

Town of Bishop's Falls  
Regular Public Council Meeting No. 1268  
May 18, 2010 at 7:00 pm  
Council Chambers

## Minutes

### Item 1: Call to Order

Mayor R. Hobbs called the meeting to order at 7:05 pm on May 18, 2010 and presided with the following individuals in attendance:

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

Lesley Smith, Town Manager  
Randy Drover, Town Clerk

Councillor F. Mills was absent for personal reasons.

### 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

Mayor Hobbs asked if there were any additions to the agenda. Councillor Budgell and Councillor King added "School Breakfast Program" and "Exploits Regional Chamber of Commerce Report", respectively, under general business. There being no further additions, His Worship called for a motion.

#### **Motion 139/2010 – Councillor Canning/Councillor Hynes**

To adopt the agenda as amended.

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

Nays: 0

#### **Motion Carried**

## **Item 4: Mayor's Oral Reports**

### **4.1 MUNICIPAL SYMPOSIUM 2010**

Mayor Hobbs reported on the Municipal Symposium that was held in Gander on April 29 to May 1, 2010. His Worship, who attended the Symposium with Deputy Mayor Tremblett, indicated it was an informative and productive gathering, and the topics included Integrated Community Sustainability Plans (ICSP), Joint Councils (and the progress they are achieving), the Provincial Waste Management Strategy, and regional governance. In regards to the latter, Mayor Hobbs, on behalf of Municipalities Newfoundland and Labrador (MNL), put the following questions before Council for its consideration:

1. Do you think the current municipal system needs to change?
2. Do you think the sustainability of your municipality is better supported and promoted through greater collaboration with other municipalities?
3. Are you willing to participate in a substantive discussion on the form, merits, benefits, and obstacles of regional government in Newfoundland and Labrador?

His Worship stated that if Council agreed with all these questions, a resolution should be passed and forwarded to MNL. Subsequently, representatives from the provincial association will visit the Town Hall to provide a presentation. The Councillors were not prepared to debate the questions at this time, and the Clerk was directed to place the matter on the next Regular Public Meeting agenda. More time is needed for research and thought.

### **4.2 RECREATION NL EDUCATIONAL SESSION**

The Mayor advised Council of a meeting he and Councillor Hynes attended that was hosted by Recreation Newfoundland and Labrador. The meeting, which focused on older women and recreation programs, was educational and beneficial from a planning perspective. Mayor Hobbs stated that women aged 55 to 70 are often overlooked by recreation programs and services, and these oversights can have adverse consequence for their health and wellbeing. Mayor Hobbs then, with the support of Council, assigned the file to Deputy Mayor Tremblett and Councillor Hynes. Their mandate is to design programs specifically for this group to ensure they are not lost in the Town's recreation programs.

## **Item 5: Adoption of Minutes for Public Council Meeting 1265**

Mayor Hobbs asked if there were any errors or omissions in the minutes for Public Council Meeting 1265. Councillor Budgell stated that he voted in favour of resolution 126/2010, and Deputy Mayor Tremblett advised her vote on resolution 123/2010 was yea. There being no further errors, His Worship called for a motion.

**Motion 140/2010 – Councillor Hynes/Councillor Canning**

To adopt the minutes for Public Council Meeting 1265 as amended.

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

Nays: 0

**Motion Carried**

**Item 6: Business Arising from the Minutes of Public Council Meeting 1265**

Councillor Canning questioned the status of the Fallsview Festival Committee's JCP proposal, and the Town Manager indicated no official updates were received. Councillor Canning also asked if the Town received a response to its request for additional funding for the arena boards project. He also wondered what progress was made in relation to the electrical repairs at the Fallsview Park. On the first question, the Town Clerk advised that the Government has yet to response to the Town's request; however, in the coming week follow-ups will be made. As it concerns the electrical upgrades to the Fallsview Municipal Park, the Town Manager indicated that on May 19, 2010 she will meet with the inspector to establish a work plan. Only \$5,000 will be invested in repairs this year as budgeted.

**Item 7: Adoption of Minutes for Public Council Meeting 1266**

**Motion 141/2010 – Deputy Mayor Tremblett/Councillor Hynes**

To adopt the minutes for Public Council Meeting 1266 as presented.

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

Nays: 0

**Motion Carried**

**Item 8: Business Arising from the Minutes of Public Council Meeting 1266**

There was no business arising.

**Item 9: Adoption of Minutes for Public Council Meeting 1267**

**Motion 142/2010 – Councillor Canning/Councillor Budgell**

To adopt the minutes for Public Council Meeting 1267 as presented.

