

Town of Carbonear
Regular Council Meeting, January 11, 2010
Minutes of a regular meeting of the Council of the Town of Carbonear
held in Council Chambers, January 11, 2010 at 7:30pm

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

Members Absent: Councillor 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 7:30pm and welcomed those present and wished everyone a Happy New Year.
 2. Adoption of Minutes
 - a) December 21, 2009 Regular Meeting
Motion 10-001 **C. Ash / B. Forward**
Resolved that the minutes of the December 21, 2009 Regular meeting of council be adopted as presented.
Favour 6; Opposed 0; **Carried**
 3. Business Arising From Minutes
 4. Delegations
None present
 - 5.1 Correspondence, Permits & Development
Councillor Kennedy reviewed the recommendations of the Development, Cultural and Tourism Initiatives Committee on the following matters.
 - a) Permits Issued #4565 - #4567.
Motion 10-002 **D. Kennedy / E. Goff**
Resolved that the Town of Carbonear approve the list of permits # 4565 - # 4567 as presented to Council.
Favour 6; Opposed 0; **Carried**
 - b) Application to construct shed at 5 Masonic Avenue
Deferred for additional information.
 - c) Application to construct single dwelling home at 109-111 Valley Road

Referred to and reviewed by the Development, Cultural and Tourism Initiatives Committee.

Motion 10-003

D. Kennedy / B. Forward

Resolved that the Town of Carbonear approve a permit to construct a single dwelling home at 109-111 Valley Road as per the application submitted and subject to receipt of approval from Government Services for the septic system design for the lot and in accordance with the Carbonear Municipal Plan and Development Regulations.

Favour 6; Opposed 0; **Carried**

- d) Application to construct a storage garage at 4 Kelby's Corner

Referred to and reviewed by the Development, Cultural and Tourism Initiatives Committee.

Motion 10-004

D. Kennedy / G. Butt

Resolved that the Town of Carbonear approve a permit to construct a storage garage at 4 Kelby's Corner as per the application submitted and subject to receiving no objections to the discretionary use ad published on the application and in accordance with the Carbonear Municipal Plan and Development Regulations.

Favour 6; Opposed 0; **Carried**

- e) Application to complete exterior and interior renovations at 17 St. Clare Avenue

Referred to and reviewed by the Development, Cultural and Tourism Initiatives Committee.

Motion 10-005

D. Kennedy / E. Goff

Resolved that the Town of Carbonear approve a permit to complete exterior and interior renovations at 17 St. Clare Avenue as per the application submitted, subject to receipt of approval from Government Services on the application and in accordance with the Carbonear Municipal Plan and Development Regulations.

Favour 6; Opposed 0; **Carried**

- f) Application to open a home based business at 27 Blueberry Crescent for bookkeeping services.

Referred to and reviewed by the Development, Cultural and Tourism Initiatives Committee.

Motion 10-006

D. Kennedy / E. Goff

Resolved that the Town of Carbonear approve a permit to open a home based business at 27 Blueberry Crescent for the business of bookkeeping services in accordance with the Carbonear Municipal Plan and Development Regulations subject to the following conditions as noted in the application submitted:

- *No signage;*
- *Self-employment (one employee) only;*
- *One visitor or less each day.*

Favour 6; Opposed 0; **Carried**

- g) Application for Taxi Service business

Referred to and reviewed by the Development, Cultural and Tourism Initiatives Committee.

Motion 10-007

D. Kennedy / G. Butt

Resolved that the Town of Carbonear approve a permit for a taxi service business as per the application submitted and subject to receiving no objections

to the discretionary use ad on the application and in accordance with the Carbonear Municipal Plan and Development Regulations.

Favour 6; Opposed 0; **Carried**

- h) Application to operate a gift store and guest home at 27 Highroad South Referred to and reviewed by the Development, Cultural and Tourism Initiatives Committee.

Motion 10-008

D. Kennedy / B. Forward

Resolved that the Town of Carbonear approve a business permit for a gift store and guest home operation at 27 Highroad South as per the application submitted subject to receiving no objections to the discretionary use ad on the application and in accordance with the Carbonear Municipal Plan and Development Regulations.

