

Town of Carbonear
Regular Council Meeting, September 15, 2015
Minutes of a regular meeting of the Council of the Town of Carbonear
held in Council Chambers, September 15, 2015 at 4:00 p.m.

Members Present: Mayor George Butt Jr.
Deputy Mayor Frank Butt
Councillors Ray Noel
Bill Bowman
Ed Goff
David Kennedy
Brenda Trickett

Also Present: Town Administrator Cynthia Davis
Town Clerk Cathy Somers
Director of Operations and
Public Works Brian O'Grady

Absent: Director of Recreation Rob Button
Director of Economic
Development & Tourism Kai Bath

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1. Calling of Meeting to Order
Mayor Butt called the meeting to order at 4:00pm and welcomed everyone present.
 2. Adoption of Minutes
 - Regular Minutes – August 5, 2015
Motion 15-215 R. Noel / B. Trickett
Resolved that the minutes of the August 5, 2015 Regular meeting of Council be adopted as presented.
Favour 7; Opposed 0; **Carried**
 3. Business Arising From Minutes
 4. Delegations
 5. Correspondence, Permits & Development
 - a) List of Permits Issued # 6950-7041 (List Attached)
Motion 15-216 D. Kennedy / B. Bowman
Resolved to approve the list of permits # 6950 - 7041, as per applications received, and per the Town of Carbonear Municipal Plan and Development Regulations and other applicable regulations and policies.
Favour 7; Opposed 0; **Carried**

Mayor Butt asked Councillor Kennedy to proceed with his Development Committee Report.

Councillor Kennedy presented the following motions as recommended by the Development Committee:

Motion 15-217

D. Kennedy / E. Goff

Resolved to approve permit to replace existing deck at 2 Butt's Road as per the Carbonear Municipal Plan and Development Regulations.

Favour 7; Opposed 0; **Carried**

Motion 15-218

D. Kennedy / B. Bowman

Resolved to approve permit to construct a deck at ground level without railing at 3 Churchill Circle as per the Carbonear Municipal Plan and Development Regulations.

Favour 7; Opposed 0; **Carried**

Motion 15-219

D. Kennedy / F. Butt

Resolved to approve permit to construct a patio at ground level without railing at 1 Churchill Circle as per the Carbonear Municipal Plan and Development Regulations.

Favour 7; Opposed 0; **Carried**

Motion 15-220

D. Kennedy / B. Trickett

Resolved to approve the construction of a fence and retaining wall situate at 26 Long's Hill as per the Town of Carbonear Municipal Plan and Development Regulations, Fence Regulations.

Favour 7; Opposed 0; **Carried**

Motion 15-221

D. Kennedy / B. Bowman

Resolved that the Town of Carbonear approve the application for exterior repairs and renovations to 213 Water Street and to include construction of a fence and wheelchair ramp per the Town of Carbonear Municipal Plan and Development Regulations and Fence Regulations.

Favour 7; Opposed 0; **Carried**

Motion 15-222

D. Kennedy / R. Noel

Resolved to approve the construction of a garage situate at 34 White's Road subject to the Town of Carbonear Municipal Plan and Development Regulations and other applicable regulations and policies and further subject to receiving no objections to the variance distributed to neighbouring properties.

Favour 7; Opposed 0; **Carried**

Motion 15-223

D. Kennedy / F. Butt

Resolved to approve construction of a new dwelling at 6 Easton Place subject to the Town of Carbonear Municipal Plan and Development Regulations and other applicable regulations and policies.

Favour 7; Opposed 0; **Carried**

Motion 15-224

D. Kennedy / R. Noel

Resolved to send orders to owners of the businesses operating from 5 Highroad South and 45 Crowdy Street, to cease the business operation as they are operating a business without the required permits from Council.

Favour 7; Opposed 0; **Carried**

Councillor Kennedy noted that to date in 2015 permits have been issued for 18 New Dwellings, 20 Apartment Units and 16 New Businesses.
Deputy Mayor Butt asked if the 16 new businesses were home based or other types. Councillor Kennedy noted that we would have to review further to classify the new business in various categories.
Councillor Noel inquired about further discussion on Vendor Permits.
This will be reviewed further by Development Committee before budget preparations.

