

**Town of Carbonear
Regular Council Meeting, July 27th, 2009**

Minutes of a regular meeting of the Council of the Town of Carbonear
held in Council Chambers, July 27th, 2009 at 4:00pm

Members Present: Mayor Sam Slade
Deputy Mayor Edward Slade
Councillors Gladys Mercer
Jim Burden
Terry Emberley
John Comerford
Fred Earle

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

Members Absent: Town Administrator Cynthia Davis

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1. Calling of Meeting to Order
Mayor Slade called the meeting to order at 4:15pm and welcomed those present.

 2. Adoption of Minutes
 - a) June 23rd, 2009 Regular Meeting
Motion 09-207 **G. Mercer / T. Emberley**
Resolved that the minutes of the June 23rd, 2009 Regular meeting of council be adopted as presented.
Favour 7; Opposed 0; **Carried**
 - b) June 29th, 2009 Privileged Meeting
Motion 09-208 **G. Mercer / J. Comerford**
Resolved that the minutes of the June 29th, 2009 Privileged meeting of council be adopted as presented.
Favour 7; Opposed 0; **Carried**
 - c) July 9th, 2009 Privileged Meeting
Motion 09-209 **J. Comerford / E. Slade**
Resolved that the minutes of the July 9th, 2009 Privileged meeting of council be adopted as presented.
Favour 7; Opposed 0; **Carried** Comerford/Slade

3. Business Arising From Minutes

- Motions to be ratified from the June 29th Privileged Meeting
Mayor Slade asked that Motion SPE09-06-29-001 be ratified:

Motion 09-210 **G. Mercer / J. Comerford**

Resolved to issue the following orders:

2 Gladstone Road - Demolition Order

57 Gap Road - Clean Up Order

10 O'Driscoll's Lane - Demolition Order

25 London Road - Demolition and Clean Up Order

7 London Road - Demolition Order

9 Pond Side Road - Demolition Order

3 Beverly Road - Demolition and Clean Up Order

Favour 7; Opposed 0; **Carried**

Mayor Slade asked that Motion SPE09-06-29-002 be ratified:

Motion 09-211 **E. Slade / T. Emberley**

Resolved to approve the collective agreement as forwarded by the union with the changes as proposed by the Town Administrator which include reinstating the Lifeguard/Instructor classification and the changes to the sick leave clause.

Favour 7; Opposed 0; **Carried**

Mayor Slade asked that Motion SPE09-06-29-003 be ratified:

Motion 09-212 **F. Earle / G. Mercer**

Resolved to submit an application for funding to ACOA for a new HVAC System for the Carbonear Swimming Pool per the quotation on file.

Favour 7; Opposed 0; **Carried**

Mayor Slade asked that Motion SPE09-06-29-004 be ratified:

Motion 09-213 **E. Slade / G. Mercer**

Resolved to that the Town of Carbonear adopt the provincial traffic regulations/policies.

Favour 7; Opposed 0; **Carried**

Mayor Slade asked that Motion SPE09-06-29-005 be ratified:

Motion 09-214 **F. Earle / G. Mercer**

Resolved to that the Town of Carbonear release the permits to applicants for new dwellings proposed at the Southwell Place Area subdivision on Friday, July 3 and state in the permits that it is the responsibility of the permit holders to ensure the dwelling is constructed at the proper elevation to ensure connection to the sewer system.

Favour 7; Opposed 0; **Carried**

Mayor Slade asked that Motion SPE09-06-29-006 be ratified:

Motion 09-215 **E. Slade / J. Burden**

Resolved to that the Town of Carbonear purchase a compressor for the cost of \$2,018.18.