Yeas: 6 – Mayor Hobbs, Deputy Mayor Tremblett, Councillor King, Councillor Hynes, Councillor Budgell, and Councillor Canning.  
Nays: 0

### **Motion Carried**

## **Item 10: Business Arising from the Minutes of Public Council Meeting 1267**

Councillor King requested a briefing on the events giving rise to the Public Meeting. Mayor Hobbs explained that the bids for phase 1.2 of the sewage treatment project exceed budget by approximately \$500,000. Errors were made in the estimates, and the matter was discussed with the engineers and the Department of Municipal Affairs. There are several options that can be considered, including a method by which repairs are made to the lines without having to dig. If this method is feasible, there is great potential for cost savings. Other options include reducing the scope of work. Over the coming weeks Council will need to explore this matter in great detail.

## **Item 11: Standing Committee Reports and Recommendations**

### **11.1 RECREATION STANDING COMMITTEE MEETING 229 (MAY 6, 2010)**

#### **11.1.1 Chairperson's Report**

Councillor Hynes, Acting Chairperson, presented the following report:

A special meeting was held on May 6, 2010 in Chambers. The Committee received a delegation from the recreation user groups; the purpose being to discuss potential cost saving measures in the Department. There was a great discussion on the subject, resulting in the following suggestions/recommendations:

- Ensure heat and lights are turned off (or down) when the stadium is not being used.
- Employees should not be working at the stadium unless rentals are scheduled.
- Hot water in the public washrooms should be turned down.
- Control heat in the dressing rooms.
- Exhaust fans in the dressing rooms should be replaced.
- Explore the possibility of sky-lights to assist with lighting.
- Control heat in the ticket booth.
- Install a second set of entrance doors to help eliminate heat loss in the stadium.
- Install a heat recovery system.
- Steel located in the Home & Visitors boxes should be replaced.

The delegates were advised that the Town is willing to accept the assistance of qualified trade persons to oversee/supervise some of the renovations at the stadium. Correspondence will be sent to user groups on the subject. The Committee also held a brainstorming session on the

Kraft Hockeyville funding. A meeting will take place with the Organizing Committee on May 20, 2010 to discuss this further.

## DISCUSSION

The Town Manager stated that many of the recommendations put forth by the delegates were implemented several months ago, and the results are positive. The light bill in April was 50% lower than the previous year. Councillor Canning believed this was a positive meeting, and another should be scheduled in the future.

### 11.2 PUBLIC WORKS STANDING COMMITTEE MEETING 283 (MAY 6, 2010)

#### 11.2.1 Chairperson's Report

Councillor Canning, Acting Chairperson, presented the following report:

The Committee held a regular meeting on May 6, 2010. For the most part this was a routine meeting. The Committee reviewed general correspondence, a Crown Land application, and two (2) requests for a business licence. Most of the issues are being addressed at an administrative level; therefore, there are few recommendations coming from this meeting.

May 16 – 22, 2010 is Public Works Week. On behalf of Council, I want to acknowledge the important and valuable contributions of our employees in the Public Works Department. Public Works is an area that is often overlooked by many residents because its services, while fundamental to good municipal government, are generally taken for granted. Residents assume snow will be removed; that infrastructure (water, sewer, roads, etc) will be maintained; and that garbage will be collected. In this assumption, residents rarely consider what is required to deliver these services successfully. The work is dirty, time consuming, and labour intensive. During Public Works Week, and indeed throughout the year, I encourage residents to show the Public Works employees that we appreciate their services. Without their dedication and commitment, many of the things we take for granted would not be possible. I wish them all a safe and enjoyable 2010 Public Works Week.

#### 11.2.2 Recommendations

#### **Resolution 143/2010 – Councillor Canning/Councillor Budgell**

Whereas Clifford Keith Ellis is seeking Council's approval to acquire Crown Land on Botwood Highway; and whereas the proposed location is problematic from a public service and safety standpoint; therefore, be it resolved that Council shall oppose Clifford Keith Ellis' Crown Land application 2015972 to acquire land on Botwood Highway.

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

Nays: 0

## **Resolution Carried**

### **Motion 144/2010 – Councillor Canning/Councillor Budgell**

That Council approves a \$100 budget to celebrate and recognize the valuable contributions of the Public Works Department during Public Works Week that is taking place from May 16 to 22, 2010.

