

Town of Carbonear
Regular Council Meeting, December 21, 2009
Minutes of a regular meeting of the Council of the Town of Carbonear
held in Council Chambers, December 21, 2009 at 7:30pm

Members Present: Mayor Sam Slade
Councillors Ches Ash
David Kennedy
George Butt Jr.
Betty Forward
Ed Goff
Gladys Mercer

Also Present: Town Clerk Cathy Somers
Town Administrator Cynthia Davis
Director of Operations & Public Works Brian O'Grady
Director of Recreation & Tourism Rob Button

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1. Calling of Meeting to Order
Mayor Slade called the meeting to order at 7:32pm and welcomed those present.

 2. Adoption of Minutes
 - a) December 7, 2009 Regular Meeting
Motion 09-350 **C. Ash / G. Butt**
Resolved that the minutes of the December 7, 2009 Regular meeting of council be adopted as presented.
Favour 7; Opposed 0; **Carried**

Mayor Slade noted that the persons listed under the Delegations section of the meeting are present to discuss an issue that relates to one of the motions to be ratified from the December 7, 2009 Privileged Meeting.

He then asked if Council would be in agreement to move the Delegations Section of the Meeting forward prior to Item 2 b) Adoption of Minutes for December 7, 2009 Privileged Meeting.

Discussed.

Motion 09-351 **C. Ash / B. Forward**
Resolved that the Town of Carbonear amend the agenda for the December 21, 2009 Regular Council Meeting and place Item 4 prior to Item 2b.
Favour 7; Opposed 0; **Carried**

Mayor Slade asked if Council would decide as to whether or not he is in conflict of interest in regards to the issue of snow clearing services to Bunkers Hill and the service road beyond the top of Bunkers Hill that connects to English Hill. He advised Council that he asked the Town Administrator to inquire about this matter with the Department of Municipal Affairs, and he asked the Town Administrator to advise Council on the information she was given as a result of her inquiry on this

matter with Municipal Affairs.

Town Administrator read *Sections 207 Conflict of interest and 209 Decision of council* from the Municipalities Act, 1999.

Council members discussed the matter.

Councillor Kennedy noted that he does not feel that Mayor Slade is in conflict when Council is discussing snow clearing of this section of road or any street, it would be different if Council was considering road improvements or road construction, as that may result in financial gain or monetary interest.

Deputy Mayor Ash and Councillor Butt concurred with Councillor Kennedy.

Councillor Mercer noted that previously when Mayor Slade was unsure if he was in conflict on a matter, he used the rationale of “when in doubt, step out”, and that is the policy that the Mayor maintained. In the previous Council’s term, when we voted on the plowing of Line Road, which Council does not do on a regular basis either; Mayor Slade considered himself to be in conflict of interest and did not vote on that matter, because he owned a cabin on Line Road.

Deputy Mayor Ash asked for clarification from the Town Administrator: If a Councillor is not sure or is in doubt if they have any financial gain or interest in a matter before the Council, then the option is given to Council to determine if the councillor is in conflict. If Council decides that the councillor is not in conflict, and someone took issue with that decision and asked for a ruling on the matter, can Council’s decision be overruled by Municipal Affairs.

Town Administrator advised that when she contacted Municipal Affairs, she asked that same question. They advised that in cases where it is clear, that Council voted that a member of Council was not in conflict when it is obvious that they are, then they could overrule Council’s decision. They could not comment as to whether in this situation, it was, but the option for Council to exercise their authority as per Section 209 of the Municipalities Act was something that they suggested in this situation.

Deputy Mayor Ash noted that conflict of interest is a very serious issue and could result in the dismissal of a member of council. He noted that he would certainly not want to make the decision to determine that a Councillor is not in conflict of interest on a matter, and then for that decision to be overruled.

Town Administrator advised that under Section 209, the Council may decide and the decision is final. If Council made that the decision and it is based on vague or questionable circumstances, where the conflict of interest is not obvious, then it is probably not something that would be overruled by Municipal Affairs.

The Town Administrator then referred Council members to Item 2c(i and ii) Conflict of Interest on pages 34-35 of the Municipal Councillor’s Handbook and read this section to Council which provides samples of conflict of interest and various court decisions on issues of conflict of interest.

