

Town of Bishop's Falls
Regular Public Council Meeting No. 1278
October 19, 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 October 19, 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/Manager

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 King added "Small Business Week" under General Business. There being no further additions, His Worship called for a motion.

Motion 287/2010 – Councillor Hynes/Councillor Mills

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: Adoption of Minutes for Public Meeting 1276

Motion 288/2010 – Councillor King/Councillor Canning

To adopt the minutes for public meeting 1276 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 5: Business Arising From the Minutes of Public Meeting 1276

Deputy Mayor Tremblett requested an update on the replacement of the door locks at the Heritage Centre. The Clerk indicated that the purchase order was issued on October 19, 2010 to Apple Auto Glass (approximately \$180), and the work will be completed in the near future.

Item 6: Adoption of Minutes for Public Meeting 1277

Motion 289/2010 – Councillor Mills/Councillor Hynes

To adopt the minutes for public meeting 1277 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 7: Business Arising From the Minutes of Public Meeting 1277

Councillor King questioned the outcome of the Recreation Standing Committee's meeting with user groups concerning the stadium's delayed opening. Councillor Canning and Mayor Hobbs stated it was a positive meeting, and the Town shared all the pertinent information pertaining to the application process with those in attendance. The only real concern noted was the inflexibility of ACOA as it relates to the deadline; however, it was generally understood that the situation was beyond the control of the municipality.

Item 8: Standing Committee Reports and Recommendations

8.1 RECREATION STANDING COMMITTEE MEETING 233 (OCT 5, 2010)

8.1.1 Chairperson's Report

Councillor Canning, Chairperson, presented the following report:

The Committee held a regular meeting on October 5, 2010.

As reported at the last public meeting, the Committee invited a delegation from the Bishop's Falls Heritage Society to discuss the feasibility of converting the railway cars into a youth center. Three (3) members from the Society, including the Chairperson, attended the meeting. The delegates advised that the organization has a 10 year plan that includes relocating the existing rolling stock closer to the Museum. This will cost approximately \$25,000. Once the rolling stock is moved, the plan focuses on erecting a fence and refurbishing the railway cars. One (1) of the cars will be utilized as a gift shop. The Society has, in the past, approached several local businesses to determine if they would be interested in participating in the project but did not received any feedback. In regards to the youth centre concept, the delegates felt this would have a negative impact on the museum. Furthermore, the railway cars are not large. The Committee, after hearing the comments, advised the delegates that Council recently established a Task Force that will explore, in cooperation with the Society, the future direction of heritage in the community. This topic will, therefore, be discussed at that level in greater depth.

Following the delegation, the Committee discussed future projects at the Pat O'Reilly Memorial Stadium. The following, listed in no particular order, were noted as areas in need of attention: (1) Upgrading lower level dressing rooms; (2) installing showers in the upper level dressing rooms; (3) painting walls; (4) paving the back parking lot near the Zamboni room; and (5) repairing the roof.

DISCUSSION

Councillor Budgell sought clarification on the Society's 10 year plan. More specifically, he wondered when this was developed. Councillor Canning advised, and was supported by Councillor Mills, that the plan was conceived many years ago. To date little has been accomplished because the organization lacks capacity. A dialogue ensued on the mandate of the Task Force. The Councillors agreed that this body, comprised of Standing Committee Chairpersons, is assigned the responsibility of exploring the direction of heritage in the community. It will work in cooperation with the Heritage Society and serve a consultative function primarily.

8.2 PUBLIC WORKS STANDING COMMITTEE MEETING 286 (OCT 7, 2010)

8.2.1 Chairperson's Report

Deputy Mayor Tremblett, Chairperson, presented the following report:

The Committee held a regular meeting on October 7, 2010.

An application for Crown Land located behind 617 Main Street was considered by the Committee. The members determined they could not recommend approval because the area is currently being developed for residential purposes. To approve it for the use of yard space, as indicated in the application, would not be appropriate.

The Committee, in response to a residential request, instructed the Town/Clerk Manager to investigate the possibility of amending the Town's flood zone map to accommodate the construction of an accessory building. A report on this matter will be tabled at a later meeting.

Over the past several months the Town received complaints concerning the T'Railway in the community. A letter was recently written to the Newfoundland T'Railway Association, and its response was reviewed by the Committee during this meeting. Subsequently, in the coming weeks the Town will document the problem areas on the T'Railway, and a meeting will be arranged with the Association to discuss the issues further.

