

**Town of Carbonear**  
**Regular Council Meeting, May 19, 2009**

Minutes of a regular meeting of the Council of the Town of Carbonear  
held in Council Chambers, May 19, 2009 at 7:30pm

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

**Members Absent:** Councillor Terry Emberley

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

**Absent:** Director of Recreation & Tourism Rob Button

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

3. Adoption of Minutes
- a) May 4, 2009 Regular Meeting  
**Motion 09-148** **E. Slade / J. Comerford**  
*Resolved that the minutes of the May 4, 2009 Regular meeting of council be adopted as presented.*  
Favour 6; Opposed 0; **Carried**
- b) May 4, 2009 Privileged Meeting  
**Motion 09-149** **J. Comerford / E. Slade**  
*Resolved that the minutes of the May 4, 2009 privileged meeting of council be adopted as presented.*  
Favour 6; Opposed 0; **Carried**

c) April 6, 2009 Privileged Meeting

**Motion 09-150**

**E. Slade / G. Mercer**

*Resolved that the minutes of the April 6, 2009 privileged meeting of council be adopted as presented.*

Favour 6; Opposed 0; **Carried**

3. Business Arising From Minutes

► Motions to be ratified from the May 4, 2009 Privileged Meeting

Mayor Slade asked that Motion SPE 2009-05-04-001 be ratified.

**Motion 09-151**

**G. Mercer / F. Earle**

*Resolved that the Town of Carbonear hire an individual on a temporary basis to assist with completion of recording of the tangible capital assets as required by PSAB.*

Favour 6; Opposed 0; **Carried**

Mayor Slade asked that Motion SPE 2009-05-04-002 be ratified.

**Motion 09-152**

**E. Slade / G. Mercer**

*Resolved that the extension to the Southwell Place Subdivision include storm sewer to be installed at the developer's cost, however, the developer would not be responsible for providing an emergency back up generator for the Lift Station.*

Favour 6; Opposed 0; **Carried**

Mayor Slade asked that Motion SPE 2009-05-04-003 be ratified.

**Motion 09-153**

**E. Slade / G. Mercer**

*Resolved to amend the Capital Investment Plan for the Gas Tax Funding from Street Upgrading and Paving of Church Street to Street Upgrading and Paving of Pond Side Road.*

Favour 6; Opposed 0; **Carried**

► Motions to be ratified from the April 6, 2009 Privileged Meeting

Mayor Slade asked that Motion SPE 2009-04-06-001 be ratified.

**Motion 09-154**

**G. Mercer / E. Slade**

*Resolved that the Town of Carbonear adjust \$1,500 on Account # 10049 upon receipt of the remaining tax balance on the account by May 31, 2009.*

Favour 6; Opposed 0; **Carried**

Mayor Slade asked that Motion SPE 2009-04-06-002 be ratified.

**Motion 09-155**

**F. Earle / G. Mercer**

*Resolved that the Town of Carbonear proceed to apply for Capital Works funding in the amount of \$600,000 to replace the HVAC unit at the Carbonear Swimming Pool and*

*Be It Further Resolved that the Town of Carbonear request approval to borrow from Municipal Affairs to fund the Town's share of this project from a chartered bank providing the lowest lending rate for an amortization period of 10 years.*

Favour 6; Opposed 0; **Carried**

Mayor Slade asked that Motion SPE 2009-04-06-003 be ratified.

**Motion 09-156**

**E. Slade / G. Mercer**

*Resolved that the Town of Carbonear approve a permit for the construction of a shed at 25 London Road as per the application submitted.*

Favour 6; Opposed 0; **Carried**

Mayor Slade asked that Motion SPE 2009-04-06-004 be ratified.

**Motion 09-157**

**F. Earle / G. Mercer**

*Resolved that the Town of Carbonear deny the permit for the construction of a shed at 118 Forest Road as per the application submitted, and that the applicant be requested to provide a revised plan for an attached garage.*

Favour 6; Opposed 0; **Carried**

4. Delegations

None

5.1 Correspondence, Permits & Development

a) Application to operate a garage at 119 Water Street

Reviewed by the Development Committee. Not recommended for approval.

b) Application to erect a storage container at 219 Water Street

Reviewed by the Development Committee. Deferred for further investigation.

c) Application for Municipal Recommendation to occupy land on Line Road for seasonal use of motor home.

