillor H. Sutton, Councillor A. Hynes, Councillor B. Saunders, and Councillor N. Stewart.

Nays: 0

Abstained: 0

Motion Carried

Motion 207/2009 – Councillor B. Saunders/Councillor A. Hynes

That Council approves a poll tax refund of \$108.34 associated with account DOWNT001.

Yeas: 5 - Councillor D. Tremblett, Councillor H. Sutton, Councillor A. Hynes, Councillor B. Saunders, and Councillor N. Stewart.

Nays: 0

Abstained: 0

Motion Carried

Motion 208/2009 – Councillor B. Saunders/Councillor N. Stewart

Whereas KeRu Development Inc. requested to purchase a block of land on Butler Street and a block of land on McDonald Crescent in a letter dated March 18, 2009; and whereas this purchase is facilitated by the Town of Bishop's Falls on behalf of Adams Construction; and whereas in a letter from Adams Construction dated August 4, 2008 the developer states the price per lot is \$24,850.00 plus HST, deed and survey; therefore, be it resolved that Council shall approve the sale of 7 Butler Street and 22 McDonald Crescent to KeRu Developments Inc. at a price of \$24,850 plus HST, deed and survey per block; be it further resolved that KeRu Developments Inc. is required to pay a deposit of \$2,500 per block on or before May 29, 2009, which includes a non-refundable fee of \$1,000 per block in the event of cancellation.

Yeas: 5 - Councillor D. Tremblett, Councillor H. Sutton, Councillor A. Hynes, Councillor B. Saunders, and Councillor N. Stewart.

Nays: 0

Abstained: 0

Motion Carried

Motion 209/2009 – Councillor B. Saunders/Councillor H. Sutton

To adopt the Cheque Register as of April 20, 2009 as presented.

Yeas: 5 - Councillor D. Tremblett, Councillor H. Sutton, Councillor A. Hynes, Councillor B. Saunders, and Councillor N. Stewart.

Nays: 0

Abstained: 0

Motion Carried

Motion 210/2009 – Councillor B. Saunders/Councillor A. Hynes

That the AP Transaction Journal as of April 21, 2009, totalling \$40,241.29, be approved for payment as presented.

Yeas: 5 - Councillor D. Tremblett, Councillor H. Sutton, Councillor A. Hynes, Councillor B. Saunders, and Councillor N. Stewart.

Nays: 0

Abstained: 0

Motion Carried

5.4 PUBLIC WORKS STANDING COMMITTEE MEETING NO. 270 (APR 2, 2009)

5.4.1 Chairperson’s Report

“Councillor Tremblett, the Public Works Standing Committee held a meeting on April 23, 2009. During this meeting the Committee reviewed eight development applications, and we also performed a preliminary evaluation of the *Snow Clearing Damages and Grass Replacement Policy*. We will present a recommendation that we feel will strengthen the policy later tonight. Other routine matters were discussed as well, including a drainage issue on McMahon’s Lane and the monthly bacteriological water analysis report. Councillor Tremblett, I now submit this report for Council’s consideration.”

Motion 211/2009 – Councillor H. Sutton/Councillor N. Stewart

To adopt the report for Public Works Standing Committee meeting no. 270 as presented.

Yeas: 5 - Councillor D. Tremblett, Councillor H. Sutton, Councillor A. Hynes, Councillor B. Saunders, and Councillor N. Stewart.

Nays: 0

Abstained: 0

Motion Carried

5.4.2 Recommendations

Motion 212/2009 – Councillor H. Sutton/Councillor B. Saunders

That the following development applications are approved for permit:

Applicant	Construction Type	Conditions
Jason Dawe 5 Junction Road	Garage (20’ x 24’)	
Arch Butt 7A Hynes Road	Shed (12’ x 18’)	
William and Neta Barrett 61 Eltero Park	Porch (10’ x 30’)	

Brad Burge 8 Beaumont Heights	Garage (16' x 20')	
Kevin W. Ellis 13 Mile Crossing	Dwelling Extension (21.8' x 24.6')	
Edward Hancock 170 Main Street	Dwelling Extension (12' x 6')	
Darrin LeDrew 17 Hobbs Park	Dwelling Extension (12' x 50')	
Clayton Leyte 592 Main Street	Dwelling Extension (26' x 36')	The shut off value must not be covered. If the shut off value must be relocated, all associated expenses are the homeowner's responsibility. The Public Works Supervisor must observe and approve the shut off valve's relocation.