Motion 09-352

D. Kennedy / G. Butt

Whereas Mayor Slade has disclosed to Council that he owns property on Bunker Hill and that he is in doubt as to whether or not he is in conflict of interest on the matter of snow clearing of the service road at the top of Bunker Hill connecting Bunker Hill to English Hill, and

Whereas Section 209(1) of the Municipalities Act states that “...council may decide the question by majority vote and its decision on the matter is final”

Under the authority of Section 209, Be It Resolved that the Town Council of the Town of Carbonear does not consider Mayor Sam Slade to be in conflict of interest

on the matter of snow clearing of the service road located at the top of Bunker Hill connecting Bunker Hill to English Hill.

Favour 5; Opposed 1; **Carried**

Councillor Mercer opposed the motion.

Mayor Slade did not vote on the motion, as Section 209 (2) of the Municipalities Act states that "A councillor whose possible conflict of interest is being voted on is not entitled to vote."

Councillor Butt then asked Council if he could table a petition that was given to him to present to Council on behalf of the residents of Bunker Hill.

Council agreed.

Councillor Butt then read the letter of petition to Council.

Councillor Butt noted that he came on the scene here in 1983 and since that time and even prior to that this section of road has been plowed. Every minute counts in regards to response time in an emergency situation, and if the motion as presented in the Privileged Meeting of December 7, 2009 is presented to be ratified, then he indicated that he will not be in favour of the motion. He noted that in the past when all the other snow clearing had been completed, then this section of road was opened up. There are also letters attached from four operators who have previously cleared this road.

4. Delegations

Mayor Slade asked that the people identified on the agenda to address Council on their concerns and Council members not enter into a shouting match and that everyone respect the other person's right to speak, so that order can be maintained during the meeting.

Ms. Bradbury asked if Mr. Windsor would be permitted to speak before her.

Council agreed to the request. Mr. Windsor to speak first followed by Ms. Bradbury.

b) Cyril Winsor, Request to speak about the snow clearing on the road at the top of Bunker Hill that joins Squibbs Hill and English Hill, with notation that Jim Burden and Dianne Chubbs would also address Council at the same time on this matter.

Mr. Winsor presented copies of a letter to the Mayor and Councillors.

The following are some of the items identified by Mr. Winsor.

People are currently using his driveway as a turn around.

Older people concerned about not having the same service.

Snow clearing done on the service road while he has lived on Bunker Hill for the past three years.

He pays high tax for services he doesn't receive: water that he can't drink, and snow clearing that he don't get, and he indicated he is entitled to these services.

He advised that the garbage truck comes down over the hill.

Mr. Winsor noted that he wants Council to plow this section of road and if they don't, he will have a citizens committee started and bust Council's butts on everything they do.

Mayor Slade asked Mr. Winsor to calm down.

Mr. Winsor noted that people on this Council makes him mad.

Mr. Winsor then asked Mr. Jim Burden to address Council on the matter.

Mr. Burden noted the following:

For years and years, Council only plowed Bunker Hill up as far as where the pavement ends now, up until the early 70s. The Department of Transportation would plow from Tyre's Drung right in to Gaddens' Mash.

When the by pass road went through, then government turned over their former highways to the Town, which should have been in the late 70s.

In 1979-1980 we would plow right from the highway down over Bunker Hill.

Bemister's Hill and Bunker Hill are usually plowed down.

He noted that the town snow cleared down Bunkers Hill for years. There is a blind turn near the pumphouse and if crews would have to push snow all the way up the hill there is no where to dump it. Plowing up the hill is hard on equipment and it is much easier to plow down across Bunker Hill.

Mayor Slade asked Mr. Burden if the top part of Bunker Hill (service road) was getting regular snow clearing. Mr. Burden advised after the town took over Tyre's Drung, the top part of Bunker Hill (service road) was part of the regular snow clearing routine.

If we get a good amount of snow, and the Town gets through it. If there is heavy drifting, you have to continuously plow that area.

Mr. Winsor noted that the Hill was blocked for three days, and Mr. Trickett had to walk up the hill while his mother brought him groceries, as he could not get out.

Councillor Mercer asked Mr. Burden if this piece of roadway was on his list of roads to clear. Mr. Burden advised that it wasn't in the 70s but it was after the Town took over Tyre's Drung. If you went back 4 or 5 years, we plowed Tyres Drung, went along by the By-pass Road and down Bunker Hill.