Councillor Comerford advised that this was reviewed by the Development Committee and recommended for approval as per Town's policy.

Councillor Mercer asked where this is located. Town Administrator advised that it is next to Ignemar Dean; it is within our policy, seasonal campers may be located there between May 24 weekend and Labour Day weekend with prior approval from the Crown.

**Motion 09-158**

**J. Comerford / E. Slade**

*Resolved that the Town of Carbonear grant approval of the Municipal Recommendation Form for Crown land Application within Municipal and Planning Area Boundaries for Gary George Butt to seasonally occupy land on Line Road for the purpose of parking a Motor Home.*

Favour 6; Opposed 0; **Carried**

d) Business application for Forward's Hobby Centre at 211 Water Street

Councillor Comerford advised this was reviewed by the Development Committee and recommended for approval.

**Motion 09-159**

**J. Comerford / G. Mercer**

*Resolved that the Town of Carbonear approve a Business Permit for Forward's Hobby Centre to operate from the property of 211 Water Street in accordance with*

*the Carbonear Municipal Plan and Development Regulations and subject to receipt of GSC Approval on the application.*

Favour 6; Opposed 0; **Carried**

- e) Business application for Store-It from 20-22 Highroad North  
Councillor Comerford advised that this was reviewed by the Development Committee and recommended for approval.

**Motion 09-160**

**J. Comerford / E. Slade**

*Resolved that the Town of Carbonear approve a Business Permit for Store -It to operate a self storage facility from the 20-22 Highroad North in accordance with the Carbonear Municipal Plan and Development Regulations and subject to receipt of GSC Approval on the application.*

Favour 6; Opposed 0; **Carried**

- f) List of Permits #4305 - 4338.

**Motion 09-161**

**J. Comerford / E. Slade**

*Resolved to approve the list of permits # 4305 - 4338.*

Favour 6; Opposed 0; **Carried**

5.2 Correspondence, Requiring Council's decision.

- a) Town of Gander, Request for support in their efforts to improve military search and rescue capabilities throughout NL and surrounding region.  
Copied to Council for review and consideration.  
Mayor read the letter to Council.  
Discussed.  
Councillor Mercer noted that we should check on other details and possible locations.  
Town Administrator to obtain further information.  
Deferred until further information is obtained by the Town Administrator.

5.3 Correspondence, Received and action taken

Council reviewed the following correspondence and action taken:

- a) Department of Tourism, Culture and Recreation.  
Re. Notification that the Department of Transportation and Works will begin the removal of any remaining unapproved/non-compliant signs on June 8, 2009.  
Placed on file.
- b) Department of Tourism, Culture and Recreation, Re. Information Update for the Tourism website and 2010 Traveller's Guide.  
Deadline for submissions is May 31, 2009.  
Copied to Rob Button, Florence Button, and Bert Parsons for their action.
- c) Literacy NL, Re. Notification of Community Participation and Leadership Funding and Elder Abuse Awareness Funding.  
Copied to Rob Button for his consideration.

- d) Carbonear Volunteer Fire Department, Request for additional funds for Fire Fighters Conference  
Referred to the Finance Committee.  
Reviewed by the Finance Committee, but not recommended for approval.
  - e) Crohn's & Colitis Foundation of Canada, Request for donation.  
Referred to the Finance Committee, included on the 2009 List of Donations
- Property owner, request for settlement agreement on outstanding taxes.
- g) NL Public Health Laboratory, Results of water samples collected on Apr 27, 2009 at Dept of Justice, and J. Bemister's.  
Test results satisfactory, placed on file.
  - viii) NL Public Libraries, Re. Request for painting of the Carbonear Public Library in 2009 maintenance and repair plans for the building.  
Referred to the Works Committee.
  - a) Concord Paving, Re. Expression of Interest - Willoughby Extension.  
Referred to the Development Committee.

6. Committee Reports

- a) Development Committee  
Reviewed earlier under the Correspondence, Permits & Development section of the meeting.

