

Town of Bishop's Falls
Regular Public Council Meeting No. 1271
July 20, 2010 at 7:00 pm
Council Chambers

Minutes

Item 1: Call to Order

Mayor R. Hobbs called the meeting to order at 7:00 pm on July 20, 2010 and presided with the following individuals in attendance:

Deputy Mayor D. Tremblett
Councillor B. King
Councillor A. Hynes
Councillor P. Budgell
Councillor F. Mills
Councillor R. Canning

Randy Drover, Town Clerk

Item 2: Opening Prayer in the Form of Silent Reflection

A minute of silence was provided for an opening prayer by individual Councillors.

Item 3: Adoption of the Agenda

His Worship asked if there were any additions to the agenda. Deputy Mayor Tremblett added "Fallsview Festival Committee" under general business.

Motion 194/2010 – Councillor Canning/Councillor Hynes

To adopt the agenda as amended.

Yeas: 7 – Mayor Hobbs, Deputy Mayor Tremblett, Councillor King, Councillor Hynes, Councillor Budgell, Councillor Mills and Councillor Canning.

Nays: 0

Motion Carried

Item 4: 2009 Financial Statements (Lori Mercer, Town Auditor)

Motion 195/2010 – Councillor Canning/Councillor King

To dissolve into a privileged session.

Yeas: 7 – Mayor Hobbs, Deputy Mayor Tremblett, Councillor King, Councillor Hynes, Councillor Budgell, Councillor Mills and Councillor Canning.

Nays: 0

Motion Carried

****THE PRIVILEGED SESSION COMMENCED AT 7:02 PM****

Motion 196/2010 – Councillor Budgell/Councillor Hynes

To cease the privileged session and resume the public meeting.

Yeas: 7 – Mayor Hobbs, Deputy Mayor Tremblett, Councillor King, Councillor Hynes, Councillor Budgell, Councillor Mills and Councillor Canning.

Nays: 0

Motion Carried

****THE PRIVILEGED SESSION CONCLUDED AT 7:39 PM****

Motion 197/2010 – Councillor Budgell/Councillor Hynes

To adopt the 2009 Financial Statements as presented by the Town's auditor, Ms. Lori Mercer.

Yeas: 7 – Mayor Hobbs, Deputy Mayor Tremblett, Councillor King, Councillor Hynes, Councillor Budgell, Councillor Mills and Councillor Canning.

Nays: 0

Motion Carried

Item 5: Adoption of Minutes for Public Council Meeting 1269

Motion 198/2010 – Councillor King/Councillor Canning

To adopt the minutes for Public Council meeting 1269 as presented.

Yeas: 7 – Mayor Hobbs, Deputy Mayor Tremblett, Councillor King, Councillor Hynes, Councillor Budgell, Councillor Mills and Councillor Canning.

Nays: 0

Motion Carried

Item 6: Business Arising from the Minutes of Public Council Meeting 1269

Councillor Budgell requested a status updated on the spring clean-up review. The Clerk indicated the matter is currently sitting with the Public Works Standing Committee and will be discussed at its next regular sitting in September.

Item 7: Adoption of Minutes for Public Council Meeting 1270

Motion 199/2010 – Councillor Canning/Councillor Mills

To adopt the minutes for Public Council meeting 1270 as presented.

Yeas: 7 – Mayor Hobbs, Deputy Mayor Tremblett, Councillor King, Councillor Hynes, Councillor Budgell, Councillor Mills and Councillor Canning.

Nays: 0

Motion Carried

Item 8: Business Arising from the Minutes of Public Council Meeting 1270

There was no business arising.

Item 9: Standing Committee Reports and Recommendations

9.1 RECREATION STANDING COMMITTEE MEETING NO. 231 (JUN 22, 2010)

9.1.1 Chairperson's Report

Councillor King, Chairperson, presented the following report:

A special meeting was held on June 22, 2010. The members, along with representatives of the Bishop's Falls Hockeyville Committee, discussed how best to utilize the \$25,000 cash prize. It was generally agreed that an application should be submitted to the provincial government to avail of the 80/20 cost share arrangement (if successful, this will result in a total budget of approximately \$120,000). This process will commence once the project(s) has been identified and Council's approval is obtained. Over the coming weeks the Committee will explore the following project options: Repairing/replacing the roof, installing washrooms and showers in the upper dressing rooms, placing rubber flooring in the upper dressing rooms and stairway, constructing a canteen sitting area, and implementing measures to improve energy efficiency.