Councillor Mercer asked if he was aware that this roadway was within the Dept of Transportation highways reservation.

Mr. Burden advised that at the time, no he wasn't aware of that information.

Councillor Mercer noted that this information become evident to Council earlier this year.

Deputy Mayor Ash asked the following: Drawing on your experience as a former employee, when the bypass road was put through, the roadway did not exist in its current condition.

Mr. Burden noted that no didn't, since that time, Council did complete stone and calcium applications on the roadway from time to time.

Deputy Mayor Ash asked if it would be correct to say that it evolved from a pathway to its current condition over a period of years. Mr. Burden agreed.

Deputy Mayor Ash noted that we are now told that it is in the highway reservation, and Mr. Burden indicated that the majority of that road is probably in highways reservation.

Ms. Dianne Chubbs was then asked to address Council on the matter.

Ms. Chubbs advised Council that she has been on the hill for 32 years and that this section of road up above Bunker Hill has always been plowed, since she

has lived on Bunkers Hill. She noted that she could not always get up over the hill but would then go up over another hill and come down over Bunker Hill to get to her property.

Ms. Chubbs noted her concern with what might happen in case of an emergency.

She asked, why after 32 years, is the plowing now being taken away from the residents.

Councillor Mercer noted that this service road up above Bunker Hill has never been included on a maintenance list for plowing that she has been given over the past number of years. During the last few months, Council was advised by the Department of Transportation that this roadway is within the highway's road reservation. Council has also received legal advice indicating that if it is owned by the dot, and Council provides snow clearing services to that section of road that this is now a legal concern for Council.

The question was asked if the Department of Transportation will transfer the property to the Town. Councillor Mercer noted that the roadway can not stay where it is now located, if upgraded to Town standards it would have to be moved to the south. Department of Transportation has provided the details on where the road would have to be constructed and the appropriate road elevation to meet their requirements. Councillor Mercer suggested that Council needs to follow the advice received from the Department of Transportation and the town's legal counsel.

Councillor Butt noted that we would have been liable all along, ignorance would not resolve Council of liability.

Deputy Mayor Ash asked Ms. Chubbs, if it was manageable to get up over the hill during the last snow fall. She advised that she had to use 4 wheel drive. Others had to leave their vehicles on Crowdy Street.

- a) Debra Bradbury, Request to speak about the road between English Hill and Bunker Hill

Ms. Bradbury noted the following:

If the Town of Carbonear needs to upgrade this section of road, then it must be moved 2.3 metres to the south.

Ms. Bradbury noted that she spoke with Don Brennan of Department of Transportation along with other government officials regarding this service road. The Department of Transportation indicated that they know nothing about this road as it is not in the Department of Transportation's inventory or roads.

Ms. Bradbury noted that she spoke with Brian O'Grady 3 years ago on this matter and he also discussed this matter with Steve Abbott at this time.

Ms. Bradbury noted that the Municipal Plan indicated that dead end roads are not preferred, do the Town follow it's municipal plan?

Ms. Bradbury advised that she was talking with Jack Harrington and Minister Kennedy on the matter as well, and they were not aware that snow clearing services had been discontinued to this service road.

Town Administrator confirmed that the current Municipal Plan is for the period of 2004 to 2014. This would pertain to anything coming into effect within the

current plan, can not change anything prior to that.

Mr. Windsor asked if Bunker Hill is a dead end road, then he would have been required to install a cul-de-sac in order to construct his home three years ago. He indicated he did not have to install a cul-de-sac because the road went on up past his property.

Councillor Mercer indicated that six months ago, when Ms. Bradbury came to Carbonear to get a permit to construct a home, it was then determined that this road was in the Department of Transportation's road reservation and that if the road was going to be constructed in accordance with the Town's Road Regulations, then the road would have to be moved 2.3 metres to the south. These details were provided to the town by the Department of Transportation.

Mr. O'Grady noted that Ms. Bradbury indicated that she spoke with him 3 years ago on this matter, as a point of clarification he advised Council that February, 2010 will mark his 2nd anniversary with the Town, as he was hired in February, 2008.

Mayor Slade asked to debate the issue, so he asked Deputy Mayor Ash to assume the chair.

Deputy Mayor Ash asked Council members to refrain from discussion. If you have a question you are free to ask them after the presenter has completed the presentation.

