

**Town of Carbonear
Regular Council Meeting, March 4, 2008**

Minutes of a regular meeting of the Council of the Town of Carbonear
held in Council Chambers, March 4, 2008 at 7:30pm

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

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

1. Calling of Meeting to Order
Mayor called the meeting to order at 7:35pm and welcomed everyone present at the meeting.

2. Adoption of Minutes
 - a) February 18th, 2008 Regular Meeting
Motion 08-055 **J. Comerford / E. Slade**
Resolved that the minutes of the February 18th, 2008 regular meeting of council be adopted as presented.
Favour 7; Opposed 0; **Carried** Comerford Slade
 - b) February 18th, 2008 Privileged Meeting
Motion 08-056 **G. Mercer / T. Emberley**
Resolved that the minutes of the February 18th, 2008 privileged meeting of council be adopted as presented.
Favour 7; Opposed 0; **Carried**
 - c) February 25th, 2008 Privileged Meeting
Motion 08-057 **F. Earle / E. Slade**
Resolved that the minutes of the February 25th, 2008 privileged meeting of council be adopted as presented.
Favour 7; Opposed 0; **Carried**

3. Business Arising From Minutes
 - ▶ Mayor Slade asked what the tentative start date is for the bridge work to be completed this year. Town Administrator advised that the start date is scheduled for June 15, 2008 and the project should take approximately six weeks to

complete.

- ▶ Motions to be ratified from the February 18th Privileged Meeting of Council Mayor Slade asked that Motion SPE 2008-02-18-001 be ratified.

Motion 08-058

G. Mercer / T. Emberley

Resolved that the Town of Carbonear sell a strip of land at the south side of Lot #26 to the owner of Lot #25 for the sum of \$1.00 so that the development located on Lot #25 meets the requirements of the Municipal Plan and Development Regulations, subject to the purchaser assuming all legal and survey costs.

Favour 7; Opposed 0; **Carried**

Councillor Emberley asked if the sale of this property would interfere with the driving surface of the road.

Town Administrator advised that it would not change any part of the road surface, as it is a narrow piece of property between the two lots.

Mayor Slade asked that Motion SPE 2008-02-18-002 be ratified.

Motion 08-059

G. Mercer/ J. Comerford

Resolved that the Town of Carbonear send letters requesting information on the intent for the property be sent to the property owners, # 1 - 23, excluding # 12, 13 and 16 as identified in the Beautification Committee Meeting of February 8, 2008.

Favour 7; Opposed 0; **Carried**

Councillor Earle declared a conflict of interest on the next motion to be ratified and left the Council Chambers.

Mayor Slade asked that Motion SPE 2008-02-18-003 be ratified.

Motion 08-060

G. Mercer/ J. Comerford

Resolved that the Town of Carbonear send letters requesting information on the intent for the property be sent to the property owners of # 12, 13 and 16 as identified in the Beautification Committee Meeting of February 8, 2008.

Favour 6; Opposed 0; **Carried**

Councillor Earle was called back into the meeting.

Mayor Slade asked that Motion SPE 2008-02-18-004 be ratified.

Motion 08-061

G. Mercer/ J. Comerford

Resolved that the Town of Carbonear send demolition orders to the property owners of # 24, 25, and 26 as identified in the Beautification Committee Meeting of February 8, 2008.

Property owners to be given a deadline of May 31, 2008 to have the demolition complete.

Favour 7; Opposed 0; **Carried**

Mayor Slade asked that Motion SPE 2008-02-18-005 be ratified.

Motion 08-062 **G. Mercer / T. Emberley**

Resolved that the Town of Carbonear send clean up order to remove car wrecks on the Murphy property located off London Road.

Favour 7; Opposed 0; **Carried**

Mayor Slade asked that Motion SPE 2008-02-18-006 be ratified.

Motion 08-063 **F. Earle / E. Slade**

Resolved that the Town of Carbonear contract Harris & Associates to complete the required drawings and design for the Rorke Store Cribbing up to a maximum of \$3,500 + HST.