Favour 6; Opposed 0; **Carried**

Councillor Kennedy also noted there was a Crown Land application referred to the Committee for review from the previous Council meeting. Committee reviewed that application as well.

Motion 10-009

D. Kennedy / B. Forward

Resolved that the Town of Carbonear grant Municipal approval to the Crown Land application submitted to acquire a right of way along the west boundary of #1 Bond Street.

Favour 6; Opposed 0; **Carried**

5.2 Correspondence, Requiring Council's decision.

- a) Municipal Assessment Agency Inc. Ballot for Avalon Regional Director, Original ballots resulted in a four way tie. Four remaining candidates are:
Paul Davis, Conception Bay South
Gerald Greenland, Town of Bay Roberts
Betty Moore, Town of Clarke's Beach
Deborah Quilty, Town of Paradise
Deadline for submission of ballots is 4:00pm January 29, 2010.
Letters received from all four candidates received and copied to Council for consideration.

Motion 10-010

C. Ash / G. Butt

Resolved that the Town of Carbonear support Gerald Greenland of the Town of Bay Roberts for the position of Avalon Regional Director for the Municipal Assessment Agency.

Favour 6; Opposed 0; **Carried**

5.3 Correspondence, Received and action taken

Council reviewed the following correspondence and action taken:

- a) Letter of inquiry for Proposal for Hillview Avenue Extension for Residential Home Development.
Referred to and reviewed by the Development, Cultural and Tourism Initiatives Committee.
- b) Letter of interest Re. Downtown Carbonear.
Referred to and reviewed by the Development, Cultural and Tourism Initiatives Committee.

- c) Lands Branch, Dept. of Environment & Conservation, Pricing on maps. Referred to and reviewed by the Development, Cultural and Tourism Initiatives Committee.
- d) Request for Signatures of Intent/Support to establish a garbage collection company serving residents and communities of Trinity - Conception Bay. Copied to Council. Referred to the Environment and Waste Management Committee.
- e) Department of Finance, Invitation for participation in the Pre-Budget Consultations, Session in Carbonear scheduled for Monday, Feb 8, 2010 at 10:00am -12:00pm at Fongs. Referred to the Finance, Administration and Human Resources Committee.
- f) Children's Wish Foundation, Letter of thanks. Placed on file.
- g) Eastern Health, Letter of Thanks and Certificate for the Town's help with respect to the H1N1 vaccination program. Placed on file.
- h) NL Public Health Laboratories, Test results for water samples taken Nov 25, 2009 at Macho Pizza and J. Bemister's and samples taken on Dec 1 and Dec 9, 2009 at Department of Justice and J. Bemister's. All results marked satisfactory. Placed on file.
- i) Department of Municipal Affairs, Letter regarding the recently signed amendment to the Gas Tax Agreement with the Federal Government securing gas tax funds for municipalities and Inuit Community Governments from 2010 to 2014. The four year allocation for Carbonear is \$813,559.48 and reminder of deadlines for continued compliance with your Local Government Gas Tax Funding Agreement. Copied to Council. Referred to the Finance, Administration and Human Resources Committee.
- j) Harris & Associates, Notification of tender opening on Chlorination System Upgrading and recommendation to award to Hann's Electric Ltd., H & B Construction in the amount of \$101,135. Motion previously obtained subject to receiving approval for additional funding. Placed on file.

6. Committee Reports

- a) Development, Cultural and Tourism Initiatives Committee. Recommendations presented earlier in the Correspondence, Permits & Development section of the meeting.
- b) Public Works, Recreation and Special Events Committee
Councillor Butt reviewed the recommendations of the Public Works, Recreation and Special Events Committee:
Motion 10-011 **G. Butt / E. Goff**
Resolved that the Town of Carbonear proceed to have repairs completed to the 2001 Chev Pick Up as required for an estimated cost ranging from \$1,800 to \$2,000.
Favour 6; Opposed 0; **Carried**

Councillor Butt advised there was another recommendation from the committee regarding the truck tendered for the Director of Operations, however additional information has been obtained since the meeting and the item is now included in the Director of Operations and Public Works report.
Mayor Slade thanked Councillor Butt for presenting the report.