Mayor Slade presented to Council. He noted the following:
Being that the service has been provided to them, to discontinue this service, would be considered a reduction of service. He noted that to plow down over Bunker Hill would actually be more cost effective then to plow up over the hill. The snow plow came down over the hill for many years. He indicated that he has only been living on Bunker Hill for 2 years, Mr. Winsor has been there for 3 years. In the past two years, this section of road has been plowed every time Burnt Head Road has been plowed.

Mayor Slade noted he received a phone call from Bunkers Hill from a resident indicating that they had to leave their vehicle on Crowdy Street because they could not get up over the hill due to slippery road conditions. Many times you can not get up over Bunker Hill, but if the upper section of road above Bunker Hill is snow cleared then you can get down over Bunker Hill.

Mayor Slade noted that he was advised by another property owner in the area that the service road was put in by the Department of Transportation when the by-pass road was constructed to provide a property owner access to his property which he used for a vegetable garden.

Mayor Slade noted that he does not feel that Council should reduce the service to any resident in the Town of Carbonear, not only Bunker Hill but anywhere within the town. Council should enhance the services they provided rather than reduce the services.

Mayor Slade noted that it will cost more man hours and equipment hours and higher fuel costs to plow up the hill then to plow down.

Deputy Mayor Ash asked Mayor Slade if he disagrees that this section of road is actually in the Department of Transportation's road reservation, and that the Department of Highways has indicated that his road should be moved 2.3 metres to the south, and that this is the crux of the problem.

Mayor Slade indicated: No, the Department of Transportation has not advised Council that we have to stop providing service to that road. If conflicting headlights are a possible problem, then the Department of Transportation should install a guide rail to block out the conflicting headlights.

Councillor Mercer noted that she has served on Council a long time. This issue has never come up before, until the past 6 months.

Mayor Slade noted that it did come up before then, when the works committee were discussing work to be completed on the road because a councillor went to the Town Administrator and asked that snow clearing be stopped to that section of roadway.

Councillor Butt confirmed that this issue prior to the last six month period. Discussed.

Councillor Goff indicated that the legal opinion has identified a liability risk. Is there a possibility that we can obtain further information on the legal concerns and options available to council.

Mayor Slade resumed the chair.

Mayor thanked the residents for their presentations to Council.

Deputy Mayor Ash suggested that Mr. Winsor should not be permitted back into this chambers without an apology to Council and in particular to Councillor Mercer for his actions and the negative comments to Councillor Mercer in particular.

Mr. Tom Murphy who was present at the meeting advised Council that this service road was put in by the Department of Transportation years ago to give him access to his property. He noted that he had to fight to get that access installed. A section was also taken to put in the Town's look out. The council then fixed up the road. He noted that the Town is liable for the lookout area, is the town liable for that as well.

Town Administrator advised that Dept., of Highways did give permission for the location of the lookout, that has been approved by highways.

b) December 7, 2009 Privileged Meeting

Motion 09-353

G. Mercer / B. Forward

Resolved that the minutes of the December 7, 2009 Privileged meeting of council be adopted as presented.

Favour 7; Opposed 0; **Carried**

3. Business Arising From Minutes

- ▶ Councillor Goff asked the status of the clean up and demolition orders. Town Administrator advised that they should be done by the end of this week.
- ▶ Motions to be ratified from the December 7, 2009 Privileged Meeting
Mayor Slade asked that Motion SPE 09-12-07-001 be ratified.
Councillor Kennedy declared a conflict of interest on the matter and left the

Council chambers.

Motion 09-354

G. Mercer / C. Ash

Resolved that the Town of Carbonear apply for Multi Year Capital Works Funding for 2011-2014 in the amount of \$14,720,833 under the Provincial Road paving Program to complete Water/Sewer System Upgrades totaling \$4,999,470; Street Upgrading totaling \$6,164,978; Bridges Replacements totaling \$615,310; and Other Projects totaling \$2,941,075

And Be It Further resolved that the Town of Carbonear request an approval to borrow from the Department of Municipal Affairs to fund the Town's share of the 2011-2014 Multi Year Capital Works projects from a chartered bank providing the lowest lending rate to be amortized over a period of 10 years
Favour 6; Opposed 0; **Carried**

Mayor Slade asked that Motion SPE 09-12-07-002 be ratified.