- b) Finance Committee  
Deputy Mayor Slade presented the following recommendations from the Finance Committee:

**Motion 09-162**

**E. Slade / J. Comerford**

*Resolved that the Town of Carbonear submit a proposal for 80/20 funding to purchase fire fighting equipment, estimated total of \$23,835.00 (Municipal Share \$4,767.00) provided that the municipal share is funded through the Fire Department's operating budget.*

Favour 6; Opposed 0; **Carried**

**Motion 09-163**

**E. Slade / J. Comerford**

*Resolved that the Town of Carbonear approve an increase of \$100 + HST/month to the existing cleaning contract for the Civic Centre and Municipal Depot.*

Favour 6; Opposed 0; **Carried**

- c) Works Committee

Councillor Burden presented the following recommendation from the Works Committee:

**Motion 09-164**

**J. Burden / E. Slade**

*Resolved that the Town of Carbonear proceed with repairs to the pump at the Sewage Lift Station at a cost of \$12,688.99 + HST as quoted by ITT Flyght.*

Favour 6; Opposed 0; **Carried**

Mayor Slade noted that right now we are running on one pump and these repairs are

necessary. Deputy Mayor Slade requested that when this pump is put back in operation, that the second pump be checked as well. Councillor Comerford asked if the changes to impellers for energy conservation were addressed. Brian advised the impeller is being changed, he will check to determine if that will provide energy conservation.

d) Beautification Committee

Councillor Mercer presented the following recommendations from the Beautification Committee:

**Motion 09-165**

**G. Mercer / J. Comerford**

*Resolved that the Town of Carbonear proceed with the Recommendation 1(a) from the May 8 Beautification Committee meeting that a Demolition Order be issued on the building and hole providing access in the building to be covered by Town personnel as a temporary measure until the building is removed.*

Favour 6; Opposed 0; **Carried**

**Motion 09-166**

**G. Mercer / J. Comerford**

*Resolved that the Town of Carbonear proceed with the recommendation under Section 3, item 3 from the May 15 Beautification Committee meeting to issue a Clean Up Order to the property owner identified on Irishtown Road.*

Favour 6; Opposed 0; **Carried**

Councillor Mercer noted that the Town has repeat offenders, who are not complying with Clean Up Orders issued to them, and some of the same properties are identified each year for clean up. Councillor Mercer noted that we need Council's approval to have these clean ups completed, if they are not done by the property owner within the allotted time frame given in the Clean Up Orders that are issued.

Councillor Comerford, Councillor Burden and Councillor Earle agreed.

Councillor Mercer advised that this amount could be invoiced to the customer, and Council has the authority to collect this amount under the Municipalities Act.

Deputy Mayor Slade asked how this is recorded. Councillor Mercer advised it is recorded as a receivable. Town Clerk confirmed that this would be invoiced to the account of the property owner as a receivable. If the invoice is not paid and if the account is in arrears, Council can take action to collect the debt, which includes but is not limited to discontinuation of services to that property.

**Motion 09-167**

**G. Mercer / J. Comerford**

*Resolved that the Town of Carbonear issue a Clean Up Order to the property owner identified in Section 3, item 5 from the May 15 Beautification Committee meeting, and if these Clean Up Orders are not carried out within the 30 days notice provided, then the Town will proceed to complete the Clean Up and invoice the related cost of the clean up to the property owner, and Be It Further Resolved that the Town of*

*Carbonear review it's Policy on Clean Up Orders and Fee Structure to ensure that the policy provides for Council to invoice the total actual cost of the clean to the property owner.*

Favour 5; Opposed 1; **Carried**

Deputy Mayor Slade opposed the motion.

Council noted that these orders need to be closely monitored after being issued.

Council agreed with the other recommendations under Items 4 and 5 from the May 15 Beautification Committee Meeting as well.

7. Reports from Town Administrator and Department Heads

a) Town Administrator

Mayor Slade requested that a meeting with the Fire Commissioner be set up.

Mayor feels it is very important to pursue this matter.

Town Administrator noted that there are new developments on the original piece of equipment recommended. The Fire Chief is aware of this, and we will review with the Fire Commissioner and the Fire Chief.

Councillor Comerford noted that Council needs to consider replacing the aerial ladder truck, and it needs to be replaced before 3 years from now. The aerial ladder is a regional piece of equipment, and needs to be stressed that way.