Favour 7; Opposed 0; **Carried**

Mayor Slade asked that Motion SPE 2008-02-18-007 be ratified.

Motion 08-064 **T. Emberley / E. Slade**

Resolved that the Town of Carbonear offer Brent Sweeney \$2.00 per hour over the rate of pay for his classification of Heavy Equipment Operator for compensation for performing a supervisory role in Transportation Services.

Favour 7; Opposed 0; **Carried**

- ▶ Motions to be ratified from the February 25th Privileged Meeting of Council

Mayor Slade asked that Motion SPE 2008-02-25-001 be ratified.

Motion 08-065 **E. Slade / J. Burden**

Resolved that the Town of Carbonear proceed with the enhancements for Liberton's Hill as recommended by Harris & Associates as a result of damages incurred during Tropical Storm Chantel, with a total estimate of \$130,179 including enhancements, with Council's share being \$43,400.

Favour 7; Opposed 0; **Carried**

Mayor Slade asked that Motion SPE 2008-02-25-002 be ratified.

Motion 08-066 **G. Mercer / E. Slade**

Resolved that the Town of Carbonear amend Motion 08-043 to read: "Resolved that the Town of Carbonear issue a letter requesting the property owner's intentions for the property located at 234 Water Street.

Favour 7; Opposed 0; **Carried**

4. Delegations

Mayor asked Mrs. Lila Janes to make her presentation to Council.

Mrs. Janes indicated that she wrote a letter to Council requesting improvements to eliminate or reduce excessive water drainage onto her property on Southside Lower Road.

She is also circulating a petition in the area amongst other residents, regarding the excessive amount of water/ice build up on Lower Southside Road from this water running over the road after it leaves her property.

Mrs. Janes indicated that there is water off the track going onto Davidge's property and then on to her property, and then running over the road on Lower Southside Road

Mrs. Janes advised that she has been digging out the ditch herself and been piling rock and sand up so that the water will not flow onto the Davidge's property and then onto her property. She advised that there was a culvert installed by Council crews last year but the water is not running through the culvert because the ditch and culvert are not positioned properly to collect the water flow. She suggested that a ditch be dug on the other side of the railway bed deep enough to carry the water into the ditch along the roadway.

Jim advised that there was an open ditch on Lower Southside Road in front of this house at one point, but he is unsure if that ditch is still open or if it has been filled in.

Town Clerk advised that Mrs. Janes' letter was tabled at the Works Committee Meeting on Feb 27, and it was noted that this was only identified as a problem since a new driveway was constructed off Southside Lower Road. The Works Committee requested the Director of Operations and Public Works to investigate the matter and recommend possible solutions.

Mrs. Janes indicated that she is tired of dealing with this matter, and wants something done about the issue. Several people in the area have fallen on the ice that accumulates on the road near their property.

Mrs. Janes also noted that when Council fixed the road a couple of years ago, she could see that there was a collapsed pipe in the hole, which is probably still blocked and possibly preventing proper drainage.

Brian will investigate and bring back recommendation to the Works Committee and then to Council.

Mayor Slade thanked Mrs. Janes for her presentation to Council.

5.1 Correspondence, Permits & Development

- a) Crown Land Application to obtain Crown Land at 141-143 Valley Road as an extension to an existing lot.

Referred to the Development Committee for consideration.

Town Clerk advised that this application is still under review by the Development Committee.

5.2 Correspondence, Requiring Council's decision

None listed.

5.3 Correspondence, Received and action taken

Council reviewed the following correspondence and action taken:

- a) Resident, Complaint regarding water quality, and request for flushing of line on a bi-weekly basis.

Referred to the Works Committee for consideration.

- b) NL Public Health Laboratory, Sanitary Reports for water samples taken on Feb 12, 2008 at Town Office, Western Petroleum, and Red Circle.

All results marked satisfactory and placed on file.

