

Town of Carbonear
Regular Council Meeting, March 3, 2009

Minutes of a regular meeting of the Council of the Town of Carbonear
held in Council Chambers, March 3, 2009 at 7:30pm

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

Members Absent: Councillor John Comerford

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

Also Absent: Director of Recreation & Tourism Rob Button

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1. Calling of Meeting to Order
Mayor called the meeting to order at 7:30pm and welcomed everyone present at the meeting.

 2. Adoption of Minutes
 - a) February 16, 2009 Regular Meeting
Motion 09-044 **F. Earle / E. Slade**
Resolved that the minutes of the February 16, 2009 Regular meeting of council be adopted as presented.
Favour 6; Opposed 0; **Carried**
 - b) February 16, 2009 Privileged Meeting
Motion 09-045 **E. Slade / J. Burden**
Resolved that the minutes of the February 16, 2009 Regular meeting of council be adopted as presented.
Favour 6; Opposed 0; **Carried**

 3. Business Arising From Minutes
 - ▶ Councillor Earle noted that the new dump truck has arrived. Councillor Emberley asked the cost on the truck. Director of Operations and Public Works advised the cost was \$133,000.
 - ▶ Deputy Mayor Slade asked for an update on the Willoughby Extension plans. Town Administrator advised that the land cost to date has been sent to the lawyer, and this amount will be incorporated into the agreement. Deputy Mayor Slade asked when the agreement would be ready so that we could proceed to tender the

development.

Town Administrator to check with the lawyer to see if the agreement has been completed.

- ▶ Motions to be ratified from the February 16, 2009 Privileged Meeting of Council. Mayor Slade asked that Motion SPE 2009-02-16-001 be ratified.

Motion 09-046

G. Mercer / J. Burden

Resolved that the Town of Carbonear approve a permit to remove a tree as per the application received subject to the applicant providing a new 6' maple tree to be planted by the Town to replace the tree that is being removed.

Favour 5; Opposed 1; **Carried**

Deputy Mayor Slade opposed the motion as he would like to see the Tree Policy adopted before any permit is issued to allow the removal of any trees in the street reservation.

Mayor Slade asked that Motion SPE 2009-02-16-002 be ratified.

- ▶ **Motion 09-047**

G. Mercer / E. Slade

Resolved that the Town of Carbonear approve the list of donations for 2009 as recommended by the Finance Committee to be paid upon receipt of written request for each donation.

Favour 6; Opposed 0; **Carried**

Mayor Slade asked that Motion SPE 2009-02-16-003 be ratified.

- ▶ **Motion 09-048**

E. Slade / G. Mercer

Resolved that the Town of Carbonear apply the 2009 assessed value on the property of Account #10867 retroactively to 2008, as the request to review the assessed value of this property was submitted in 2008, and to process the corresponding reduction to the 2008 property tax and applicable interest on this account.

Favour 6; Opposed 0; **Carried**

Mayor Slade asked that Motion SPE 2009-02-16-004 be ratified.

- ▶ **Motion 09-049**

E. Slade / G. Mercer

Resolved that the Town of Carbonear issue an adjustment to the interest on Account 11858 in the amount of \$2,000 upon receiving payment in full for the balance on this account.

Favour 6; Opposed 0; **Carried**

Mayor Slade asked that Motion SPE 2009-02-16-005 be ratified.

- ▶ **Motion 09-050**

T. Emberley / G. Mercer

Resolved that the Town of Carbonear approve a sponsorship advertisement in the amount of \$100 as a "Friend of the Knights of Columbus" category for their One Hundredth Anniversary celebrations in Newfoundland and Labrador.

Favour 6; Opposed 0; **Carried**

Mayor Slade asked that Motion SPE 2009-02-16-006 be ratified.

- ▶ **Motion 09-051**

T. Emberley / E. Slade

Resolved that the Town of Carbonear approve an advertisement in the amount of \$50 as a Page Sponsor in the Program Booklet for the Masonic Lodge Carbonear 1043 100th Anniversary Celebrations.