Motion 09-355

G. Butt / B. Forward

The Council of the Municipality of Carbonear hereby resolves that the roads proposed to be paved within the Multi-Year Capital Works program under the Provincial Road paving Program will not be serviced with piped water and/or sewer for ten years from the year in which the project takes place.

Favour 6; Opposed 0; **Carried**

Councillor Kennedy was called back into the meeting.

Mayor Slade asked that Motion SPE 09-12-07-003 be ratified.

Motion 09-356

B. Forward / D. Kennedy

Resolved that the Town of Carbonear implement a lending policy for the use of their existing theatre costumes with the appropriate safeguards in place regarding deposits, cleaning, alterations, sign out forms, etc.

Favour 7; Opposed 0; **Carried**

Mayor Slade asked that Motion SPE 09-12-07-004 be ratified.

Motion 09-357

G. Butt / E. Goff

Whereas the Gut Bridge Project as tendered could not be completed in the fall of 2009 and

Whereas the engineering firm has indicated that a pre-fabricated decking system could be engineered to provide a lower cost for the project;

Be It Resolved that the Town of Carbonear re-tender the Gut Bridge Project with a change in the design of the project to include the pre-fabricated decking, and

Be it Further Resolved that this project be tendered in a timely manner, so that the project can start in the early spring of 2010.

Favour 7; Opposed 0; **Carried**

Mayor Slade asked that Motion SPE 09-12-07-005 be ratified.

Motion 09-358

B. Forward / E. Goff

Resolved that the Town of Carbonear vote for Stirling Willis, Town of Paradise for the position of Urban Director with the Municipal Assessment

Agency.

Favour 7; Opposed 0; **Carried**

Mayor Slade asked that Motion SPE 09-12-07-006 be ratified.

Council discussed the presentations made to Council earlier tonight on this matter.

Mr. Winsor made some negative comments to Council on the matter and slammed the papers across the Council table before leaving the Council chambers.

Deputy Mayor Ash indicated that he will not tolerate this type of action in the Council chambers. Councillor Kennedy noted that he would like for the residents to be present while Council discusses the matter, but any further outburst and Council will have to enter into a privileged session.

Mayor Slade asked those present to maintain order while Council discussed the issue.

Councillor Goff asked if there is a way to reduce the risk to remove the liability to Council. He agrees that the end result to provide snow clearing services to that service road would give better service to the residents. Therefore can we investigate possible ways to reduce the risk of liability.

Deputy Mayor Ash noted that he feels there are two issues: the residents feel they are not getting the same level of service due to the discontinuation of snow clearing to this section of road, and they feel it is dangerous to have only one access to the Hill to drive the route up.

Deputy Mayor Ash noted that he has driven the hill several times. He drove up twice during the last storm. It is a very dicey hill to proceed on without being plowed.

Probably every other councillor would concur with that as well.

If a blind eye has been turned to it in the past, and liability issues have now been identified, the problem is with all parties involved, which would include the Department of Transportation and Council. He noted that he would have no problem with sending the plow up to clear the road if Council can not be held liable, if someone could confirm that matter. However, it would be fool hearted of me to defy that we would not be held liable.

Councillor Kennedy noted that he was elected to represent everyone, and when elected he drove up the hill and turned in Mr. Winsor's driveway. The service road is 650 metres from Crowdy Street and it is probably the worse road in Carbonear. That being said, we would look at different applications as previously presented to the prior Council. It is not our responsibility that Department of Transportation has constructed this service road. The Department of Transportation has advised that the road is not legal as it stands, and they have listed conditions for the town to implement if they were to construct the road to Council standards. The engineers have provided an estimate of \$100,000 to complete the road to Council's standards. Currently, he noted that if someone travels up the highway and see

headlights on each side of the highway and someone is injured or dies, the Town of Carbonear will be held liable. Not sure if the same thing would have been the case 30 years ago.

Councillor Goff suggested that we obtain further legal consultation on the matter. We can not put the town in jeopardy. Councillor Kennedy agreed with Councillor Goff and suggested that we investigate the matter further, we could also consider making it a one-way street.

Dave Slade, another resident present at the meeting indicated that his father lives on Bunker Hill, he is 83 years old, who will be liable if an ambulance can not reach that home, if his father requires medical attention. He also noted that there are many more seniors living on Bunkers Hill as well.