5.1 Correspondence, requiring Council's decision

- a) Department of Municipal and Intergovernmental Affairs
Pike's Lane Lift Station, Part B, Project MYCW /2014-17 15-00064
Tender awarded to Newfound Construction Ltd at a cost of \$83,758.99
Motion to award required.
Cost of construction plus consulting fees not to exceed approved funding of \$710,452.
Motion 15-225 **R. Noel / F. Butt**
Resolved that the Town of Carbonear award the tender for the Pike's Lane Lift Station Part B, Project #17-MYCW-15-00064 to Newfound Construction Limited in the amount of \$83,758.99.
Favour 7; Opposed 0; **Carried**
- b) Department of Municipal and Intergovernmental Affairs
2014-17 Multi Year Capital Works Program
W/S LeMarchant Street – Phase II, Project #17-MYCW-15-00065
Tender awarded to Imperial Excavating Ltd in the amount of \$757,345.21
Motion to award required
Cost of construction plus consulting fees not to exceed approved funding of \$924,385.87.
Motion 15-226 **D. Kennedy / E. Goff**
Resolved that the Town of Carbonear award the tender for the Water/Sewer LeMarchant Street-Phase II, Project #17-MYCW-15-00065 to Imperial Excavating Limited in the amount \$757,345.21.
Favour 7; Opposed 0; **Carried**
Councillor Kennedy asked if these two projects are the extent of the capital works this year. Town Administrator advised yes, W/S LeMarchant Street-Phase II and the Pike's Lane Lift Station are the only two projects being done on Capital Works this year.
- c) Harris & Associates
Street Upgrading & Paving 2015 (Gas Tax)
Tender awarded to Concord Paving Ltd in the amount of \$273,228.35
Motion to award required
Motion 15-227 **D. Kennedy / R. Noel**
Resolved that the Town of Carbonear award the tender for Street Upgrading

and Paving (2015) Gas Tax (PN-15-108) be awarded to Concord Paving in the amount of \$273,228.35.

Favour 7; Opposed 0; **Carried**

It was noted that this project came in below the estimated cost. Director of Operations and Public Works to prepare a list of additional paving work for consideration by Council to have completed with the remaining funds.

- d) Template letter to the leaders of federal leaders regarding new federal Wastewater Systems Effluent Regulations.
Reviewed.

Motion 15-228

F. Butt / E. Goff

Resolved that the Town of Carbonear send letters to the federal party leaders as recommended by MNL to petition all party leaders make national drinking water and wastewater issues a priority in the upcoming election.

Favour 7; Opposed 0; **Carried**

5.2 Correspondence received and action taken

Council reviewed the following correspondence and action taken:

- a) Municipalities NL
- Info Note – August 11
 - Info Note – August 28
 - Mid Year Update
 - Municipal Training Circular 2015
- Copied to Council
- b) Atlantic Planner Institute, NL Branch
Re: 2015 Conference
Copied to Town Administrator
- c) Sam Jeffers Memorial Ride – September 19, 2015
12:30 pm, lobby of the Princess Sheila NaGeira Theatre
Invitation for Mayor to attend, Copied to the Mayor
- d) Baccalieu Trail SPCA
RE: Autumn Dinner and Auction, October 2, 2015, Knights of Columbus, Carbonear, 7 pm.
Walk for the Animals, September 13 at Ascension Collegiate, Bay Roberts
Copied to Council and Staff
- e) Fire & Emergency Services
- RE: Online Incident Reporting System
Copied to Town Administrator and Fire Chief, placed on file
 - Insurance Coverage for Volunteer Firefighters
Copied to Fire Chief & Town Administrator
- f) Trinity Conception Placentia Health Foundation
RE: Request for donation, 26th Annual Auction, October 4, 2015
Included on the approved donation listing for 2015, cheque to be completed
- g) Department of Advanced Education & Skills