Favour 6; Opposed 0; **Carried**

Mayor Slade asked that Motion SPE 2009-02-16-007 be ratified.

- ▶ **Motion 09-052** **G. Mercer / E. Slade**

Resolved that the Town of Carbonear adjust the interest on Account #11568 subject to receiving payment in full for the tax balance on the account.

Favour 6; Opposed 0; **Carried**

Mayor Slade asked that Motion SPE 2009-02-16-008 be ratified.

- ▶ **Motion 09-053** **E. Slade / G. Mercer**

Resolved that the Town of Carbonear advise the account holder of Accounts 10781 and 10782 of two options to settle these accounts:

◆ *Town of Carbonear will adjust the interest on Accounts #10781 and 10782, subject to receiving payment in full for the tax balance on the accounts or*

◆ *Town of Carbonear will suspend the interest on Accounts #10781 and 10782 for the 2009 calendar year, subject to receiving 12 equal PAP to cover the remaining tax balance on these two accounts.*

Favour 6; Opposed 0; **Carried**

Mayor Slade asked that Motion SPE 2009-02-16-009 be ratified.

- ▶ **Motion 09-054** **E. Slade / G. Mercer**

Resolved that the Town of Carbonear provide an adjustment of \$190 to Home Based Hair Salons who provide a Statement of Gross Revenue indicating that the gross revenue of their company or business for the preceding was less than \$10,000.

Favour 6; Opposed 0; **Carried**

Mayor Slade asked that Motion SPE 2009-02-16-010 be ratified.

- Motion 09-055** **F. Earle / G. Mercer**

Resolved that the Town of Carbonear adopt the proposed Entertainment and Hospitality Policy as prepared by the Town Administrator.

Favour 6; Opposed 0; **Carried**

Mayor Slade asked that Motion SPE 2009-02-16-011 be ratified.

- Motion 09-056** **F. Earle / G. Mercer**

Resolved that the Town of Carbonear advise Princess Sheila Seniors, Carbonear Island Seniors and the Womens Institute that the Town will provide the East side of the building and use of the kitchen and bathrooms to Princess Sheila Seniors and will allow access to the west side and the use of the kitchen and the bathrooms to the Carbonear Island Seniors and the Womens Institute at a rental fee to be negotiated with each group.

Favour 6; Opposed 0; **Carried**

4. Delegations

No delegations were present to speak at the meeting.

5.1 Correspondence, Permits & Development

- a) Application to construct an accessory building at 118 Forest Road.

Reviewed by the Development Committee.

- Motion 09-057** **F. Earle / T. Emberley**

Resolved that the Town of Carbonear approve a permit to construct an accessory

building at 118 Forest Road, subject to receiving no objections from the variance published on the application.

Favour 6; Opposed 0; **Carried**

- b) Harris & Associates, Engineering drawings for New Subdivision for Southwell Drive - Blueberry Crescent.

Reviewed by the Development Committee.

Motion 09-058 **F. Earle / E. Slade**

Resolved that the Town of Carbonear grant approval of the subdivision proposal for the new subdivision for Southwell Drive - Blueberry Crescent subject to the design meeting the subdivision development regulations of the Carbonear Municipal Plan and subject to receipt of approvals of other applicable government departments and agencies.

Favour 6; Opposed 0; **Carried**

- c) Application New Dwelling, Southwell Place

Reviewed by the Development Committee.

Motion 09-059 **F. Earle / G. Mercer**

Resolved that the Town of Carbonear issue a permit to construct a single dwelling home at Southwell Place as per the application submitted and subject to receipt of GSC Approval for a septic system and subject to the Carbonear Municipal Plan; and Be It Further Resolved that the Town or Carbonear include the notation by the Town's Lawyer on Development Permits from this point forward.

Favour 6; Opposed 0; **Carried**

- d) Application New Dwelling, Southside Lower Road

Reviewed by the Development Committee.