Deputy Mayor Ash noted that since the meeting started, Mr. Winsor entered the Council meeting. Deputy Mayor Ash noted that at the last Council meeting, he suggested that Mr. Winsor should not be permitted back into the Council Chambers without an apology to Council and in particular to Councillor Mercer for his actions and the negative comments to Councillor Mercer in particular at the last meeting. Deputy Mayor Ash noted Mr. Winsor's behaviour at the last Council meeting was unacceptable, he was belligerent to Council and in particular to Councillor Mercer. Mayor Slade asked Council how they felt on the matter. Councillor Goff, Councillor Forward, Councillor Butt and Councillor Kennedy all agreed that an apology was required from Mr. Winsor in order to attend the Council meeting. Deputy Mayor Ash noted that Council welcomes Mr. Winsor and any other resident to address Council with their concerns, but it is important that the presentation be done in acceptable and appropriate manner.

Mayor Slade advised Mr. Winsor that if he would like to remain in the Council meeting, he would have to apologize to Council for his behaviour at the last Council meeting. Mr. Winsor apologized to Council, as the entire body, but he indicated that he would not apologize to Councillor Mercer.
Discussed.

Mayor Slade advised Mr. Winsor that he could remain at tonight's Council meeting, as Councillor Mercer was not in attendance. However, it is clearly understood that his attendance at future Council meetings is conditional upon receipt of an apology to Councillor Mercer for the negative comments made directly to her at the December 21, 2009 Council meeting.

7. Reports from Town Administrator and Department Heads

a) Town Administrator

Town Administrator reviewed her report with Council
Item 1a - Princess Sheila Seniors 50 Plus Club - Lease agreement.
Discussed.

Motion 10-012

C. Ash / E. Goff

Resolved that the Town of Carbonear authorize the Mayor or Deputy Mayor and the Town Administrator or Town Clerk to sign the Princess Sheila Seniors 50 Plus Club - Lease Agreement on behalf of Council.

Favour 6; Opposed 0; **Carried**

Item 1b

Motion 10-013

C. Ash / B. Forward

Resolved that the Town of Carbonear amend Motion 09-348 as follows:

Resolved that the Town of Carbonear issue the following orders:

Clean Up Order to the property owner of 37 Valley Road

Demolition Order to the property owner of 51B Valley Road

Demolition Order to the property owner of 11-13 Gould's Road

giving 30 days notice to comply with the order.

Favour 6; Opposed 0; **Carried**

Motion 10-014

G. Butt / D. Kennedy

Resolved that the Town of Carbonear issue an applicable order as recommended by the Town's legal counsel as per Council's authority and drafted by the Town's lawyer to the property owner of 180-182 Highroad South.

Favour 6; Opposed 0; **Carried**

Item 2d

Councillor Kennedy asked if the notice on the garbage schedule could include further details on the proposed changes to garbage collection.,
Town Administrator advised the notice is going out now with the 3 month schedule for Jan-March 2010. She will also elaborate further on the expected changes for 2010.

Item 2e

Discussed.

Mayor Slade noted that he feels there should be an emergency number published for the general public to contact in case of emergencies.

Deputy Mayor Ash noted that he inquired to the Town Administrator how a resident would contact council in case of an emergency for weather, flooding, water breaks, etc. An emergency requires an immediate response. We should try to come up with a system to provide an immediate response.

Would it be possible to have an emergency number and when a call is made, it would be forwarded to the person designated to take the emergency calls.

Councillor Goff and Mayor Slade both agreed that this would be possible.

Discussed.

Referred to the Finance and Administration and Human Resources Committee for consideration and recommendation.

- Resolution to apply to borrow the required funds for the Pike's Lane Project, 08053.