DISCUSSION

Councillor Canning advised that he spoke to several professionals concerning the installation of washrooms and showers in the upper level dressing rooms. While these people did not formally inspect the facility, it is their preliminary opinion that the project is not feasible. To confirm, however, they would need to visit the site. Councillor Budgell did not believe the roof could be replaced or repaired with \$120,000. In response, Councillor King stated the idea is being considered in hopes that something can be done to mitigate the problem. If nothing is done the leaks will cause havoc in the coming years.

9.2 COMMUNITY RELATIONS STANDING COMMITTEE NO. 25 (JUN 23, 2010)

9.2.1 Chairperson's Report

Deputy Mayor Tremblett, Chairperson, presented the following report:

A special meeting was held on July 20, 2010. The Committee reviewed the program for the Memorial Day ceremonies that occurred on July 27, 2010. As it concerns the senior/war veterans' banquet, the Committee observed that the ticket sales were going well with an approximate attendance (guest list included) of 200 people.

DISCUSSION

Mayor Hobbs congratulated Deputy Mayor Tremblett and her Committee on a well organized event. Both functions were successful and greatly attended.

Item 10: Public Works Business

10.1 CORRESPONDENCE IN

10.1.1 Document 01 – May 4, 2010 (Cranberry Farm Proposal – Bay D'Espoir Highway)

No problems were noted with the application and the Clerk was instructed to advise the Department of Environment and Conservation accordingly.

10.1.2 Letter 01 – May 18, 2010 (Request for Development Timeline – 9 and 11 Butler Street)

Motion 200/2010 – Councillor King/Councillor Canning

That Council shall provide Mr. Ken and Ruby Luff, upon receipt of the appropriate land deposits, with one (1) year from July 20, 2010 to commence construction on 9 and 11 Butler Street and such construction must be completed six (6) months thereafter.

Yeas: 7 – Mayor Hobbs, Deputy Mayor Tremblett, Councillor King, Councillor Hynes, Councillor Budgell, Councillor Mills and Councillor Canning.

Nays: 0

Motion Carried

10.1.3 Letter 02 – June 10, 2010 (McMahon's Lane Drainage/Debris Complaint)

The Clerk was instructed to notify the resident that nothing further can be done due to budget constraints. His/her complaint has been duly noted.

10.1.4 Letter 03 – June 26, 2010 (Request for Speed Bump in Eltero Park)

Councillor Mills read aloud the letter from the resident. Councillor Canning believed the complaint was valid, noting that many vehicles travel in the area at excessive speeds. The suggestion to extend the speed bumps to the edge of the road may solve the problem. Councillor Hynes stated that if a poll was conducted of the residents in Eltero Park, Council may find that many people are in favour of removing the speed bumps entirely. Mayor Hobbs suggested that the request needs more study, and it was subsequently referred to the Public Works Standing Committee for consideration.

****COUNCILLOR CANNING LEFT AT 8:21 PM BECAUSE OF ANOTHER COMMITMENT****

10.1.5 Letter 04 – July 9, 2010 (Request for Fill to Enhance the River Front)

The Clerk advised that if Council approved the request a dangerous precedent would be established. Furthermore, several activities were eliminated this year (i.e. calcium) to ensure Council's goal to reduce expenditures is achieved. To approve this request in that context may not be wise. Councillor Mills supported the request, believing the project would beautify the Town. He was concerned that the Town's appearance is being compromised because of budget limitations. Councillor Budgell suggested the Town may be able to redirect excess fill from the Centre Access Road project to this area. There is no guarantee this will be possible, however, and the resident should not be promised anything. The others agreed with this recommendation, and the Clerk was directed to advise the resident accordingly.