## **DISCUSSION**

Councillor Canning wondered if anything was done to celebrate administrative assistance's week. The Town Manager indicated that this was overlooked because that was a particularly busy time for the Office; however, if it pleases Council a broader event will be organized to recognize all employees. This suggestion was acceptable to Council. The Town Manager encouraged all Councillors to visit the depot during the week to show their appreciation. Having allowed time for debate, Mayor Hobbs called the vote.

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

Nays: 0

## **Motion Carried**

### **11.3 GOVERNANCE STANDING COMMITTEE MEETING 22 (MAY 11, 2010)**

#### **11.3.1 Chairperson's Report**

Councillor Budgell, Chairperson, presented the following report:

A regular meeting was held on May 11, 2010 in Chambers. The Committee reviewed the income-expense statement to date, and was satisfied with the progress. Expenses are sitting at 27% of budget and no abnormalities were observed. Revenue levels are going well – as of May 11, 2010 the Town collected 63% of property taxes, 51% of business taxes, and 63% of water/sewer taxes. The AP Transaction Journal was also reviewed, and no problems were identified.

At the last Public Meeting the Town's cell phone bill was questioned. The Town Manager reviewed the statements over the past three (3) months and did not find any issues. It is important to note that the \$250 monthly charge covers five (5) cell phones.

The Committee reviewed an appeal from a resident concerning the caregiver water tax exemption. In the correspondence the resident indicated that he/she had missed the March 1,

2010 deadline because he/she was out of the province. The Committee weighed the facts and decided that policy must prevail. To allow the resident's appeal would undermine the policy, thereby setting a dangerous precedent. As such, the appeal was denied.

Over the last three (3) months the Governance Standing Committee conducted a preliminary review of the Town's operations to identify cost savings measures. Recently, the Committee began looking at the Administrative Department. There are presently five (5) people employed in this area – Town Manager, Town Clerk, Executive Assistant and two (2) Accounts Receivable Clerks. After looking at the financial implications of reducing employment in the Department, particularly on the Accounts Receivable side, the Committee determined that no savings can be achieved without severely impacting operations. One statistic shows that over the past four (4) years the Town's collection rate increased by 5%.

#### 11.2 Recommendations

##### **Resolution 145/2010 – Councillor Budgell/Councillor Canning**

Whereas the Fallsview Festival Committee requested, in correspondence dated April 21, 2010, a \$3,000 contribution towards fireworks; and whereas the 2010 budget does not contain an allocation for an expenditure of this type; therefore, be it resolved that Council shall deny the request from the Fallsview Festival Committee for a \$3,000 contribution towards fireworks as outlined in correspondence dated April 21, 2010.

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

Nays: 0

##### **Motion Carried**

##### **Resolution 146/2010 – Councillor Budgell/Deputy Mayor Tremblett**

Whereas Garry Noseworthy requested to purchase two (2) blocks of land on Butler Street in a letter dated May 6, 2010; and whereas this purchase is facilitated by the Town of Bishop's Falls on behalf of Adams Construction; and whereas in a letter from Adams Construction dated August 4, 2008 the developer stated the price per lot is \$24,850.00 plus HST, deed and survey; therefore, be it resolved that Council shall approve the sale of 10 Butler Street and 12 Butler Street to Garry Noseworthy at a price of \$24,850 plus HST, deed and survey per block; be it further resolved that Garry Noseworthy is required to pay a deposit of \$2,500 per block on or before June 25, 2010, which includes a non-refundable fee of \$1,000 per block in the event of cancellation.

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

Nays: 0

## **Resolution Carried**

### **Motion 147/2010 – Councillor Budgell/Deputy Mayor Tremblett**

That Council shall oppose the renewal of its membership with the CMC.

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

Nays: 0

## **Motion Carried**

### **Resolution 148/2010 – Councillor Budgell/Deputy Mayor Tremblett**

Whereas a resident submitted a Snow Clearing Damages or Grass Replacement Claim on April 14, 2010 without a specified value; and whereas the damages involve the resident's lawn and driveway; and whereas the damages were not the result of negligence in accordance with subsection 4.2 (b) of the *Snow Clearing Damages and Grass Replacement Policy*; therefore, be it resolved that Council shall dismiss the resident's claim.

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

Nays: 0

## **Resolution Carried**

### **Resolution 149/2010 – Councillor Budgell/Councillor King**

Whereas a resident submitted a Snow Clearing Damages or Grass Replacement Claim on April 20, 2010 without a specified value; and whereas the damages involve the resident's lawn and driveway; and whereas the damages were not the result of negligence in accordance with subsection 4.2 (b) of the *Snow Clearing Damages and Grass Replacement Policy*; therefore, be it resolved that Council shall dismiss the resident's claim.