Motion 10-015

C. Ash / B. Forward

Resolved that the Town of Carbonear request an approval to borrow from the Department of Municipal Affairs to borrow the Town's share of funds required for Pike's Lane, Phase II, Project # 08053 from Scotiabank in the amount of \$174,483 (\$149,060 + \$25,423) at a rate of prime plus .75% to be amortized over a period of 10 years.

Favour 6; Opposed 0; **Carried**

b) Director of Operations and Public Works

Brian reviewed his report with Council.

Water and Sewer, Item 2

Councillor Goff asked if there is a boom in front of the screen. Brian advised there is no boom in place. He noted that it is designed that the screens be checked inside the screen house. We have two sets of screens. We have had problems before but not in the past two years.

Discussed. The screens are checked each week day, and this is very helpful.

Other Items - New truck

Brian advised that a 4 wheel drive would not be required for the Recreation Department truck.

Discussed.

Motion 10-016

G. Butt / B. Forward

Resolved that the Town of Carbonear re-tender for the supply of a new 2009 or 2010 model 4x4, extended cab truck, and tender for a new 2009 or 2010 two-wheel drive extended cab truck with specifications as determined and recommended by the Director of Operations and Public Works.

Favour 6; Opposed 0; **Carried**

Deputy Mayor Ash noted his concern that we tendered for the truck, and the successful bidder could not provide the truck by the specified delivery date.

Brian also expressed his frustration and disappointment with that matter as well.

Brian advised that at the time we only received two bids on the tender, now it appears we may receive four bids on the new tender, so the Town may now obtain a better price than that received with the first tender.

Other items-Pool Project

Brian advised there were six bids received on the pool tender.

The lowest bid was \$887,000 (HST included) which with engineering cost added would be approximately \$350,000-\$400,000 over the approved funds for the project.

Councillor Kennedy asked if it would be possible to break down the cost of the project and make changes to reduce the overall project cost.

Discussed. Brian advised that there were two major changes identified and required to be addressed since the original project estimate was provided. Brian to review further with the engineering firm to determine if it is possible to reduce the scope of the project to bring the total cost closer to the approved funding.

Town Administrator advised that if Council wants to proceed with the project a motion of Council is required to request the additional funds from the other government agencies. Council's contribution would be 20% of the total project, approximately an additional \$80,000.

Brian advised that if Council doesn't proceed with the project, the problem with the steel structure deterioration will only worsen. He also noted that with the completion of the project, there will be long-term energy savings for the operation of the facility.

Deputy Mayor Ash noted that this facility is very important to the town, and we do anticipate long-term energy savings after completion of the project, so he would support applying for the additional funds required to complete the project.

Motion 10-017

C. Ash / E. Goff

Resolved that the Town of Carbonear apply to the Department of Municipal Affairs for additional funding of approximately \$400,000 to proceed with the Swimming Pool Upgrade - HVAC System, Project #09242 as tendered and request approval to award the contract to the lowest bidder with a bid of \$887,000 Hst included.

Favour 6; Opposed 0; **Carried**

Councillor Goff noted that the slush builds up on the concrete barriers on the Gut Bridge. He asked that the crews try to keep the barriers clear of slush, so that

the signage is clearly visible.

Brian agreed and indicated he would have the crews complete the work as suggested.

c) Recreation Director

Rob reviewed his report with Council.

Item 1 - Facility Maintenance Outstanding

Discussed.

The funds for this project were available from the 2009 budget.

However, there was a delay in obtaining quotes from three contractors.

Specifications were prepared and provided to bidders, however the third bidder came in to view the scope of the work and was not given the written specifications, as Rob was not present at the time, and the Maintenance personnel at the pool reviewed the requirements with the contractor.

Council asked if this work could still be completed from the 2009 funds or if it would have to be included in the 2010 budget. Town Administrator to check with the Town's auditor to determine if it can still be completed using funds from the 2009 budget.

If awarded, it can be awarded subject to the specifications provided to the contractor.

Concern was noted with the delay in having this work completed, as the washroom in the main hallway has been shut down and out of order since September, 2009.