Favour 7; Opposed 0; **Carried**

- Motions to be ratified from the July 9th Privileged Meeting
 Mayor Slade asked that Motion SPE09-07-09-001 be ratified:
Motion 09-216 **E. Slade / J. Comerford**
Resolved to accept the funds approved for Street Upgrading Highroad South and Chapel Hill under the Canada/Newfoundland & Labrador Municipal Rural Infrastructure Funds;
And Be It Further Resolved to appoint Harris & Associates as consulting engineers for the project.
 Favour 7; Opposed 0; **Carried**
 Mayor Slade asked that Motion SPE09-07-09-002 be ratified:
Motion 09-217 **J. Comerford / E. Slade**
Resolved to accept Cupids 400 Funding for the Historic Walking Tours in the amount of \$4,500 under the conditions identified;
And Be It Further Resolved to authorize the Mayor and the Town Administrator to sign the agreement on behalf of the Town of Carbonear.
 Favour 7; Opposed 0; **Carried**
 Mayor Slade asked that Motion SPE09-07-09-003 be ratified:
Motion 09-218 **G. Mercer / E. Slade**
Resolved to accept Cupids 400 Funding for the Rorke Stores Project in the amount of \$18,500 under the conditions identified;
And Be It Further Resolved to authorize the Mayor and the Town Administrator to sign the agreement on behalf of the Town of Carbonear.
 Favour 7; Opposed 0; **Carried**
 Mayor Slade asked that Motion SPE09-07-09-004 be ratified:
Motion 09-219 **G. Mercer / T. Emberley**
Resolved to accept Cupids 400 Funding for the Rorke Stores Project in the amount of \$18,500 under the conditions identified;
And Be It Further Resolved to authorize the Mayor and the Town Administrator to sign the agreement on behalf of the Town of Carbonear.
 Favour 7; Opposed 0; **Carried**
 Mayor Slade asked that Motion SPE09-07-09-005 be ratified:
Motion 09-220 **G. Mercer / F. Earle**
Resolved to approve the purchase of a playground structure as recommended by the Director of Recreation and Tourism at a cost of \$11,675.
 Favour 7; Opposed 0; **Carried**
 Mayor Slade asked that Motion SPE09-07-09-006 be ratified:
Motion 09-221 **J. Comerford / T. Emberley**
Resolved to approve the purchase of a park bench at the cost of \$350 for the Water Street East Park;
And Be It Further Resolved to red stone to place in front of the park area.
 Favour 7; Opposed 0; **Carried**
 Mayor Slade asked that Motion SPE09-07-09-007 be ratified:

Motion 09-222

G. Mercer / E. Slade

Resolved to approve the purchase of additional plants for the north entrance sign and the Water Street East Park for a total of \$400;

And Be It Further Resolved to approve another 4 days @ \$150 per day for the horticultural consultant.

Favour 7; Opposed 0; **Carried**

Mayor Slade asked that Motion SPE09-07-09-008 be ratified:

Motion 09-223

J. Comerford / J. Burden

Resolved to select option 2, completion of a stand alone Integrated Sustainability Plan for the Town of Carbonear.

Favour 7; Opposed 0; **Carried**

Mayor Slade asked that Motion SPE09-07-09-009 be ratified:

Motion 09-224

F. Earle / J. Burden

Resolved to place calcium on the access to Land and Sea Welding in front of the Charwood Legion Manor.

Favour 7; Opposed 0; **Carried**

Mayor Slade asked that Motion SPE09-07-09-010 be ratified:

Motion 09-225

G. Mercer / F. Earle

Resolved to hire a contractor to paint the public library area, lobby and washrooms.

Favour 7; Opposed 0; **Carried**

Town Administrator to include Council offices and chambers in the contract as well.

4. Delegations

No delegations present to speak.

5.1 Correspondence, Permits & Development

a) List of Permits # 4395 - 4444

Deputy Mayor Slade and Councillors Mercer and Burden declared a conflict of interest on permits included in the list and left the chambers.

Motion 09-226

T. Emberley / F. Earle

Resolved that the Town of Carbonear approve the list of permits # 4395 - 4444.

Favour 4; Opposed 0; **Carried**

Councillors Mercer and Burden were called back into the meeting. .