Motion 09-060 **F. Earle / E. Slade**

Resolved that the Town of Carbonear approve a permit for a new dwelling at Southside Lower Road subject to the Carbonear Municipal Plan and the applicant extending the water and sewer main to the property.

Favour 6; Opposed 0; **Carried**

- e) Application to Subdivide, 48 Water Street

Reviewed by the Development Committee.

The property could not be subdivided in accordance with the Town of Carbonear Development Regulations. The Development Committee did not recommend approval of the application.

- f) Application New Dwelling, 13 Earle's Lane

Reviewed by the Development Committee.

Motion 09-061 **F. Earle / E. Slade**

Resolved that the Town of Carbonear approve a permit to construct a new dwelling at 13 Earles Lane as per the application submitted and subject to the application meeting the requirements of the Carbonear Municipal Plan.

Favour 6; Opposed 0; **Carried**

- g) Application New Garage, 10 Southside Lower Road

Reviewed by the Development Committee.

Motion 09-062 **F. Earle / T. Emberley**

Resolved that the Town of Carbonear approve a permit to construct a new garage at 10 Southside Lower Road as per the application submitted and in accordance with the Carbonear Municipal Plan.

Favour 6; Opposed 0; **Carried**

- h) Application for construction of ramp to front door, 24 O'Driscoll's Lane
Reviewed by the Development Committee. Deferred for further investigation.

5.2 Correspondence, Requiring Council's decision.

- a) Government of NL, Department of Municipal Affairs, Office of the Minister,
Re. Engineering Design Initiative, Gut Bridge Upgrading, Project No. 09023.
Requires Council's intention to proceed with engineering design, including
acceptance of the 80/20 cost sharing ratio and the total proposed municipal share (less
GST rebate) of \$116,740 based on the current cost estimate. Deadline for acceptance
is February 24, 2009.

Motion of Council is required.

Motion 09-063

G. Mercer / E. Slade

*Resolved that the Town of Carbonear proceed with Engineering Design Initiative,
Gut Bridge Upgrading, Project No. 09023, engineering design, including acceptance
of the 80/20 cost sharing ratio and the total proposed municipal share (less GST
rebate) of \$116,740 based on the current cost estimate.*

Favour 6; Opposed 0; **Carried**

Mayor Slade asked that something be done to eliminate the pooling of water on Beach
Road in the short term before this project is completed. Brian to investigate a short
term solution for this problem.

5.3 Correspondence, Received and action taken

Council reviewed the following correspondence and action taken:

- a) Deborah Quilty, Avalon and Urban Director, Municipal Assessment Agency
Notification of the next Avalon Region meeting on December 4, 2009, and offer
to meet with Council while in the area
Copied to Council for their consideration.
- b) Destination St. John's, Re. Notification of the launch of the members section of
the Destination St. John's website - www.destinationstjohns.com/members
Placed on file.
- c) NL Public Health Laboratory, Results of water samples taken on Feb 4, 2009 at
Town of Carbonear Office and J. Bemister's and water samples taken on Jan 28,
2009 at Department of Justice, 9 Bemister's Hill and Town of Carbonear Office
All test results satisfactory, placed on file.
- d) Department of Municipal Affairs, Notification of Gas Tax Grant First Installment
Year 3 Allocation.
Placed on file.
- e) Environment Canada, Request for completion of survey on Outdoor Wood
Boilers.
Town Administrator to complete survey.
Discussed. Town Administrator asked if Council is aware of any in operation
within the Town. None identified within the Town.
Town Administrator to complete survey.
- f) Natural Resources Canada, Office of Energy Efficiency - Invitation to attend a
Dollars to Sense Energy Management Workshop.