Betty, another resident on Bunker Hill who was present at the meeting advised Council that her daughter was born prematurely in St. John's, 28 years ago. The ambulance was called to her house on Bunker Hill back 28 years ago, and at the time the ambulance could not get up the hill, so it went the alternative route and came down the hill. If the ambulance could not have reached her house at the time, there may very well have been a different outcome for her at the time. This is a true life experience that did happened 28 years ago.

Councillor Mercer noted that if a motion is made and further investigation determines an alternative solution, then a new motion can be presented to Council based on the additional information.

Deputy Mayor Ash noted that residents do not have to convince him of the advantage of having this section of road plowed to provide an alternate access, but he can not ignore the liability concerns identified.

He also noted that for Mr. Windsor to speak of Councillor Mercer in the regard is not appropriate.

He noted that he is uncomfortable voting on the motion right now because he would like assurance that we will have immediate follow through that we investigate signage for emergency purposes only, if that means we need to approach the MHA and sit down with Department of Transportation officials to work out details to get us through this winter, then we should.

Councillor Goff noted that we need to investigate this tomorrow.

Councillor Kennedy indicated that we can call a privileged meeting when the information is received.

Deputy Mayor Ash indicated he is still uncomfortable with the issue as he is not sure how quickly things can move in terms to getting a response to this issue. Is there any way that the Town management can make an effort to see if we can act immediately on the suggestion to place signage "For emergency use only" and could town management ask our lawyer for a response to placing a sign that the road is to be used for emergency

purposes only, or what the appropriate signage should be.

Mayor great concerns on the matter, which have not been addressed yet this evening, this section has been used by the residents of Bunkers Hill for quite some number of years. In the 16 years that he has been on Council, the Town always provided snow clearing to that service road.

It was suggested that we alleviate the concerns of these people by providing them with emergency access to the area.

Councillor Butt noted that the Town should plow the service road until we determine the result of our investigation.

The question was raised as to why the town plows 45 feet into that road, to Squibbs Hill, so why is it ok for part of it and not all of it.

Councillor Mercer asked that the motion be reworded.

Motion 09-359

G. Mercer / D. Kennedy

Whereas the Town of Carbonear does not consider the service road beyond 55 Bunker Hill to be a town street, and

Whereas the Town has received legal advice from the Town's lawyer of the liability concern with Council's maintenance of this section of road and

Whereas the Town is in receipt of information provided by the Department of Transportation regarding the safety concerns of the location of this section of road;

Be It Resolved that the Town of Carbonear will not take the responsibility of maintenance of or snow removal services to that service road and

Be It Further Resolved that the Town of Carbonear will investigate possible solutions with the Town's lawyer and the Department of Transportation to reduce the risk of liability to the Town of Carbonear so that the section of road can be cleared for emergency purposes only, and

Be It Further Resolved that the Town of Carbonear considers this matter to be an urgent concern, and would require a prompt response from the Department of Transportation and the town's lawyer on this matter.

Favour 4 ; Opposed 3 ; **Carried**

Mayor Slade and Councillors Butt and Forward opposed the motion.

5.1 Correspondence, Permits & Development

- a) Crown land application to acquire right of way along the west boundary of #1 Bond Street

Referred to the Development, Cultural and Tourism Initiatives Committee.

- b) Home Based Business Application to operate a business from 51A Valley Road for the purpose of servicing residential maintenance and person needs including: Residential Construction, Custom Ironworks and Welding, Cleaning Services, Hair Care and Snow Removal.

Referred to the Development, Cultural and Tourism Initiatives Committee.

- c) List of Permits # 4561 - 4564.

Motion 09-360

C. Ash / G. Butt

Resolved that the Town of Carbonear approve the list of permits # 4561 - 4564..

Favour 7; Opposed 0; **Carried**

5.2 Correspondence, Requiring Council's decision.

- a) Eastern Newfoundland Regional Appeal Board, Decision of Appeal Motion of Council required to issue permit to the applicant.
Mayor Slade read the conclusion of the appeal board.

Motion 09-361

G. Mercer / D. Kennedy

Resolved that the Town of Carbonear issue a permit to construct an extension to the single dwelling at 28 Janes Avenue as per the application submitted.