- RE: Changes to Income Support Tax Payments
Copied to Town Clerk, placed on file
- h) Department of Environment and Conservation – Water Resources Management
RE: 2015 Winter Drinking Water Quality Report
Copied to Town Administrator for review
- i) Knights of Columbus
RE: Request for donation 4th Annual Talent Show/ Dinner and Dance in aid of the Special Olympics
Forwarded to Finance, Human Resources & Administration Committee
- j) Department of Finance
RE: Taxes Receivable Template
Copied to Town Administrator & Town Clerk
- k) Department of Municipal and Intergovernmental Affairs
 - RE: Signage for approved gas tax projects during election periods.
Effective immediately municipalities are request not to erect signs related to Gas Tax projects until after the Federal Election.
 - Political contribution
Reminding communities that Section 99(1.1) of the Municipalities Act, 1999, prohibits a Town Council from making grants to political parties or to candidates in a municipal, provincial or federal election. Town Councils are reminded that this prohibition extends to bodies established by or funded by the Council, such as fire departments.
 - Community Sustainability Partnership Accountability Measures
Copied to Town Administrator
- l) NL Public Health Laboratory, Test results of water samples collected on July 29, 2015 @ Department of Justice and the TC Square Mall, TCO and 13 -15 Bemister's Hill, 142 Columbus Drive. Results marked satisfactory. Placed on file.
- m) Atlantic Canada Opportunities Agency
RE: Acknowledgement of receipt for financial assistance for project number: 206590.
Placed on file.
- n) Property owner Valley Road
RE: Request for bus turnaround and Fire Hydrant.
Forwarded to Director of Operations and Public Works & Public Works Committee
- o) 4th Annual Community Pride Celebration
RE: Invitation to attend. Wednesday, September 16, 2015 @ 4pm.
Lobby of the Princess Sheila NaGeira Theatre
Copied to Council
- p) Provincial Court of NL & Labrador
Notice of Trial Date for contested Parking Ticket
Forwarded to Town Administrator & Municipal Enforcement Officer

- q) Canadian Public Works Association
RE: Fall Conference & Trade Show, September 30 – October 2, 2015
Copied to Director of Operations and Public Works. Placed on file

6. Committee Reports

- a) Finance, Human Resources & Administration

Councillor Noel noted the following:

Credit Card payments

Councillor Noel advised that the Town paid \$36,310 in credit card services for 2014. If we discontinued acceptance of credit card systems, that would provide savings of approximately \$36,000 within the 2016 budget. This would still allow options for payment by: cash, debit, pre-authorized payments from bank account, payments from bank account from banking machines or online banking.

Motion 15-229 **R. Noel / D. Kennedy**

Resolved that the Town of Carbonear discontinue acceptance of credit card payments effective January 1, 2016.

Favour 7; Opposed 0; **Carried**

- b) Public Works, Waste Management & Community Services

Deputy Mayor Butt presented the following motions:

Motion 15-230 **F. Butt / D. Kennedy**

Resolved to issue an order to the property owner of 47 Pike's Lane to remove a metal and other debris that has been placed on the property.

Favour 7; Opposed 0; **Carried**

Motion 15-231 **F. Butt / R. Noel**

Resolved to purchase a card access system for the Town Office from Fullerton Agencies at a cost of \$7,417 plus HST to supply and install.

Favour 7; Opposed 0; **Carried**

Motion 15-232 **F. Butt / R. Noel**

Resolved to send removal order to property situate at 119 Water Street to remove the vehicles in violation of the Parking of Commercial Vehicles Regulations.

Favour 7; Opposed 0; **Carried**

Motion 15-233 **F. Butt / Bowman**

Resolved to forward written correspondence to property owner of 4 Kelby Corner advising that council is not satisfied with the cleanup of the property and if he does not comply with the order within 7 days, council will proceed with further charges with a minimum fine of \$2,000 up to a maximum fine of \$5,000.

Favour 7; Opposed 0; **Carried**

Motion 15-234 **F. Butt / B. Trickett**

Resolved to forward correspondence to owner of the metal crane off Forest Road to have the crane removed from the area.

Favour 7; Opposed 0; **Carried**

Deputy Mayor Butt noted that he had 4 items to address with Council. Mayor Butt asked if they were items that have been reviewed by Committee. Deputy

Mayor Butt noted that some are. Mayor Butt noted that other items regarding concerns with public works should be identified to the Director of Operations and Public Works for investigation.

Drainage ditch located between 8-10 LeMarchant Street which is deteriorating the bordering properties.