- g) Copied to the Director of Operations and Public Works for consideration.
Department of Tourism, Culture and Recreation
Application for CEDP Operational and Project Support for Heritage Organizations.
Copied to Rob Button to investigate with Marilyn Gear.
- h) Carbonear Memorial Public Library, Request for donation.
Referred to the Finance Committee for consideration.
- i) Department of Health & Community Services, Aging & Seniors Division,
Information on the launch of the “Ageless Campaign” to promote positive images of aging and the Seniors of Distinction Awards program.
Copied to Rob Button for consideration.
- j) CBN Minor Soccer England Division, Request for donation.
Copied to the Carbonear Recreation Commission for consideration.
- k) 3rd Atlantic Conference on Disaster Management, Invitation to attend the Disaster Management Conference.
Town Administrator to review and determine if members of the Emergency Planning Committee should attend.
- l) Recreation NL, Notice of 38th Annual General Meeting & Conference, May 21-23, 2009 in Corner Brook, NL.
Copied to Rob Button for his consideration.
- m) Northern Avalon Tourism Association, Offer for advertising space in the 2009 Northern Avalon Visitors Guide and Map.
Copied to Rob Button for review and recommendation to Council.
- n) Department of Human Resources, Labour and Employment, Office of the Minister. Additional information on the Provincial Government’s Immigration Portal project.
Town Administrator to contact the project manager to determine any funding available for the development of the municipal site and set up a meeting to explore the next steps of this project.
- o) Commodity Tax Consultants Inc., Offer of service for tax recovery purposes.
Referred to the Finance Committee for consideration.

6. Committee Reports

a) Development Committee

Councillor Earle noted that the Development Committee recommends that the information on Residential Development be made available for distribution to prospective applicants.

Council agreed.

b) Works Committee

Motion 09-064

J. Burden / E. Slade

Resolved that the Town of Carbonear purchase the 2007 new dump truck and plow from Western Star as per the tendered price received of \$121,900 subject to receiving approval to borrow from Municipal Affairs.

Favour 6; Opposed 0; **Carried**

Motion 09-065

J. Burden / E. Slade

Resolved that the Town of Carbonear apply for an approval to borrow from the

chartered bank providing the lowest interest rate over a term of 10 years to finance the purchase of a new 2007 dump truck and plow from Western Star as per the tendered price received of \$121,900.

Favour 6; Opposed 0; **Carried**

Councillor Burden advised of a serious problem with the retaining wall holding up the road on Burkes Lane off Water Street.

Brian to investigate.

Councillor Burden noted that the new gabion system in Irishtown is working well, but there is a lot of debris collected on the gabions and he asked that this debris be cleaned up.

Brian to investigate and have the debris removed.

Councillor Burden asked if there was any further action on the garbage complaint on the Southside. Brian advised that he is monitoring these complaints, and Ron is contacting the home owner on the complaints as well. Action is being taken where necessary.

Councillor Earle asked about the review for energy efficiency at the Pool.

Brian advised that he has done some investigation and suggested some immediate changes with programmable thermostats to improve energy efficiency. Council approved these changes to be made.

7. Reports from Town Administrator and Department Heads

a) Town Administrator

Previously copied to Council. Any questions could be directed to the Town Administrator.

b) Director of Operations and Public Works

Brian reviewed his report with Council.

Deputy Mayor Slade suggested that we could call in an asphalt crew on the recycler if there is a mild day on the weekend.

Brian to keep that in mind when weather permits.

Councillor Earle requested that crews put signs out, for potholes identified while waiting to have them patched.

Councillor Earle suggested that residents call in any potholes they identify.

Councillor Emberley asked about the changes proposed for curb by Bob Antles house on Across the Doors. Brian advised the lowback curb is recommended to be increased in height. These changes will be completed in the spring.

8. Finance

a) List of Operating Invoices, totaling \$2,541.72

Motion 09-066

G. Mercer / E. Slade

Resolved that the Town of Carbonear approve for payment the list of operating expenses as listed totaling \$2,541.72.

Favour 6; Opposed 0; **Carried**

b) Capital Expenditures Invoices

Rorke Stores Timber Decking.

H & B Construction, Claim #2	\$ 1,474.65
H & B Construction, Claim #3	\$13,229.25
<i>Tropical Storm Chantal Damage Repairs</i>	
Harris & Associates, Invoice 5009	\$ 3,015.09
Total Capital Expenditures	<u>\$17,718.99</u>

Motion 09-066

E. Slade / J. Burden

Resolved that the Town of Carbonear approve for payment the list of capital expenditures as listed totaling \$17,718.99.