Favour 7; Opposed 0; **Carried**

Councillor Goff asked if there are any implications to this decision.

- b) Ellis Sellars, Request to have snow clearing services reinstated to the area at the top of Bunkers Hill east to English Hill.
Covered in previous discussion and was reviewed when copied to Council.

5.3 Correspondence, Received and action taken

Council reviewed the following correspondence and action taken:

- a) Carbonear Interfaith Cemetery Inc. Re. Interfaith Cemetery Road, Request for additional snow clearing.
Referred to the Public Works, Recreation and Special Event Committee
Councillor Kennedy suggested that this be cleared frequently.
This matter was discussed by the Committee.
Policy will be amended accordingly as discussed by the Committee.
- b) Government of Newfoundland & Labrador, Re. 2009/2020 Seniors Community Recreation Grant Application.
Referred to the Public Works, Recreation and Special Event Committee
Copied to the Director of Recreation and Tourism and Councillors Kennedy and Goff.
- c) Department of Natural Resources, Referral Letter for Rock Quarry Permit for Concord Paving located at Route 70 in Carbonear, Clarkes Road Intersection.
Referred to the Development, Cultural and Tourism Initiatives Committee.
- d) Behlen Industries LP, Offer for services of steel building manufacturing.
Copied to Director of Operations and Public Works. Placed on file.
- e) Citizenship and Immigration Canada, Call for nominations for the Paul Yuzyk Award for Multiculturalism.
Copied to Council for consideration.
- f) Department of Government Services, Re. Copy of Amendment to Certificate of Approval No. A-WMS09-01-05161 issued to the City of St. John's regarding conditions for the disposal of all Off The Road OTR tires and waster tire material.
Copied to Director of Operations and Public Works. Placed on file.
- g) MNL, Tidy Towns 2010 - Registration Form
Referred to the Public Works, Recreation and Special Event Committee

- h) MNL, Torngat Awards 2009 winners.
Copied to Council.
- i) MNL, 59th Annual Convention & Trade Show Report
Placed on file in the Mayor's Office for Council's review.
- j) Resident, Objection to ad placed for Bookkeeping Service on 27 Blueberry Crescent.
Referred to the Development, Cultural and Tourism Initiatives Committee.
- k) Canadian Red Cross Prepared Campaign, Request of municipal participation and funding at \$1 per capita over a 5 year period.
Referred to the Finance, Human Resource and Administration Committee

6. Committee Reports

a) Finance, Human Resource and Administration

Deputy Mayor Ash presented the recommendations from the December 10th Finance, Human Resource and Administration Committee meeting.

Motion 09-362

C. Ash / G. Mercer

Resolved that the Town of Carbonear accept payment of \$1,800 to settle the Account # 11221 for 2009 prior taxes, with the remaining interest being adjusted subject to receipt of payment of \$1,800 within 30 days from notification of Council's decision.

Favour 7; Opposed 0; **Carried**

Deputy Mayor Ash presented the recommendations from the December 14th Finance, Human Resource and Administration Committee meeting.

Motion 09-363

C. Ash / B. Forward

Resolved that the Town of Carbonear proceed with the preparation of the 2010 budget with a planned ½ mill reduction to both residential property tax and commercial property tax.

Favour 7; Opposed 0; **Carried**

Motion 09-364

C. Ash / G. Mercer

Resolved that the Town of Carbonear adjust the water/sewer tax upon demolition of the main dwelling located on the property effective January 1, 2010 and to adjust the property tax as per the revised assessment completed after the demolition of the main dwelling has been completed on Account 12068.

Favour 7; Opposed 0; **Carried**

Motion 09-365

C. Ash / D. Kennedy

Resolved that the Town of Carbonear contract an independent firm to complete a Management Review for the Town of Carbonear.

Favour 7; Opposed 0; **Carried**

Councillor Goff asked how in depth this review would be. Town Administrator advised the consultant would complete a review of existing personnel and job descriptions and determine how the managerial positions can be best organized.

Councillor Goff asked when the budget would be ready for presentation.

Deputy Mayor Ash advised for the second meeting in January of 2010.