Yeas: 5 - Councillor D. Tremblett, Councillor H. Sutton, Councillor A. Hynes, Councillor B. Saunders, and Councillor N. Stewart.

Nays: 0

Abstained: 0

Motion Carried

Motion 213/2009 – Councillor H. Sutton/Councillor B. Saunders

Whereas the 2009 Spring Conference of the Canadian Public Works Association is taking place on May 13, 14 and 15 in St. John's; and whereas Council made an allocation in the 2009 Operating Budget to send a delegation to this Conference; therefore, be it resolved that Council shall send the Public Works Supervisor and Mr. Dave Burt to the 2009 Spring Conference of the Canadian Public Works Association.

Yeas: 5 - Councillor D. Tremblett, Councillor H. Sutton, Councillor A. Hynes, Councillor B. Saunders, and Councillor N. Stewart.

Nays: 0

Abstained: 0

Motion Carried

Motion 214/2009 – Councillor H. Sutton/Councillor N. Stewart

Whereas a resident requested to repair pallets at his/her property near the west end of Town; and whereas Council is concerned with the accumulation of pallets and the noise generated by repairs; therefore, be it resolved that Council shall allow the resident to repair pallets at his/her property subject to the following restrictions:

1. The resident shall not accumulate more than 10 pallets on his/her property or other properties in the area at any given time; and
2. The resident shall only repair pallets between the hours of 10:00 am and 3:00 pm.

Yeas: 5 - Councillor D. Tremblett, Councillor H. Sutton, Councillor A. Hynes, Councillor B. Saunders, and Councillor N. Stewart.

Nays: 0

Abstained: 0

Motion Carried

Motion 215/2009 – Councillor H. Sutton/Councillor B. Saunders

That Council amend the *Snow Clearing Damages and Grass Replacement Policy* by;

1. Deleting the following sections:
 - 4.1 The Town shall not assume any liability for damages caused to an individual's property during snow clearing operations where the property is located within 5 meters of a main or side road.
 - 4.2 Notwithstanding subsection 4.1, the Town may compensate an individual for damages caused to his/her/its property where the damage was;
 - a. not the result of excessive snow falls; and
 - b. caused by Town employees through negligence.
2. Inserting the following section:
 - 4.1 In general, the Town shall not assume liability for damages caused to an individual's property during snow clearing operations. Nonetheless, the Town may compensate an individual for damages caused to his/her property where the damage was;
 - a. not the result of excessive snow falls; and

b. caused by Town employees through negligence.

Yeas: 5 - Councillor D. Tremblett, Councillor H. Sutton, Councillor A. Hynes, Councillor B. Saunders, and Councillor N. Stewart.

Nays: 0

Abstained: 0

Motion Carried

Motion 216/2009 – Councillor H. Sutton/Councillor B. Saunders

That Council shall, through a public offering, put to sale the following pieces of equipment from the Public Works Department: 1987 Ford F700 Single Axle Dump Truck, John Deere Backhoe Attachment and a Vee Plow.

Yeas: 5 - Councillor D. Tremblett, Councillor H. Sutton, Councillor A. Hynes, Councillor B. Saunders, and Councillor N. Stewart.

Nays: 0

Abstained: 0

Motion Carried

Item 6: External Boards and Committee Reports

6.1 EXPLOITS VALLEY ECONOMIC DEVELOPMENT CORPORATION

Councillor B. Saunders informed the members that the Board held a meeting on April 6, 2009 and discussed, for the most part, general business. There is a new project starting in the near future that focuses on micro lending. The facilitator will be in place before the end of May. A snow mobile expo is being planned for this fall, and will be sponsored by the Newfoundland Snowmobile Federation. The Board is also in the process of development a new Strategic Economic Plan.

6.2 CENTRAL NEWFOUNDLAND UNIVERSITY COMMITTEE

No report was filed.