Councillor Earle asked how much overrun there is on bulk garbage collection. Town Administrator advised there is no budget overrun at this point. All areas have been done, but there is still some garbage around, which the garbage contractor will pick up. This is garbage that was put out after the scheduled time for pick up in each area.

Item 3c will be reviewed by the Development Committee for recommendation.

Deputy Mayor Slade asked what the hang up is on the traffic lights.

Town Administrator advised that we are waiting on releases from Riocan and Ocean Resource Industries.

Discussed.

Councillor Mercer noted that the first letters to these property owners only went out sometime in April, so this is not a long time for them to respond to the request.

Councillor Mercer noted that she felt these letters or preliminary letters should have gone out months ago.

Discussed.

Town Administrator to check with the Town's lawyer on the matter to determine if he has had any further response from the property owners.

Council asked for an update on the second phase of Pikes Lane.

Town Administrator noted that the engineering design initiative was approved, but we do not yet have the final approval on this project yet.

Discussed.

Town Administrator to check with Minister Kennedy and Municipal Affairs to determine the status of this project and the Gut Bridge project.

Town Administrator advised she will be attending interviews on Thursday in St. John's for the cooperative student to assist with the recording of the Tangible Capital Assets.

b) Director of Operations and Public Works

Brian reviewed his report with Council.

Council noted people are dropping off garbage in the old concrete foundation in Fox Farm Road, just past Canadian Tire. Brian to investigate.

Concrete blocks removed from Line Road.

Councillor Earle asked if Brian could obtain estimates for the supply and installation of safety guards for our snow clearing equipment and review with the Works Committee before the 2009/2010 snow clearing season. This is in relation to the request made under the Jessica Campaign.

Council inquired about the widening of the Lane off Circular Road to Loyola O'Driscoll's. Brian advised he discussed this item with Brent and they are trying to schedule that job in the near future.

Councillor Comerford noted that the gabions have been installed at Burkes Lane, and it is a good job. He then inquired as to why guide rail is being placed there.

Discussed. Brian to determine other types of railing/fencing that could be installed at that location.

Councillor Comerford noted there is a sunk hole on Bond street. Brian advised this is under investigation, and has been marked.

Mayor Slade asked that the some clean up be completed around the sewer holding tank over on the Southside. Brian to have work completed.

Brian advised that parts were ordered for the asphalt recycler. Currently the recycler is out of operation until the parts are received and the necessary repairs completed.

Mayor Slade asked Brian to call Steve Abbot at Department of Transportation to check on when the line painting will be completed on Columbus Drive

Councillor Earle asked the status on the Rorke Store egress. Town Administrator advised that right now we don't have any drawings on the work to be completed, but the drawings may not be necessary, however the installation of the stairs is estimated to be about one weeks work for three individuals. Rob and Marilyn are also evaluating other work for stage improvements, etc. so they can finalize a JCP application for the project.

Councillor Mercer noted that the project to complete the rock wall on Hr. Rock Hill has been submitted and the Town will need to finalize some info on this in connection with our union employees.

8. Finance

- a) List of Operating Invoices, totaling \$34,396.23

**Motion 09-168**

**G. Mercer / F. Earle**

*Resolved that the Town of Carbonear approve for payment the list of operating expenditures totaling \$34,396.23 as submitted to Council.*

Favour 6; Opposed 0; **Carried**

- b) Capital Expenditures

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

Harris & Associates, Invoice # 5032      \$20,013.44

Deputy Mayor Slade declared a conflict of interest on this item and left the meeting.

**Motion 09-169**

**F. Earle / J. Burden**

*Resolved that the Town of Carbonear approve for payment Invoice # 5032 in the amount of \$20,013.44 to Harris & Associates.*

Favour 5; Opposed 0; **Carried**

Deputy Mayor Slade was called back into the meeting.

9. Regulations

None

10. General Business

Mayor Slade encouraged all Council members to attend the Open House for Municipal Awareness Week here at the Council Chambers tomorrow afternoon from 2:00-4:00.

11. Notices of Motion

None filed.

12. Adjournment

**Motion 09-170** to adjourn at 9:05pm.

**G. Mercer / E. Slade**

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Mayor Sam Slade

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Cathy Somers, Town Clerk