As Council is aware, during the Igor storm the Dominic Street area experienced a significant drainage issue. In the interest of being proactive, the Town Clerk/Manager and Public Works Supervisor were instructed to engage the Town's engineers to study the problem. A report on this matter will be tabled at a later meeting.

8.2.2 Recommendations

Motion 290/2010 – Deputy Mayor Tremblett/Councillor Budgell

That Council shall oppose an application to acquire Crown Land behind 617 Main Street.

DISCUSSION

****Councillor Canning declared a conflict of interest and vacated Chambers at 7:40 pm****

Deputy Mayor Tremblett explained that the area is currently being developed for residential purposes. If this application was approved, residential properties would be boxed in with commercial activity, and clearly this is not appropriate. There being no further discussion, Mayor Hobbs put the question to a vote.

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

Nays: 0

Conflict of Interest: 1 – Councillor Canning.

Motion Carried

****The question being addressed, Councillor Canning returned to Chambers at 7:45 pm****

8.3 GOVERNANCE STANDING COMMITTEE 26 (OCT 12, 2010)

8.3.1 Chairperson's Report

Councillor Budgell, Chairperson, presented the following report:

A regular meeting was held on October 12, 2010.

The Committee reviewed the accounts payable, budget, cash, and account receivable reports. Council will be pleased to know that the Town's fiscal position is improving. The budget projections are holding, and there is sufficient cash on hand to manage the remaining expenditures (all payables are up-to-date). This time last year a vast amount of our operating line of credit was being used for general operations, but this is not currently the case. Clearly, Council's prudence is having positive effects, and we must continue to be diligent in this regard. These short term results, however, must not deter us from the overall goal of restoring the Town to fiscal sustainability. Much more work remains. In regards to accounts receivable, the Department is working hard to collect past due accounts. These efforts will continue in the coming weeks.

On September 27, 2010 the Town received correspondence from Design Management Group concerning the Centre Access Road Reconstruction Project. As a result of a delay in the funding and approval processes, the engineers are recommending that Council defer the project until the spring of 2011. The Committee discussed the correspondence at length, and debated the idea of implementing the project in stages. In the end, however, the only option deemed practical was the recommendation put forth by the engineers. Maintaining a gravel road in the winter months will not be an easy undertaking. A recommendation to this effect will be presented later on the agenda. Council should know that this issue was discussed by the Committee because the information was received after the last sitting of the Public Works Standing Committee. A decision was timely, and for this reason it was placed on the Governance agenda.

The Committee is pleased to report that the Town's Occupational Health and Safety Committee held a second meeting on September 29, 2010. Several employees stepped forward to assume the role of Co-Chair, and in the coming weeks they will receive the training

as per legislation. Work place inspections have also been reinstated, and the Committee is devising recommendations that will foster a better work environment.

As Council is aware, the tender for the arena boards' replacement project closed on October 6, 2010. Three (3) tenders were received, and the lowest exceeded budget by approximately \$13,000. In the interest of expediting the process, the Mayor and Town Clerk/Manager discussed the shortfall with MHA Clayton Forsey who, immediately, began lobbying the Department of Municipal Affairs. As it looks now, the Department will provide 80% of the shortfall, and the contract will most likely be awarded by October 15, 2010 as planned. In the event the Department does not provide the additional funding, however, the Town will absorb the deficit under general operations. An increase in the loan from the Bank of Montreal will not be sought for there is no reason to do so. Council should know that this issue was discussed by the Committee because the information was received after the last sitting of the Recreation Standing Committee. A decision was timely, and for this reason it was placed on the Governance agenda.

A report was received from the Fallsview Festival Committee concerning the festivities for 2011. Overall, the Committee's activities resulted in a surplus of \$2,123.38 (revenues of \$27,443.22 and expenses of \$25,319.84). This group of volunteers is to be applauded for their fiscal responsibility. They deliver a great festival while managing expenditures accordingly.

DISCUSSION

Mayor Hobbs echoed Councillor Budgell's sentiments in regards to the fiscal responsibility of the Fallsview Festival Committee. A letter will be forwarded to the volunteers in the near future reflecting this admiration. His Worship also indicated that the arena boards' replacement contract was awarded by October 15, 2010, and the province agreed to cover 80% of the shortfall. MHA Clayton Forsey worked hard on this file, and that was greatly appreciated by the Town. Councillor Budgell highlighted the fact that Council was in a position to cover the deficit, and this is a positive reflection of our present fiscal position.