Town Administrator advised this matter was noted in the minutes of the Public Works minutes and it was noted that further review was needed on the matter. It was noted that currently the Town does not take responsibility for such drainage ditches, property owners are responsible to protect their properties from erosion. There are other similar ditches in various areas within the town, and Council needs to be consistent with their actions in these types of situations.

Deferred for further discussion and recommendation from the Public Works Committee.

Pothole in the area of the intersection of Patrick Street and O'Donovans Lane. Deputy Mayor Butt to report as a work order request.

Fire hall, emergency power.

As previously advised by the Town Administrator by email to Council, the Director of Operations and Public Works is already making arrangements to have this work completed. There is an item with respect to space that he will include on the next agenda for the Public Works Committee, as it relates to the placement of the generator on the site.

The Director of Operations and Public Works noted that this work was contingent upon getting the generator from the Pikes Lane Lift Station, which we now have since the Capital Works Lift Station project has now started. The Director noted that the purpose in doing this project is to equip the Fire Hall as an Emergency Warming Station for the Town.

Director of Operations and Public Works to advise on the progress of this project as it develops.

Concrete work remaining to be completed.

The Director of Operations and Public Works advised that this matter is noted in his report for today's meeting.

The contractor for the concrete repair work should be back in the next couple of weeks to complete the remaining items on our list. (Two low backs, Patrick Street intersection, repair by Parts Place.)

- c) Recreation, Tourism & Culture
Councillor Goff noted the following from the Recreation, Tourism & Culture Committee meeting:
Committee set October 6, 2015 as a deadline to have the advertisement completed for the Request for Proposals to repair and paint the train.
Other items discussed could be reviewed by Council.

Councillor Kennedy inquired about the part time janitor position at the pool and asked since it has been vacant for a number of months if the position needs to be filled.

Town Administrator advised that there has been some difficulty in trying to fill the position as noted in the Committee minutes. The Director of Recreation will proceed to re-advertise the position of Part Time Janitor.

Additional seasonal positions for the Recreation Department were also discussed in the Committee meeting, and the Director of Recreation was advised to complete a report to Council which will include a request for additional outside staff along with rationale to support this request for consideration in the 2016 budget.

Deputy Mayor Butt inquired about the status of the new play structure for the Southside Playground. It was noted that this equipment was received earlier this summer, but the Director of Recreation reported at the last meeting that he was still waiting for the work crews and resources to prepare the area and install the structure. Director of Operations and Public Works noted that there were many demands on our equipment for various projects, including the Pondsides Trail work which has now ended. Director of Operations and Public Works to consult with the Director of Recreation to determine if they can arrange a time to complete the installation this fall.

- d) Development
Recommendations from the Development Committee were presented earlier during the Correspondence, Permits & Development section of the meeting.

7. Reports of Town Administrator and Department Heads

- a) Town Administrator
 - 1. Town Administrator advised there was a Financial Report copied to Council. Revenues are higher than projected, and there are no concerns with the department total expenditures to date. She also noted that 88% of the 2015 taxes levied have been collected to date. Any questions on the Financial Report can be directed to the Town Administrator.
 - 2. 2015 Audit – The 2015 audit has been completed. Town Administrator to arrange a time for the auditor to meet with Council to review the Financial Statements. The suggested meeting time is Monday, September 21 @ 3:30pm.
 - 3. Traffic Impact Study – The study was sent to the Department of Transportation and Works to obtain approval for the road design proposed. This has been relayed to the developer and they are continuing to move forward with their plans.
 - 4. Meeting Inquiry – Conservative Candidate requesting a meeting with Council to identify any concerns of the Town.

Council advised they did not want to meet at this time.