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

Nays: 0

## **Resolution Carried**

### **Resolution 150/2010 – Councillor Budgell/Deputy Mayor Tremblett**

Whereas the Town identified accounts receivable that are unlikely to be collected for various reasons; and whereas the proper procedure was followed to collect on these accounts; and



whereas these actions have been fruitless; therefore, be it resolved that Council shall refer the following accounts, totalling \$5,712.48 plus any accumulated interest, to credit recovery for immediate action:

Privacy Code	Account Number	Balance Owing
1	<b>OMITTED FOR PRIVACY REASONS</b>	1,607.79
2		4,104.69

## DISCUSSION

Councillor Budgell stated that, as a result of the Town's collections efforts on these specific accounts (rentals at 11 Dominic Street), \$20,000 has been added to the treasury. Question was then called.

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

Nays: 0

## Resolution Carried

### **Resolution 151/2010 – Councillor Budgell/Councillor King**

Whereas tenders BF – 01/2010 (Equipment Rental and Earth Materials), BF – 04/2010 (Welding Services/Repairs), BF – 03/2010 (Light Vehicle Repairs), and BF – 02/2010 (Heavy Equipment Repairs and Maintenance) closed on April 23, 2010; and whereas the tenders were opened in the presence of Lesley Smith, Town Manger, Randy Drover, Town Clerk, and Vicki Greene, Clerk/Receptionist, on April 26, 2010 at 10:00 am; and whereas in all cases only one (1) bid was received; and whereas in all cases the bid either matched or was higher than the current rates; therefore, be it resolved that Council shall reject the bids received under tenders BF – 01/2010 (Equipment Rental and Earth Materials), BF – 04/2010 (Welding Services/Repairs), BF – 03/2010 (Light Vehicle Repairs), and BF – 02/2010 (Heavy Equipment Repairs and Maintenance).

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

Nays: 0

## Resolution Carried

### **Motion 152/2010 – Councillor Budgell/Deputy Mayor Tremblett**

That the AP Transaction Journal dated May 10, 2010, totalling \$51,805.69, is approved for payment as presented.

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

Nays: 0

### **Motion Carried**

#### **11.5 COMMUNITY RELATIONS STANDING COMMITTEE 23 (MAY 12, 2010)**

##### **11.5.1 Chairperson's Report**

Deputy Mayor Tremblett, Chairperson, presented the following report:

A regular meeting was held on May 12, 2010 in Chambers. The Fire Department, which was in attendance, expressed concern about residential (backyard) fires and the burning of debris. It believes a set of regulations are in order to govern the conduct of residents in this regard. The Fire Department further advised that it continues to explore the purchase of a new rescue unit at an approximate cost of \$20,000. Finally, the Department expressed concern over the wage reimbursement policy for its members. The members believe \$350 per week is reasonable (the current rate is \$300). Each of these matters was considered in detail by the Committee, and recommendations will be tabled later on the agenda in response.

The Committee invited a delegation from the Bishop's Falls Heritage Society to discuss the following issues concerning the Centre: Security Code, electricity, trains and artifacts. The Town Manager informed the members of the new code for the security system. In the coming days a notice will be posted in the building advising people of the same. With regards to electricity, the Society was concerned that low or no heat may cause damage to the artifacts because of condensation; however, a commitment was made to keep the heat to a minimum at all times. As Council is aware, the Heritage Building has been vandalized many times over the years, and the Society felt the problem could be solved by moving the trains 25' closer to the building.

##### **11.5.2 Recommendations**

#### **Resolution 153/2010 – Deputy Mayor Tremblett/Councillor Budgell**

Whereas the Bishop's Falls Fire Department has been called out to residential properties where residents are carry out burning of debris on their properties and/or burning in fire pits; and whereas the Town of Bishop's Falls does not have any regulations to control the burning therefore, be it resolved that the Regulations Committee of council prepare & present to council for adoption.

### **DISCUSSION**

The Town Clerk advised that the Community Relations Standing Committee is mandated to

consider and, where it feels necessary, prepare such regulations for Council. It has the greatest capacity in the subject area. Furthermore, the Ad Hoc Regulations Review Committee is assigned the task to consider the appropriateness of existing by-laws. Adding new policy questions to its mandate would result in delays. Mayor Hobbs suggested that it may be wise to defeat the resolution on these grounds, and leave the matter to the Standing Committee to address. There being no further discussion, question was called.