5.2 Correspondence, Requiring Council's decision.

a) Harris & Associates, Water & Sewer Systems Upgrading, Pike's Lane - Phase II.

Notification of tendered pricing, and request to award tender.

Town will have to request additional funding as lowest tender is 12% over estimate.

Motion 09-227

F. Earle / T. Emberley

Resolved that the Town of Carbonear apply to the Department of Municipal Affairs for the additional funds required to complete Pike's Lane, Phase II, as per the tender received which is 12% above the engineer's original estimate for the project.

Favour 6; Opposed 0; **Carried**
Deputy Mayor Slade returned to the meeting.

5.3 Correspondence, Received and action taken

Council reviewed the following correspondence and action taken:

- a) NL Public Health Laboratory, Sanitary reports for water samples collected on July 7 & 15, 2009 at Dept. of Justice and 9 Bemister's. Reports marked satisfactory and placed on file.
- b) MNL, 2009 Annual Convention Registration Package.
Copied to Council. Registration completed for Mayor & two Councillors to attend.
Referred to the Works Committee.
- c) NRC-CNRC, Notification of one-day learning and networking opportunity presented by the National Research Council Canada to be held December 1, 2009 at the Delta Hotel in St. John's.
Copied to Brian for his consideration. REserarEnergy Efficiency in BU
- d) Simon Fraser University, Request for information regarding the historical gender analysis of sealing and animal rights activism at the Labrador front in the second half of the twentieth century.
Copied to the Town Administrator for review.
- e) MNL, Copy of 2009 Membership certificates, and brochures on the benefits of belonging to MNL and the many services and expertise it provides to its members.
Copied to Council. Placed on file.
- f) Learmonth, Dunne & Boulos,
Re. Notification of Quieting of Titles of property boundarying on Water Street.
To be forwarded to William Finn for review and consideration for the Town of Carbonear.
- g) CUPW.STTP, Re. Notification of Postal report says no to deregulation but threatens rural and small post offices and rural delivery - Federal government to decide what happens.
Copied to Council for their review and consideration.
- h) Canadian Fitness and Lifestyle Research Institute, Re. Request for completion of Physical Activity in Canadian Communities Survey.
Forwarded to the Direction of Recreation for completion.
- i) Planned Parenthood, Camp Fyrefly, Request for donation.
Referred to the Finance Committee.
- j) Department of Tourism, Culture and Recreation.
Notification of \$4,128 Community Recreation Development Grant for the Town of Carbonear.
Grant received and deposited.
- k) Service Canada, Re. Acknowledgement of receipt of the Town's request for

- l) funding under the Job Creation Partnership Program.
- l) Department of Municipal Affairs, Approval to Call Tenders for the Town of Carbonear Project No. 08083, Pike's Lane Water and Sewer Upgrading, Phase 2.
- m) Resident, Request for Road Improvements to Earls Heights.
Referred to the Works Committee.
- n) Harris & Associates, Copy of letter to Municipal Affairs for approval, plans, specifications and estimate for the Street Upgrading & Paving, Highroad South and Chapel Hill Projects.
Placed on file, awaiting approval from Municipal Affairs.
- o) Parkinson Society NL, Request to purchase tulips for their Hope in Bloom Campaign.

6. Committee Reports
None filed.

7. Reports from Town Administrator and Department Heads

a) Recreation Director

Rob reviewed his report with Council.

Mayor asked if students will be doing the work for the Crocker's Cove Beach look out. Rob confirmed that the students would be doing the work along with the Town's regular staff members. Mayor Slade requested that Rob ensure the patio stones are installed properly.

b) Director of Operations and Public Works

Brian reviewed his report with Council.

Report brief as he just returned from vacation.

Water ban will continue until significant increase in the water level.

Brian advised that the water level is lower than in past years, probably due to the dry month of June that we had this year.

Deputy Mayor Slade asked when the Gut Bridge project would start.