- b) Waste Management, Environment and Community Service
Councillor Mercer asked that Council review the minutes of the last meeting to familiarize yourselves with changes that we will have to incorporate and the changes that will be required with our next contract.
If in St. Johns, visit the new facility at Robin Hood Bay.
Ed suggest that Council visit the site. Agreed.
Director of Operations can make arrangements for Council to tour the facility.
- c) Public Works, Recreation and Special Events Committee
No motions recommended.
Director to use his discretion, policy will be reworded and bring back to Council in regards to the snow clearing of Cemetery Road.

7. Reports from Town Administrator and Department Heads

- a) Town Administrator
Town Administrator previously distributed her report to Council members, any questions can be addressed to her.
- b) Director of Operations and Public Works
Brian reviewed his report with Council.
Relocation of Water Line, Pondsides Road. Brian advised there are two valves that we can use, if it breaks it would not be an explosive break, the flow of water would be toward Pondsides Road and not toward the house.
Discussed. This is not an ideal time for valve installations, therefore this should be deferred until spring.

Motion 09-366

G. Butt / D. Kennedy

Resolved that the Town of Carbonear install an additional valve on the water line running through the private property on Pondsides Road, and that this work be completed in the spring of 2010 as recommended by the Director of Operations and Public Works.

Favour 7; Opposed 0; **Carried**

- c) Recreation Director
Rob reviewed his report with Council.
Councillor Goff suggested that the Town have the Town's carpenter cost the installation of ceilings within the change rooms.
Town Administrator inquired about the repairs to the washroom off the hallway.
Rob advised he has requested quotes to have this work completed, but has not been successful in obtaining the quotes to date.
Deputy Mayor Ash suggested that if we can not get quotes locally, then we should consider going outside the town for quotes to complete the work.
Council agreed.
Councillor Mercer noted that this washroom was closed since September, you would think that we should have been able to obtain a quote to repair that washroom by now. Rob advised that he only started in Mid November, but no quotes received to date.

8. Finance

a) Operating Invoices totaling \$62,230.51

Motion 09-367

C. Ash / B. Forward

Resolved that the Town of Carbonear approve for payment the list of operating invoices totaling \$62,230.51 as presented to Council.

Favour 7; Opposed 0; **Carried**

b) Capital Project Invoices

Street Upgrading & Paving (Gas Tax)

Pondside / Chapel Hill

Harris & Associates, Invoice 5140 \$ 18,015.14

Concord Paving, Claim #1 \$ 128,048.64

Concord Paving, Claim #2 \$ 14,227.63

Total **\$ 160,291.41**

Motion 09-368

C. Ash / G. Butt

Resolved that the Town of Carbonear approve for payment the list of capital invoices totaling \$160,291.41 as presented to Council.

Favour 7; Opposed 0; **Carried**

9. Regulations

None listed.

10. General Business

- ▶ Councillor Mercer asked for clarification on emergency services on Bunkers Hill., If an ambulance was called tonight, how would they get there. Discussed. They would go up over the hill if they can. Councillor Mercer suggested that we should contact the emergency personnel for ambulance service to provide them with an emergency contact number if they can not get up over the hill due to road conditions.
- ▶ Councillor Goff inquired about the property where there was a fire some time ago. Discussed. Demolition Orders to be issued this week.
- ▶ Deputy Mayor Ash made a point of clarification. Council did proceed with an appreciation luncheon for the staff last Friday afternoon. He noted that there seems to be an understanding with the employees that not all Council members supported the decision, or that there was a lot of arm twisting done to have the luncheon approved. Deputy Mayor Ash noted that initially it was clearly stated that our workers were most worthy of some token of appreciation, the only concern was the amount of spending for alcoholic beverages for this event, and the final motion was only objected to by him because there was no specific amount identified in regards to the amount being spent on alcoholic beverages. Mayor Slade advised that this certainly did not come from him, and he did not even attend, he agrees that the employees are very important to Council.

Deputy Mayor Ash advised that he passed along Council's thanks to the employees that afternoon. He noted that it was a very enjoyable afternoon, and it seemed to be well appreciated.
Councillor Mercer noted that we missed the Mayor's attendance at the function.
Mayor Slade noted that he could not attend due to personal reasons.

11. Notices of Motion
None filed.

12. Adjournment
Motion 09-369 **C. Ash / B. Forward**
Resolved to adjourn the meeting at 10:23 p.m. Next meeting scheduled for Monday, January 11, 2010 at 7:30pm.

Mayor Sam Slade

Cathy Somers, Town Clerk