8.3.2 Recommendations

Motion 291/2010 – Councillor Budgell/Councillor Hynes

That the A/P Transaction Journal dated October 12, 2010, totalling \$74,086.54, is approved for disbursement as presented.

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

Nays: 0

Motion Carried

Motion 292/2010 – Councillor Budgell/Deputy Mayor Tremblett

That the Income/Expense Statement, Cash Report, and Accounts Receivable Report are adopted as presented.

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

Nays: 0

Motion Carried

Resolution 293/2010 – Councillor Budgell/Councillor King

Whereas the Centre Access Road reconstruction project was scheduled for completion in the Fall of 2010; and whereas the Department of Municipal Affairs provided approval to award contract on September 23, 2010 after considering a request for additional funding; and whereas the Town's engineers, Design Management Group, is recommending that Council defer the project until the Spring of 2011 because there is insufficient time in this calendar year; therefore, be it resolved that Council shall defer to the advice of Design Management Group and postpone the Centre Access Road reconstruction project until the Spring of 2011.

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

Nays: 0

Resolution Carried

Motion 294/2010 – Councillor Budgell/Councillor King

That Council shall apply for \$10,461.60, which includes GST and represents 80% of the cost overrun, in additional funding from the Department of Municipal Affairs for the Arena Boards Replacement Project (09263).

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

Nays: 0

Motion Carried

****Deputy Mayor Tremblett declared a conflict of interest concerning the next agenda item and vacated chambers at 8:00 pm. Council discussed the issue and ruled that a conflict did not exist. The Deputy Mayor is attending a function on behalf of Council and the registration fee, totalling \$75, is not a direct or indirect personal benefit. The matter is no different than**

sending delegates to the MNL Convention. Having addressed the conflict, Council invited the Deputy Mayor back into Chambers at 8:03 pm**

Motion 295/2010 – Councillor Budgell/Councillor Canning

That Council shall approve a \$75 expenditure for the Deputy Mayor's attendance at the 2010 Citizen Crime Prevention Association of Newfoundland and Labrador's Annual General Meeting.

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

Nays: 0

Motion Carried

Motion 296/2010 – Councillor Budgell/Deputy Mayor Tremblett

That Council shall approve the purchase of a motorized paint machine at a cost of \$3,500 under the Public Works Department Fleet/Equipment Budget.

DISCUSSION

Mayor Hobbs advised, for information purposes, that the recommendation was initiated by the Occupational Health and Safety Committee. There being no further discussion, the question was called.

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

Nays: 0

Motion Carried

8.4 COMMUNITY RELATIONS STANDING COMMITTEE 26 (OCT 13, 2010)

8.4.1 Chairperson's Report

Councillor Hynes, Chairperson, presented the following report:

A regular meeting was held on October 13, 2010.

Representatives from the Bishop's Falls Fire Department, including Fire Chief Harnum, were in attendance. The Committee was updated on the status of the new unit 4. This vehicle was donated by Newfoundland Hydro, and the motor vehicle inspection was completed by Riverview Motors as an in-kind contribution. To date, the cost of making this vehicle

roadworthy is approximately \$960, and the Department does not anticipate that the \$1,000 allocation will be exceeded by much. A paint job still remains, but this will be completed by volunteers as a cost-saving measure. The Fire Chief advised the Committee that Mr. Dan Oldford and Mr. Jeff Roswell recently resigned as officers. Since then elections were held, and the new officers are Mr. Ed Harnum (Sr. Lieutenant) and Mr. Matthew Reid (Jr. Lieutenant).

The Committee began planning for the upcoming Remembrance Day Ceremonies (a checklist was created and duties were assigned to various stakeholders). Representatives of the Royal Canadian Legion and Air Cadets were not in attendance. Efforts will be made, however, to secure their participation at the next meeting.

8.4.2 Recommendations

Motion 297/2010 – Councillor Hynes/Councillor Canning

To amend section 15.1 of the Standing Orders, as it concerns meetings of the Community Relations Standing Committee, by deleting “Secord Wednesday of every month at 6:45 pm” and replacing it with “First Wednesday of every month at 6:45 pm”.