Mayor Slade advised that the engineers advised him that they were sending the design into Municipal Affairs for approval last Friday or today. Mayor Slade will check to determine if it has been submitted.

Brian advised that the Geo-technical study revealed that the abutments were fine, but that the east lane along the bridge was unsafe, so the east lane was closed and lights installed for public safety.

Councillor Mercer asked if Don Brennan is the Regional Director at Department of Transportation. Brian confirmed this was accurate. Councillor Mercer also confirmed with Brian that an email was received from the Dept. of Transportation advising the Town that the Department of Highways would require that the service road leading to Bunker Hill would have to be moved at least 2.3m to the south if the Town were going to apply to construct a road in this area.

Mayor Slade noted that if there was going to be any discussion on this matter, he

would have to declare a conflict of interest.

Councillor Mercer advised that no further discussion was necessary, she simply wanted to clarify the matter with the Director of Operations and Public Works.

Asphalt Plant in Trepassey, after that they will return to this area.

Mahaney's Lane sewer problem addressed.

The line was cleared, however if there is any further blockages it would have to be in the service line of the concerned resident.

Mayor Slade advised that he received a call last night from the concerned resident and the waste water is still not running away fast enough.

Brian advised the line was cleared just north of the tie in out to the main, so the problem would be in her service line before it is tied into the line.

The other resident will redirect his water and sewer service lines away from this line and continue the service lines to the main lines on Mahaney's Lane.

Mayor indicated that he has problems with private contractors going down on town lines. Brian confirmed that this is not the case in this situation and since he has been on staff that has not occurred.

Councillor Burden suggested that we should expose the line to our sewer main, and investigate to ensure that there is no blockage at the tie in to the sewer main on Mahaney's Road.

Mayor Slade inquired about the Street Upgrading, from Beach Road to O'Driscoll's Lane. Mayor Slade noted Mr. Sheppard is having problem with water run off from Highroad South to his property and asked Brian to investigate a solution to this problem. Brian advised he already discussed this matter with the engineers, and he will check on the matter again.

8. Finance

- a) List of Operating Invoices, totaling \$95,370.92

Motion 09-228

G. Mercer / E. Slade

Resolved that the Town of Carbonear approve for payment the list of invoices totaling \$95,370.92 as presented to Council.

Favour 7; Opposed 0; **Carried**

- b) Columbus Drive, Goff Avenue, Forest Road Intersection

Harris & Associates, Invoice 5039 Revised \$ 1,844.73

Motion 09-229

F. Earle / J. Burden

Resolved that the Town of Carbonear approve for payment Invoice 5039 Revised to Harris & Associates in the amount of \$1,844.73.

Favour 7; Opposed 0; **Carried**

Water & Sewer Systems Upgrading, Pike's Lane- Phase II

Harris & Associates, Invoice 5044 \$20,637.51

Deputy Mayor Slade declared a conflict and left the meeting.

Motion 09-230

F. Earle / T. Emberley

Resolved that the Town of Carbonear approve for payment Invoice 5044 to Harris & Associates in the amount of \$20,637.51.

Favour 6; Opposed 0; **Carried**
Deputy Mayor Slade was called back into the meeting.

9. Regulations
None listed

10. General Business

- Revised Motion required for Gas Tax
Town Clerk advised that the Gas Tax Secretariat is requesting a revised motion for the Gas Tax Projects identifying the specific projects and totals for the projects to be included in the motion.

Motion 09-231

F. Earle / J. Comerford

Resolved that the Town of Carbonear revise the original Capital Investment Plan to now include Bridge Upgrading at an approximate cost of \$391,000 to replace the Southside Lower Road Bridge and the Highroad South Bridge and Street Upgrading and Paving at an approximate cost of \$200,000 for Pondsideroad.

Favour 7; Opposed 0; **Carried**

11. Notices of Motion

12. Adjournment

Motion 09-232 to adjourn at 5:06pm

E. Slade / T. Emberley

Mayor Sam Slade

Cathy Somers, Town Clerk