- c) Resident, Information regarding Chemical Uses on Peat For Carrot Production
Referred to the Development Committee for consideration.
- d) Resident, Plot plan of property for consideration of shed construction
Referred to the Development Committee for consideration.
- e) Resident, Request for improvements to ditching and piping to protect his property
from water damage.
Referred to the Works Committee for consideration.
- f) Resident, Request for repairs to property and improvements to eliminate water run off
from Irishtown Road entering their property.
Referred to the Works Committee for consideration.
- g) Resident, Request for improvements to eliminate or reduce excessive water drainage
onto their property on Southside Lower Road.
Referred to the Works Committee for consideration.
- h) Residents of Hamilton's Lane, Request for resurfacing of Hamilton's Lane.
Referred to the Works Committee for consideration.
- i) Charwood Legion Manors Inc., Thank-you letter for contribution to Annual Christmas
Party.
Placed on file.
- j) Carbonear Volunteer Fire Department, Request for 50/50 funding for new equipment
purchases.
Referred to the Finance Committee for consideration.
- k) Destination St. John's, Invitation to attend the 5th Annual Silver Puffin Awards
presentation at a luncheon at the Fairmont Newfoundland Hotel on Friday, March 28,
2008. Tickets \$30 each or \$220 for a table of 8.
Copied to Council. Advise Karen if you wish to attend.
- l) Department of Municipal Affairs, Approval and release of \$49,302.80 as part of the
Federal Gas Tax Program, representing the second half of the Year 2 allocation of
\$98,605.59. Funds received.
Correspondence placed on file.
- m) Canada/Newfoundland MRIF, Notification of approval of additional funding in the
amount of \$70,705 in order to supplement the existing funding of \$501,500 for water
and sewer upgrade - Pike's Lane.
Placed on file.
- n) Tourism, Culture and Recreation, Application for CEDP Operational and Project
Support for Heritage Organizations.
Copied to Rob Button and Bert Parsons for consideration.
- o) Letter of complaint regarding road conditions on Powell Drive on February 14th,
2008.
Referred to the Works Committee for consideration.
- p) Janeway Children's Hospital Foundation, Notification of this year's Telethon, May 31
to June 1 and request for community support.
Placed on file.
- q) Children's Wish Foundation, Thank-you for contribution.
Placed on file.
- r) The Compass, request for sponsorship in the 2008 Business Forecast
Referred to the Finance Committee for consideration.
- s) Miss Central Avalon Achievement, Request for financial support.
Referred to the Finance Committee for consideration.
- t) Resident, request for tax and interest adjustment.

- Referred to the Finance Committee for consideration.
- u) Resident, request for tax adjustment in lieu of Council's use of property.
Referred to the Finance Committee for consideration.

Mayor Slade asked that the Finance Committee meet sometime next week to discuss the matters referred to that committee. Deputy Mayor Slade and Councillor Comerford will arrange a meeting next week.

6. Committee Reports

a) Development Committee

Councillor Comerford presented the following recommendation from the Development Committee:

Motion 08-067

J. Comerford / F. Earle

Resolved that the Town of Carbonear adopt Municipal Plan Amendment No. 10, 2008, and Development Regulations No. 15, 2008 as prepared and recommended by Plantech.

Favour 7; Opposed 0; **Carried**

b) Works Committee

Councillor Burden advised that there were no motions recommended from the Works Committee and that the minutes of the meeting were previously distributed to Council, any questions could be directed to the Committee.

Councillor Earle congratulated Brian in setting up the preventative maintenance schedule for the gas vehicles.

c) Pride in Carbonear Committee

Councillor Mercer advised the first meeting was held on February 25, 2008. The committee chair is Jim Ash. There will be further meetings scheduled and the committee will work with residents to ensure pride in our community. Councillor Mercer recommended that we obtain quotes to have an assessment carried out on the maple trees in Water Street East by a certified arborist.

Councillor Mercer recommended that the area where the maples trees are located in Water Street East be designated as a Heritage Area.

Town Administrator to obtain the quotes as requested.

Councillor Earle noted that the City of St. John's has very extensive regulations regarding trees, etc. We could review their policies and amend suitably for the Town of Carbonear. Town Administrator agreed that this is more of a policy implementation rather than a change in zoning.

d) UMC Meeting.