Favour 6; Opposed 0; **Carried**

Councillor Earle asked if H&B Claim #3 has been approved by our engineers. Town Administrator advised that it was and that Claim 3 represents the final release of holdback to H & B Construction on the Rorke Stores Timber Decking Project.

9. Regulations
None listed.

10. General Business

a) UMC

Councillor Mercer noted that she attended the recent UMC meeting on behalf of Council.

She indicated that she would put some information on the matters discussed at the meeting in Councillors trays for them to review.

She noted a few items to Council:

- ▶ 11.6 million for the province being filtered through ACOA
- ▶ 13 million still available in MRIF.
- ▶ In NL, there are 1.6 million tires in storage. NS has a tire derivative process. It would take 8-10 weeks to take down the tires to a usable condition in this system.

Mayor Slade left the chair,
Deputy Mayor Slade assumed the chair.

- b) Councillor Earle suggested that we write a letter to Minister Kennedy and Mr. Milton Peach for the recent good news on replacement school for Davis Elementary. Councillor Earle also suggested that we request the latest status of the Long Term Care facility for Carbonear. Councillor Earle noted the importance of the hospital and dialysis unit to our residents, along with the state of the art operating centre, with invaluable surgeons. Councillor Earle suggested that Council be pro active in supporting our health care facility. Council agreed. Town Administrator to write letters as suggested.

Mayor Slade returned to the meeting and assumed the chair.

Councillor Earle asked if the letter was written to Eastern Health. Town Administrator advised this letter has been sent.

- c) Councillor Emberley indicated that when it comes to Development, we are asking our residents to foot the bill for all development extensions. He asked that this matter be reviewed by the Development Committee for consideration of changes to our policy on extension of services for proposed developments in un-serviced areas.

Town Administrator noted that one issued raised by the Development Committee is that people are buying land that is serviced, they are purchasing them at a supreme cost, however un-serviced land would sell at a much lower cost, given the fact that funds would be needed to provide services to that land.

If Council agreed to assume the cost of extending services to un-serviced properties, then they would be using tax payers money to service these properties.

Mayor indicated that he understood we were considering Local improvement fees, for any work that Council may provide to improve services to un-serviced properties.

Councillor Emberley asked if Council could do something new to help offset the development cost for potential developers. He asked that the Development Committee consider his request and bring a recommendation back to Council on the matter. He indicated that other towns are cost sharing these development cost with developers. Councillor Emberley suggests that the Town of Carbonear should be sharing these cost as well.

Councillor Earle noted that we pass a budget based on our current policies, we would have to put aside the budget for this purpose, and that is not something he would consider, there is no blank cheque out there to provide for development subsidies.

Mayor Slade noted that he feels this is something that has to be debated.

Discuss further in privilege.

Councillor Emberley noted that there is a property owner whose property is 600 ft away from the water main and he wants to construct a home on his property. With our current policy, the property owner would have to pay the cost to extend the water line to his property. Councillor Emberley noted that in cases like this, he feels that Council should contribute to this cost.

Councillor Mercer noted that we have developers who are currently spending money to put this infrastructure in place, why would we consider something different for other developers.

Town Administrator noted that she is not aware of any such development application being submitted to Council.

Councillor Emberley noted that there is no Economic Development officer in this town which also causes a problem.

Mayor Slade ended the debate on the matter and directed it to be addressed in privilege with Council.

Deputy Mayor Slade noted that he is only asking that the Development Committee to consider an alternative.

Town Administrator to check with Town of Bay Roberts and other towns to see what their policy is on this matter.

11. Notices of Motion
None filed.

12. Adjournment
Motion 09-067 to adjourn at 8:37pm.
Favour 6; Opposed 0; **Carried**

F. Earle / G. Mercer

Mayor Sam Slade

Cathy Somers, Town Clerk