Yeas: 0

Nays: 6 – Mayor Hobbs, Deputy Mayor Tremblett, Councillor King, Councillor Hynes, Councillor Budgell, and Councillor Canning

### **Resolution Defeated Without Prejudice**

#### **Resolution 154/2010 – Deputy Mayor Tremblett/Councillor Hynes**

Whereas the Bishop's Falls Fire Department is in the process of purchasing a New Rescue Unit at an approximate cost of \$18,000 to \$20,000; therefore, be it resolved that the Town advance \$10,000 to the Fire Department with the understanding that this amount must be repaid in full by the end of 2010.

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

Nays: 0

### **Resolution Carried**

#### **Resolution 155/2010 – Deputy Mayor Tremblett/Councillor Canning**

Whereas the town has a Wage Replacement Policy in effect since 2004 for the Bishop's Falls Fire Department with a maximum amount to be reimbursed of \$300.00 per week; therefore be it resolved that this amount be increased to \$375 to meet today's standards and that all other terms and conditions of the policy remain the same.

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

Nays: 0

### **Resolution Carried**

## 11.6 AD HOC REGULATIONS REVIEW COMMITTEE

### 11.6.1 Report

Deputy Mayor Tremblett reported that the Committee did not meet since the last Public Meeting. At the next meeting, which is scheduled for May 31, 2010, the members will review the Anti-Litter, Fence, and Bicycle Helmet regulations. A notice of motion was tabled at the last meeting pertaining to the *Animal Control Regulations, 2010*.

## **Item 12: Adoption of Regulations**

### 12.1 *ANIMAL CONTROL REGULATIONS, 2010*

#### **Motion 156/2010 – Deputy Mayor Tremblett/Councillor Hynes**

That Council adopt the *Animal Control Regulations, 2010* as presented.

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

Nays: 0

#### **Motion Carried**

## **Item 13: General Business**

### 13.1 COUNCIL'S SUMMER SCHEDULE

The Clerk explained that during the months of June, July and August Council has, in the past, suspended Standing Committee meetings, and there is only one (1) Public Meeting per month to satisfy the *Municipalities Act, 1999*. However, where warranted, special meetings are called (including Standing Committees) to address more complex issues. The Standing Orders provide Council with flexibility over the schedule during the summer. Council agreed, by consensus, to follow past practice.

### 13.2 TOWN MANAGER STATEMENT

Ms. Lesley Smith, Town Manager, advised that she was recently accepted into Memorial University's Faculty of Medicine and, subsequently, will resign her position with the Town as of July 9, 2010. Council congratulated Ms. Smith on such a significant achievement, and expressed its appreciation for her dedication and exceptional performance over the last few months. Mayor Hobbs explained that Council must initiate the recruitment process immediately in order to allow time for a proper orientation. Mayor Hobbs, Councillor King, Councillor Canning and Councillor Budgell were appointed to the Selection Committee.

### 13.3 SCHOOL BREAKFAST PROGRAM – MUNICIPAL AWARENESS DAY EVENT

Councillor Budgell expressed concern over the school's requirement that Councillors must have a Certificate of Conduct (COC) to participate in the breakfast program. This was not brought to his attention until May 18, 2010, and there is no time to obtain the clearance. Furthermore, this is a onetime event and the Councillors are essentially visiting the school. Deputy Mayor Tremblett did not believe this would be a real problem. The absence of a COC will not likely prevent a Councillor from participating in the program.

### 13.4 EXPLOITS REGIONAL CHAMBER OF COMMERCE REPORT

Councillor King reported on a recent meeting of the Exploits Regional Chamber of Commerce. This was the first meeting since the AGM, and it focused primarily on introductions and general discussions. The primary goal for the Chamber over the next year is increasing membership. Councillor King obtained the Bishop's Falls membership list, and in the coming weeks he will contact each business to obtain their views about the Chamber (i.e. strengths, weaknesses, service gaps, etc).

## **Item 14: Adjournment**

### **Motion 157/2010 – Councillor Canning/Councillor Budgell**

To adjourn Public Meeting 1268.

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

Nays: 0

### **Motion Carried**

The meeting adjourned at 9:35 pm.

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Randy Drover, Town Clerk

Bishop's Falls Town Council  
Public Meeting 1268  
May 18, 2010

## List of Appendices

Appendix	Source
AP Transaction Journal Dated April 12, 2010	Gov 22
<i>Animal Control Regulations, 2010</i>	Regulations – Operational