Councillor Mercer noted that she attended the UMC Meeting this past weekend.

Councillor Mercer noted that Waste Management compliance must be completed by the end of 2009.

Mayor Slade advised that there was no reprieve for CBN towns, when they had to ship their waste to Robin Hood Bay.

Councillor Earle, noted that Clarenville and east are being hit with the cost of shipping to St. John's. We should now start to be more proactive to reduce the amount of waste that is being shipped to Robin Hood Bay.

Councillor Mercer assured that this is the way that UMC wants to see communities moving.

Mayor Slade noted that this becomes difficult as we no longer have a place to bring the cardboard waste, tires, etc. so more programs need to be implemented to provide

these services.

Councillor Mercer noted that all municipalities must be in compliance with the Public Sector Accounting Board policies by 2009 or we risk the option of not receiving Gas Tax funding.

Town Administrator advised that this was presented to municipalities last year, and there are changes required as to how municipalities account for their fixed assets as it relates to infrastructure, and depreciation of same.

Councillor Mercer noted that Council needs to consider our options in this regard and we need to put an action plan in place so that we will be compliant by 2009.

Mayor Slade thanked Councillor Mercer for attending in his absence.

7. Reports from Town Administrator & Department Heads

a) Town Administrator

Town Administrator advised that she circulated her report to Council.

Council agreed that an evening reception at 7:30pm for Volunteer Week is preferred.

Town Administrator to organize the event and advise Council of the date and time.

Councillor Earle suggested that we create an email list for all volunteer organizations to allow for quick and easy communications with these groups.

b) Director of Operations and Public Works

Brian advised that his report was circulated to Council, any questions can be addressed to him.

Councillor Emberley asked about a snow bucket for the backhoe. Brian advise that this was reviewed by the Works Committee. In reviewing the matter, he felt that the use of the backhoe in snow clearing would not warrant the purchase of a snow bucket. Brian advised that in the future, the backhoes will not be used for street widening, when loaders are in working order and available for use.

Councillor Emberley indicated that he feels the purchase of a snow bucket for the backhoe would be a great asset for snow clearing.

Works Committee to review the matter.

Deputy Mayor Slade asked what work was completed on the Hyundai. Brian advised that the park brake was repaired. This loader is generally used on Long's Hill, Bond Street and LeMarchant Street. It was suggested last year, that this loader be used on the Southside or on the level areas, so that it is not being used in the hills. Brian advised that the loader should be able to be used in the hills, this should not be a problem for any loader.

Crews have been asked to notify him of any future problems with the equipment as soon as they occur, so that it can be investigated and action taken as soon as possible to correct the problem, so that it does not cause further damage to the equipment.

8. Finance

a) List of Invoices totaling \$4,606.45

Motion 08-068

G. Mercer / F. Earle

Resolved that the Town of Carbonear approve for payment the list of invoices as presented to Council totaling \$4,606.45.

Favour 7; Opposed 0; **Carried**

b) Capital Invoices

Water Supply Upgrading Phase I - Pikes Lane

Harris & Associates, Invoice #4776 \$3,630.81

Deputy Mayor declared a conflict on interest on this matter and left the Council Chambers.

Motion 08-069

T. Emberley / F. Earle

Resolved that the Town of Carbonear approve for payment Invoice # 4776 from Harris & Associates in the amount of \$3,630.81.

Favour 7; Opposed 0; **Carried**

Deputy Mayor Slade was called back into the meeting.

9. Regulations

None presented.

10. General Business

a) Mandatory Winter Tires

Councillor Mercer advised that UMC is suggesting that Council should support UMC's effort to support laws for mandatory winter tires versus all season tires.

Councillor Mercer has requested a copy of report to be provided to Council for them to review before making an informed decision on this matter. Councillor Mercer will provide a copy of the report to all Council members.

11. Notices of Motion

No notice of motions were filed.

12. Adjournment

Motion 08-070 to adjourn at 8:39pm

F. Earle / E. Slade

Favour 7; Opposed 0; **Carried**

Mayor Sam Slade

Cathy Somers, Town Clerk