10.2 GENERAL BUSINESS

10.2.1 NB 01 – 1978 Chevy Truck Repairs

Councillor Mills provided a brief overview of the Public Works Supervisor's report concerning the 1978 Chevy Truck. It will cost approximately \$5,000 - \$6,000 to complete the necessary repairs, and the equipment is presently inoperable. There was general agreement among the Councillors that an investment of this magnitude is not practical given the age of the

equipment. The issue was deferred to the Public Works Standing Committee for further consideration.

10.2.2 NB 02 – Ratification of Business Licence

Motion 201/2010 – Councillor Mills/Councillors Hynes

That Council shall ratify General Business Licence 1-06-2010 to Mr. Chad and Tina Cooke to operate a Take Out/Convenience Store at 237 Main Street.

Yeas: 6 – Mayor Hobbs, Deputy Mayor Tremblett, Councillor King, Councillor Hynes, Councillor Budgell, and Councillor Mills.

Nays: 0

Motion Carried

10.2.3 Document 02 – 5 Country Road

Mayor Hobbs briefed Council on the latest issue concerning the easements and ditches on 5 Country Road. Over the past two (2) years the Town has consistently encountered problems with this area. There are two (2) ditches located on the land in question, and only one is supported by a legal easement. The remaining ditch, and corresponding culvert, is causing much of the present problems because it is located on the resident's land without a legal easement. Subsequently, the resident is asking Council to undertake the necessary works so he may fill the area and utilize the land. Since this issue was last before Council the land has become available for sale. In the interest of resolving the matter, the Public Works Department conducted an inspection to develop a more realistic cost estimate, and it believes the ditch and culvert can be extended across the Track Bed. The opposite side (behind Marshall's Drive) must be re-ditched, grubbed, and cleared to ensure proper flow. This will take approximately 4-5 hours. Including excavator hire, two (2) pipes, and a coupler the total cost is approximately \$2,000. Councillor Budgell questioned how the resident managed to acquire the land, which was most likely owned by AbitibiBowater. The Clerk suggested that the issue ought to be explored and ownership confirmed before the work is completed.

Motion 202/2010 – Councillor King/Councillor Budgell

That Council shall, upon receiving confirmation that the resident owns the land in question, authorize a maximum budget of \$2,000 to remedy the ditching issues on 5 Country Road in accordance with the Public Works Department's recommendation.

Yeas: 6 – Mayor Hobbs, Deputy Mayor Tremblett, Councillor King, Councillor Hynes, Councillor Budgell, and Councillor Mills.

Nays: 0

Motion Carried

Item 11: Governance Business

11.1 REPORTS

Motion 203/2010 – Councillor Budgell/Councillor Hynes

That the AP Transaction Journal dated July 12, 2010, totalling \$35,056.37, and the Routine Payment Reports for April, May and June 2010 are adopted as presented.

Yeas: 6 – Mayor Hobbs, Deputy Mayor Tremblett, Councillor King, Councillor Hynes, Councillor Budgell, and Councillor Mills.

Nays: 0

Motion Carried

11.2 CORRESPONDENCE IN

11.2.1 Letter 05 – June 23, 2010 (Offer to Purchase Land on Cannings Lane)

Councillor Budgell questioned the selling price of other land owned by the Town. The Clerk advised that on Country Road, an undeveloped lot with a similar frontage is priced at approximately \$11,500. Councillor King believed the proponent's offer of \$6,000 was too low given the land's close proximity to the river. He suggested \$15,000 as a reasonable start.

Motion 204/2010 – Councillor King/Councillor Budgell

That Council shall offer to sell the land adjacent to 5 Canning Lane, with a frontage of approximately 20 meters, to Mr. Bill Hutchings for \$15,000 plus HST, deed and survey.

Yeas: 4 – Mayor Hobbs, Deputy Mayor Tremblett, Councillor King, and Councillor Budgell.

Nays: 2 – Councillor Mills and Councillor Hynes.