At this point in the meeting, Mr. Winsor stood and notified Council that he was leaving the meeting. He indicated to Council that nobody knows what they are doing here, and they're all a bunch of liars.

Town Administrator to investigate to determine if this work can be completed with the funds set aside from the 2009 budget.

Motion 10-018

C. Ash / E. Goff

Resolved that the Town of Carbonear award the project to complete renovations to the foyer washroom and back change rooms at the Carbonear Pool to Classic Carpentry at a cost of \$14,479.40 + HST, subject to confirmation with the Town's auditor, that this project can be completed from the 2009 funds allocated for the project.

Favour 6; Opposed 0; **Carried**

If the Town's auditor advises that the 2009 funds can not be used to complete this project, then the Finance, Administration and Human Resources Committee will review the 2010 budget to determine if the cost can be added to the 2010 Pool expenditures.

Councillor Goff asked Rob to ensure that if the fencing deficiencies are not completed by the end of this week, that a written copy of the deficiencies

identified be provided to the fencing contractor for immediate action.

8. Finance

a) Operating Invoices totaling \$28,672.92

Reviewed by Council.

Motion 10-019

C. Ash / B. Forward

Resolved that the Town of Carbonear approve for payment the list of operating expenditures totaling \$28,672.92 as listed to Council.

Favour 6; Opposed 0; **Carried**

b) Capital Project Invoices

Carbonear Pool Upgrade

Quadrattec, Invoice Number 24071 \$ 3,140.97

Motion 10-020

D. Kennedy / C. Ash

Resolved that the Town of Carbonear approve for payment Invoice #24071 in the amount of \$3,140.97 to Quadrattec Engineering.

Favour 6; Opposed 0; **Carried**

9. Regulations

None listed

10. General Business

▶ Building Maintenance at the Pool

Deputy Mayor Ash asked that this item be placed on the agenda, however he noted that it was covered in discussion during the Director of Recreation and Tourism's report to Council.

▶ Animal Control / Ongoing Concerns in London Road Area

Deputy Mayor Ash advised that he spoke with a resident who had concerns with a particular dog on London Road. He noted that he requested the person to submit a letter to Council in that regard. He suggested that maybe Council needs to update the Animal Control Regulations and become more stringent in this regard.

Mayor Slade advised that this individual took the dog owner to court and it is his understanding that the dog owner has been fined \$50.

Discussed.

Mayor Slade asked if we could change up the Enforcement Officer's shift so that he can do some patrols over the weekend to monitor the situation.

Town Administrator advised that she can have that taken care of.

Deputy Mayor Ash noted that he feels it is ridiculous that our residents have to live in fear of animals which are not being kept in a manner that does not abide by the Regulations.

Councillor Kennedy agreed, and indicated that people in the London Road area are very fearful of this particular dog.

The town fined those in question back in July, another incident happened in October. The RCMP has also been contacted on the matter.

Mayor Slade indicated that he thought there was a motion on file with Council that if a dog is aggressive that the dog would be put down and he asked the committee to check the regulations in this regard..

Finance, Administration and Human Resources Committee to review the Animal Control Regulations for recommended changes.

- ▶ Ongoing Delay with Delivery of New Pickup
Dealt with earlier in the meeting during the Director of Operations and Public Works report.
- ▶ Protocol / Procedure for Emergencies during Storms and Other Adverse Conditions
Dealt with earlier in the meeting.
- ▶ Deputy Mayor Ash advised that Council is still pursuing the matter of snow clearing the section of road between Bunker and English Hill. He noted that Council met with the MHA on the matter, and a further meeting has been scheduled for Wednesday afternoon with Department of Transportation officials and other government officials to further review the situation for a possible solution.

11. Notices of Motion
None filed.

12. Adjournment
Motion 10-021 **C. Ash / G. Butt**
Resolved to adjourn the meeting at 8:50 p.m. Next meeting scheduled for Monday, January 25, 2010 at 7:30pm.

Mayor Sam Slade

Cathy Somers, Town Clerk