6.3 BISHOP'S FALLS YOUTH ADVISORY COMMITTEE

Councillor N. Stewart indicated that the Committee is inactive, and requested that it be removed from the agenda in the future.

6.4 REGIONAL YOUTH ADVISORY COMMITTEE

Councillor N. Stewart advised Council that the Committee is planning a meeting for May 6, 2009 where it will discuss ways to engage youth throughout the region.

6.5 EXPLOITS REGIONAL SERVICES BOARD

No report was filed.

6.6 EXPLOITS REGIONAL CHAMBER OF COMMERCE

No report was filed.

6.7 EXPLOITS VALLEY TOURISM ASSOCIATION

Councillor H. Sutton indicated that he continues to approach the Town of Grand Falls-Windsor to determine the status of the Association, but to date have not received a response. Councillor N. Stewart suggested that Council's tourism representatives should attend the Destination Marketing Organization meeting on May 7, 2009. Councillor H. Sutton indicated that he may not be able to make it. Councillor N. Stewart and the CAO will be attending.

6.8 CENTRAL REGIONAL CRIME PREVENTION COMMITTEE

No report was filed. Councillor D. Tremblett stated that she missed the last meeting because of a scheduling conflict.

6.9 CENTENNIAL CELEBRATIONS COMMITTEE

No report was filed.

6.10 EXPLOITS VALLEY JOINT COUNCIL

No report was filed.

Item 7: General Business

7.1 2009 SPRING CLEAN-UP

Motion 217/2009 – Councillor H. Sutton/Councillor B. Saunders

That Universal Waste Disposal shall be award the contract for the provision of waste disposal containers for the 2009 spring clean-up as per quote number 09043022 dated April 30, 2009.

Yeas: 5 - Councillor D. Tremblett, Councillor H. Sutton, Councillor A. Hynes, Councillor B. Saunders, and Councillor N. Stewart.

Nays: 0

Abstained: 0

Motion Carried

Motion 218/2009 – Councillor N. Stewart/Councillor A. Hynes

That the 2009 spring clean-up shall take place in the community of Bishop's Falls from May 19 to June 5, 2009.

Yeas: 5 - Councillor D. Tremblett, Councillor H. Sutton, Councillor A. Hynes, Councillor B. Saunders, and Councillor N. Stewart.

Nays: 0

Abstained: 0

Motion Carried

7.2 DEPUTY MAYOR – MOTION TO GRANT LEAVE FROM PUBLIC MEETING 1240

Motion 219/2009 – Councillor B. Saunders/Councillor A. Hynes

That Deputy Mayor Jose Budgell is granted leave from Public Meeting 1240.

DISCUSSION

Councillor H. Sutton sought clarification on the motion. The Clerk stated that under provincial legislation, a Councillor can be excused from a meeting by Council, and in such a case the meeting is not consider for attendance purposes. There being no further discussion, Councillor D. Tremblett called for the question.

Yeas: 5 - Councillor D. Tremblett, Councillor H. Sutton, Councillor A. Hynes, Councillor B. Saunders, and Councillor N. Stewart.

Nays: 0

Abstained: 0

Motion Carried

7.2 CARSON SAMPSON'S CROWN LAND APPLICATION

Motion 220/2009 – Councillor H. Sutton/Councillor B. Saunders

That Council approves the Crown Land application from Mr. Carson Sampson for a parcel of land on Country Road subject to the following conditions:

1. That the area is rezoned to allow residential development; and
2. That Mr. Sampson agrees to cover all expenses associated with the rezoning process.

Yeas: 5 - Councillor D. Tremblett, Councillor H. Sutton, Councillor A. Hynes, Councillor B. Saunders, and Councillor N. Stewart.

Nays: 0

Abstained: 0

Motion Carried

Item 8: Adjournment

Motion 221/2009 – Councillor B. Saunders/Councillor H. Sutton

To adjourn Public Meeting 1240.

Yeas: 5 - Councillor D. Tremblett, Councillor H. Sutton, Councillor A. Hynes, Councillor B. Saunders, and Councillor N. Stewart.

Nays: 0

Abstained: 0

Motion Carried

The meeting adjourned at 7:56 pm.

Councillor D. Tremblett, Presiding Officer

Randy Drover, Town Clerk