Motion Carried

11.2.2 Letter 06 – June 10, 2010 (MNL Convention October 6 – 9, 2010)

Mayor Hobbs sought Council's intentions concerning the 2010 MNL Convention. There is an allocation in the budget to send a small delegation. His Worship suggested that the Deputy Mayor should attend, given that she will be recognized for serving on Council for 25 years. The others agreed. Deputy Mayor Tremblett indicated that she might not be able to attend because of another commitment but she will confirm. Councillor Mills expressed interest in

attending. Councillor Budgell suggested that for now, to allow the administration to file the registration, it may be best to approve the contingent as opposed to naming the delegates.

Motion 205/2010 – Councillor Budgell/Councillor King

That Council shall send two (2) delegates to the 2010 MNL Convention that is taking place on October 6, 7, 8, and 9 in St. John's.

Yeas: 6 – Mayor Hobbs, Deputy Mayor Tremblett, Councillor King, Councillor Hynes, Councillor Budgell, and Councillor Mills.

Nays: 0

Motion Carried

11.2.3 Letter 07 – June 8, 2010 (Potential Development on TransCanada Highway)

The Clerk informed Council that an individual is looking into the possibility of purchasing Town land near Tim Horton's for a recreational vehicle retail sales and service business. Several questions were put forth by the individual, but the quintessential question is whether or not Council is interested in opportunity. The land would need to be rezoned to accommodate the proponent's business concept. Mayor Hobbs highlighted the potential issues surrounding traffic and infrastructure. Council was also not inclined to commence a rezoning process to include such business activity in the area.

Motion 206/2010 – Councillor Budgell/Councillor Mills

That Council shall reject the opportunity to develop land adjacent to Tim Horton's to accommodate a recreational vehicle retail sales and service business.

Yeas: 6 – Mayor Hobbs, Deputy Mayor Tremblett, Councillor King, Councillor Hynes, Councillor Budgell, and Councillor Mills.

Nays: 0

Motion Carried

11.2.4 Letter 08 – June 21, 2010 (Central Vegetable Products Ltd Response to Res. 125/2010)

Councillor Budgell summarized the letter from Central Vegetable Products Ltd in response to resolution 125/2010. The business alleges to have not received prior correspondence on the matter; however, the Town has a copy of the original letter issued October 2008. The Clerk added that photos were taken as well, and full size vegetables were found in the infrastructure.

Motion 207/2010 – Councillor Budgell/Councillor Mills

That Council shall provide Central Vegetables Products Ltd with an additional thirty (30) days to pay the outstanding balance of \$5,171.50. If the balance is not paid in full on or before the expiry of the thirty (30) days, the account shall be forwarded to Credit Recovery for collection.

Yeas: 6 – Mayor Hobbs, Deputy Mayor Tremblett, Councillor King, Councillor Hynes, Councillor Budgell, and Councillor Mills.

Nays: 0

Motion Carried

11.3 GENERAL BUSINESS

11.3.1 NB 03 – Past Due Account (Credit Recovery)

Motion 208/2010 – Councillor Budgell/Councillor Mills

That Council shall refer the following accounts to Credit Recovery for collection:

Privacy Code	Account Number	Balance Owing
1-07	OMITTED FOR PRIVACY REASONS	\$1,068
2-07		\$787.51

Yeas: 6 – Mayor Hobbs, Deputy Mayor Tremblett, Councillor King, Councillor Hynes, Councillor Budgell, and Councillor Mills.

Nays: 0

Motion Carried

11.3.2 Document 03 – Materials and Equipment Tender (PW 2010-06-23)

Councillor Budgell reviewed the results of the tender for Council. On July 13, 2010 bids for the above noted tender were opened in the presence of Mayor Hobbs, Linda Snow, and Randy Drover. The results are as follows:

Material	Pricing Unit	Temple's Bid	W. Reid Bid
Class A	Meters cubed (m3)	23.00	29.50
Screened Pit Run (general purpose)	Meters cubed (m3)	8.00	8.20
Topsoil	Meters cubed (m3)	13.00	16.00
Sods	Meters squared (m2)	6.30	8.00
Winter Sand (see note 1)	Meters cubed (m3)	28.00	22.00
Equipment	Pricing Unit	Temple's Bid	W. Reid Bid
Grader Hire	Per hour (without operator)	-	85.00
Backhoe Hire with Extended Boom	Per hour (with operator)	57.00	80.00
Excavator Hire (see note 2)	Per hour (with operator)	80.00 (120 HP)	90.00 (160 HP)

Float (see note 4)	Per hour	75.00	100.00
Ditching (see note 5)	Per meter	7.00	8.00
Asphalt Roller (walk behind)	Per day	75.00	120.00
Asphalt Roller (walk behind)	Per week	350.00	500.00

Motion 209/2010 – Councillor Budgell/Councillor Hynes

That Council shall award W. Reid Construction with the contract for winter sand and grader hire based on its bids submitted under tender PW 2010-06-23 and shall award Temple's Backhoe Services with the contract for class A, screened pit run, topsoil, sods, backhoe with extended boom, excavator hire, float, ditching, and asphalt roller (per day and week) based on its bids submitted under tender PW 2010-06-23.

Yeas: 6 – Mayor Hobbs, Deputy Mayor Tremblett, Councillor King, Councillor Hynes, Councillor Budgell, and Councillor Mills.

Nays: 0

Motion Carried

Item 12: Recreation Business

12.1 GENERAL BUSINESS

12.1.1 NB 04 – Let Them Be Kids Request (West End Playground Backstop)

Councillor King stated that the Playground Committee would like to have the backstop removed from the west end softball field. Mayor Hobbs suggested that it may be wise to defer the matter until the spring when both parties have time to properly respond. There is little capacity within the Town or Committee to tackle another task.

Motion 210/210 – Councillor King/Councillor Budgell

To defer the West End Playground Committee's (Let Them Be Kids) request to remove the west end softball field backstop to the spring of 2011 for consideration.

Yeas: 6 – Mayor Hobbs, Deputy Mayor Tremblett, Councillor King, Councillor Hynes, Councillor Budgell, and Councillor Mills.

Nays: 0

Motion Carried

Item 13: Adoption of Regulations

13.1 *ANTI-LITTER REGULATIONS, 2010*

Motion 211/2010 – Councillor Hynes/Councillor Mills

To adopt the *Anti-Litter Regulations, 2010* as presented.

DISCUSSION

Deputy Mayor Tremblett asked if any feedback was received from the residents. The Clerk indicated that for both regulations, no formal or informal comments were received. There being no further discussion, His Worship called for the question.

Yeas: 6 – Mayor Hobbs, Deputy Mayor Tremblett, Councillor King, Councillor Hynes, Councillor Budgell, and Councillor Mills.

Nays: 0

Motion Carried

13.2 *WASTE COLLECTION AND DISPOSAL REGULATIONS*

Motion 212/2010 – Councillor Budgell/Councillor King

To adopt the *Bishop's Falls Waste Collection and Disposal Regulations* as presented.

Yeas: 6 – Mayor Hobbs, Deputy Mayor Tremblett, Councillor King, Councillor Hynes, Councillor Budgell, and Councillor Mills.

Nays: 0

Motion Carried

Item 14: General Business

14.1 TOWN MANAGER SELECTION COMMITTEE REPORT

Mayor Hobbs reported that following a second round of recruitment, the Committee identified a qualified candidate. Discussions with this individual have commenced, and once the job offer is accepted a formal announcement will be made. The latest effort resulted in approximately 16 applicants, of which two (2) were selected for an interview. Only one (1) went through the process as the other withdrew at the last minute. The Committee is very confident that the successful candidate will perform the duties of Town Manager exceptionally well, given that he/she was a former Town Clerk/Treasurer for nearly thirty (30) years. The individual will be in the community on Monday, July 26, 2010 to discuss the job offer.