5. Appeal Hearing, 191 Water Street
Town Administrator to attend the hearing tomorrow in St. John's.

b) Director of Operations & Public Works

Director of Operations & Public Works reviewed the following with Council:

- Pikes lane/ Beach effluent station. Then tender has been awarded to Newfound Construction. This project has started with renovation to the existing building. The underground piping and concrete work is expected to start within the next week. The project is scheduled to be completed before Christmas.
- LeMarchant Street Project – This project has been awarded to Imperial Excavating. A pre-construction meeting was held at the Town Office on Aug. 31, 2015. It was reported by the contractor that the project would start within three weeks. That would be on or before September 21, 2015.
- The Long Term care project has completed the section of Earles Lane in front of their facility. This included sidewalk as well as new asphalt.
- The contractor for the concrete repair work should be back in the next couple of weeks to complete the remaining items on our list. (Two low backs, Patrick Street intersection, repair by Parts Place.)
- The three new seasonal workers that we hired are all working out well. They started July 27, 2015. They will likely finish for this season on September 25 or October 2. This will give them 9 or 10 weeks this season.
- The tender closed on the new motor Grader. NorTrax (John Deere) was the successful bidder at a price of \$359,905.00 tax included. They offered a trade in value of \$38,420. This is a good offer for our 1985 Cat Grader. If we accept this trade in our purchase price will be \$321,485. Our budget amount was \$325,000

Motion 15-235

R. Noel / B. Trickett

Resolved that the Town of Carbonear award the tender for the purchase of a new motor Grader to NorTrax (John Deere) for the price of \$321,485 including HST and net of Trade in value of \$38,420 for the 1985 Cat Grader.

Favour 7; Opposed 0; **Carried**

Councillor Goff noted that coming out of Forest Road, there was some asphalt repair completed, but it probably wasn't compacted. Director of Operations to check with the contractor on this matter to have it fixed.

Councillor Noel inquired about the spread of calcium on our gravel road. This year the calcium does not seem to have as good an effect as in previous years. Director of Operations and Public Works to investigate whether it's a problem with the application or the product itself and to make a recommendation to improve the calcium application to our

gravel roads.

8. Finance

- a) **Operating Invoices:** over \$2,000.00 totaling..... **\$137,580.46**
Motion 15-236 **R. Noel / F. Butt**
Resolved to approve for payment the list of operating invoices in the amount of \$137,580.46 as submitted to council.
Favour 7; Opposed 0; **Carried**

9. Regulations
None

10. New Business

Mayor Butt noted the following upcoming events:

- Sam Jeffers Memorial Ride this Saturday. All council welcome to attend reception here at the Community Centre.
- Receipt books for the Mayor's Walk have been received. The walk will be on October 19. All Council are asked to participate.
- Oct 10 is the Fireman's Ball, Deputy Mayor Butt will attend on behalf of the Mayor.
- Hosted UMC meeting here this weekend, 18 out of 24 mayors attended.
- Next Thursday, CBN Joint Council Meeting. Mayor will attend.

Councillor Kennedy requested if the statistics on the increase of our recycling and the decrease in garbage since we started curbside recycling can be determined. Town Administrator advised she would have the Payables Clerk compile that information for Council. She also noted that she has advised Eastern Waste Management and the MMSB that Carbonear would be interested in participating in any pilot projects they may have to further reduce our waste.

Councillor Kennedy noted that there were a lot of events offered here in Carbonear this summer, which were organized by various groups and organizations: the Town, Special Events Committee, softball organization – 3 tournaments, soccer organization and other volunteer groups in the town.

He noted that the Musical Ride was well attended and well received. He noted that the weekend following the Musical Ride there was an U10 Softball Tournament which hosted 19 teams, with 220 players, which was a big influx of people at our facilities, and a soccer tournament on the same weekend. He noted that he requested Council ensure the necessary repairs were made to the fields after the Musical Ride in preparation for the tournament that following weekend. He noted that he was disheartened with the Town's contribution to that weekend's ball tournament. Some things weren't done, no brochures were given out at the tournament, etc. He feels that Carbonear is behind in regards to offering sporting events.

Carbonear Minor Softball submitted a letter in July concerning deficiencies with the ball fields, and to date they have not received a response to that letter.

Town Administrator to review these concerns with the appropriate Council

committees.

Councillor Goff noted that the Community Gardens is holding their closing event October 3, 2015. Staff and council are invited to attend.

11. Notices of Motion
No notices of motions were filed.

12. Adjournment

Motion 15-237

F. Butt / R. Noel

Resolved that the meeting adjourn at 5:21p.m. The next meeting will be held on Monday, September 21, 2015 at 4:00pm.

Mayor George Butt

Cathy Somers, Town Clerk