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

Nays: 0

Motion Carried

Item 9: General Business

9.1 TAX SALE PROPERTIES

Motion 298/2010 – Councillor Budgell/Councillor Canning

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

Privileged session commenced at 8:10 pm.

Motion 299/2010 – Councillor Budgell/Councillor

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

Privileged session concluded at 8:30 pm.

Motion 300/2010 – Councillor Budgell/Councillor King

That Council shall authorize the Town Clerk/Manager, in accordance with section 139 of the *Municipalities Act, 1999*, to proceed with a tax sale as it concerns the following properties:

Property	Taxes Outstanding (Since 2004)
376 Main Street	\$20,349.35
22 Thirteen Mile Crossing	\$10,178.24
14 Market Road	\$6,288.28
5 Faulkner's Lane	\$3,315.42
308 Main Street	\$4,702.82
7 McMahon's Lane	\$9,091.77
138 Main Street	\$2,744.73
406 Main Street	\$1,334.12
3 McMahon's Lane	\$9,776.20
4 Knights of Columbus Road	\$18,487.64
25 Beaumont Heights	\$6,131.83

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

Nays: 0

Motion Carried

9.2 MNL CONVENTION REPORTS

Mayor Hobbs and Councillor Mills presented reports, individually, on the 2010 MNL Convention that was held in St. John's on October 6, 7, 8, 9, and 10. Topics reported on included the following: Federal and provincial immigration policies, privacy legislation, MNL member services, community development, Canadian Mortgage and Housing Corporation, community cooperation, MNL resolutions, and homeless prevention strategies. Mayor Hobbs filed a written report for Council's consideration.

9.3 HALLOWEEN

By general consensus, Council agreed that Halloween, scheduled to take place on Sunday this year, will not be changed to an earlier or later date. A public service notice to this effect will be distributed in the near future.

9.4 GUY FOX NIGHT

Mayor Hobbs indicated that individuals or groups interested in hosting a bonfire on Guy Fox Night must obtain a permit. The public will be notified accordingly.

9.5 DOMESTIC MILL LICENCE APPLICATION

Motion 301/2010 – Councillor Canning/Councillor Hynes

That Council shall approve a Mill Licence Application from a resident intending to operate a domestic mill at 20 Hampton's Hill subject to applicable municipal and provincial legislation.

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

Nays: 0

Motion Carried

9.6 EMERGENCY PLAN

His Worship reported that in the very near future work will commence concerning the Town's emergency plan. A Committee will need to be formed, and that will happen at a later date.

9.7 TRESTLE LIGHTS MEETING REPORT

Councillor Canning advised that a group, comprised of residents from different backgrounds, has been assembled with a mandate to restore the lights on the Trestle. Right now the idea of installing permanent lights is being explored. The group agreed that the existing system has reached a point where repairs are futile. Councillor Canning indicated that the lights will be restored. Another meeting is taking place on October 28, 2010.

9.8 CENTRE ACCESS ROAD CONTRACT (ADDITIONAL FUNDING)

Motion 302/2010 – Councillor Canning/Councillor Mills

That Council shall approve the agreement between the Town of Bishop's Falls and the Department of Municipal Affairs for \$35,203 in supplement funding for the Centre Access Road

Reconstruction Project. The Mayor and Town Clerk are hereby authorized to execute the agreement on Council's behalf.

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

Nays: 0

Motion Carried

9.10 SMALL BUSINESS WEEK

Councillor King announced that Small Business Week is currently underway. He went on to recognize the important contributions that these enterprises make to the development of the community. Councillor Budgell indicated that in the past year several businesses have opened in the municipality, and this is a very positive event. Mayor Hobbs stated that he will issue a news release recognizing the contributions of small businesses in the coming days.

Item 10: Adjournment

Motion 303/2010 – Councillor Canning/Councillor Mills

To adjourn public meeting 1278.

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

Nays: 0

Motion Carried

The meeting adjourned at 9:15 pm.

Randy Drover, Town Clerk/Manager

Bishop's Falls Town Council
Public Meeting 1278
October 19, 2010

List of Appendices

Appendix	Source
AP Transaction Journal (October 12, 2010)	GOV 26
Income/Expense Statement	GOV 26
Cash Report	GOV 26
Accounts Receivable Report	GOV 26