14.2 LETTER 09 – JUNE 16, 2010 (TAX INCENTIVE REQUEST)

Council reviewed the documents associated with the individuals request for a tax incentive. The Clerk advised that the legal status of the business deems it unqualified for an incentive under the regulations. Council was not inclined to consider the matter further. The Clerk will inform the individual that he/she does not qualify under the regulations and no tax incentive can therefore be provided.

14.3 CROWN LETTER APPLICATION – ROY JEANS (VALLEYVIEW ROAD)

Motion 213/2010 – Councillor Hynes/Councillor Budgell

That Mr. Roy Jeans' Crown Land application received May 11, 2010 to acquire land on the TransCanada Highway is approved provided zoning requirements are satisfied.

Yeas: 6 – Mayor Hobbs, Deputy Mayor Tremblett, Councillor King, Councillor Hynes, Councillor Budgell, and Councillor Mills.

Nays: 0

Motion Carried

****COUNCILLOR MILLS DECLARED A CONFLICT OF INTEREST PERTAINING TO THE NEXT AGENDA ITEM AND VACATED CHAMBERS AT 9:48 PM****

14.4 ILLEGAL BUSINESS ACTIVITY (PAVING OPERATIONS)

Councillor King expressed his concern and discontent with the level of illegal business activity occurring in the Town. Many of these operations, particularly as it concerns paving and hair salons, are blatant and are undermining the legitimate business base. He would like to see Council initiate a program that addresses this significant problem. The other Councillors agreed, and the matter was referred to the administration for further research. The Clerk will prepare a briefing paper on the various options for the next sitting.

****MAYOR HOBBS INVITED COUNCILLOR MILLS BACK INTO CHAMBERS AT 9:54 PM****

14.5 RAILWAY CARS

Mayor Hobbs shared an idea he had concerning the railway cars. Given that the area is currently used by the youth as a hangout, he believed the cars could be remodelled to serve as the long desired youth centre. Funding for a project of this type could be obtained from the RCMP. Council agreed with the principle and the idea was referred to the Recreation Standing Committee for exploration.

14.6 TOWN NEWSLETTER

His Worship indicated that the July 2010 Newsletter will be issued in the coming days. It was being withheld until confirmation from the province was received concerning the Centre Access Road, but that is all resolved.

14.7 MAYOR'S REPORT – EXPLOITS VALLEY JOINT COUNCIL (MINISTERIAL TASK FORCE)

Mayor Hobbs reported that the Exploits Valley Joint Council met with six (6) ministers of the Crown on Thursday, July 15, 2010. The purpose of the meeting was to discuss the progress and challenges following the closure of the mill in Grand Falls-Windsor. His Worship focused on community's hydro facilities (and the loss of the grant-in-lieu) and the provincial waste management strategy. Mayor Hobbs further reported that on July 20, 2010 he briefly entertained Minister Felix Collins (Justice) who was in Town to tour the correctional centre. The Minister advised that no changes were coming to the facility.

14.8 FALLSVIEW FESTIVAL COMMITTEE

Deputy Mayor Tremblett shared a request from the Fallsvue Festival Committee. The Executive would like to meet with Council, as a whole, to discuss several issues. His Worship directed the Clerk to arrange a delegation before the next regular Public Council meeting in August 2010.

Item 15: Adjournment

Motion 214/2010 – Councillor Hynes/Councillor Mills

To adjourn Public Council meeting 1271.

Yeas: 6 – Mayor Hobbs, Deputy Mayor Tremblett, Councillor King, Councillor Hynes, Councillor Budgell, and Councillor Mills.

Nays: 0

Motion Carried

The meeting adjourned at 10:14 pm.

Randy Drover, Town Clerk

Bishop's Falls Town Council
Public Meeting 1271
July 20, 2010

List of Appendices

Appendix	Source
2009 Financial Statements	Admin
AP Transaction Journal July 12, 2010	Attached – Appendix A
Routine Payment Reports April, May and June 2010	Attached – Appendix B
<i>Anti-Litter Regulations, 2010</i>	Operational Regulations
<i>Bishop's Falls Waste Collection and Disposal Regulations</i>	Operational Regulations

Appendix A

Appendix B