

Town of Bishop's Falls
Regular Public Council Meeting No. 1282
January 18, 2011 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 January 18, 2011 and presided with the following individuals in attendance:

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

Randy Drover, Town Clerk/Manager

Councillor Mills was absent with Council's consent.

MHA Clayton Forsey was present for the Deputy Mayor's Recognition Ceremony.

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: Deputy Mayor Recognition Ceremony

Mayor Hobbs, on behalf of the Town, congratulated Deputy Mayor Doreen Tremblett for 25 years of service to Council. This significant record was achieved in 2010, and would have been recognized by the Minister of Municipal Affairs during the MNL Convention; however, the Deputy Mayor was unable to make the event at that time. His Worship then provided the MHA with the floor for the recognition ceremony. MHA Forsey echoed the Mayor's congratulatory sentiments, and stated that he had the privilege of working with Deputy Mayor Tremblett on a previous Council. Her commitment to the community has not wavered since that time. The MHA then presented the Deputy Mayor with a plaque from the Government of Newfoundland and Labrador. Deputy Mayor Tremblett expressed her appreciation for the recognition, and noted that she has enjoyed her tenure on Council.

MHA Clayton Forsey vacated Chambers after the ceremony concluded.

Item 4: Adoption of the Agenda

His Worship presented the agenda and asked if there were any additions. Councillor Budgell suggested that "Bishop's Falls Boys Juvenile Broomball Correspondence" should be first under General Business. "ADDA Development Application – Discretionary Notice" could be moved to last. Mayor Hobbs and Councillor Hynes added "Hospitality NL" and "Seniors Activity Report", respectively, under General Business.

Motion 1/2011 – Councillor Canning/Councillor Budgell

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 5: Adoption of Minutes for Public Council Meeting No. 1281

Motion 2/2011 – Deputy Mayor Tremblett/Councillor King

To adopt the minutes for public meeting 1281 as presented.

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 No. 1281

Councillor Canning questioned the status of the application under the Disaster Assistance Program. He heard through the media that the Minister of Municipal Affairs does not intent to approve 100% of funding applications. The Clerk indicated that a decision has not been made, and the next step is an engineering assessment. Councillor King inquired about the ice edger. The Clerk stated that the equipment was acquired from the Town of Gander as planned, and the Recreation Attendant advises that it's working fine.

Item 7: Standing Committee Reports and Recommendations

7.1 RECREATION STANDING COMMITTEE MEETING NO. 236 (JAN 4, 2011)

7.1.1 Chairperson's Report

Councillor Canning, Chairperson, presented the following report:

A regular meeting was held on January 4, 2011. A delegation was received from a resident where a business/development plan was presented to upgrade the softball fields in the Faulkner Recreation Complex at no cost to Council. The Committee was, generally speaking, pleased with the overall concept; however, before anything further is completed by the resident, Council will need to provide some direction.

In addition to the delegation, the members also discussed the stadium rental fees, plaques for Hockeyville, recognition for those who contributed to the renovations (public and private), and Kraft Hockeyville stickers.

DISCUSSION

Council discussed the proposal presented to the Committee to renovate the softball fields. There was concern that the concept may not be feasible; however, at this point the Councillors could find no reason not to offer their support in principle. Subsequently, Council mandated the Recreation Standing Committee, by consensus, to explore the concept further with the resident, and to bring a more comprehensive plan to Council once the Committee is satisfied to do so.

7.2 PUBLIC WORKS STANDING COMMITTEE MEETING 289 (JAN 13, 2011)

7.2.1 Chairperson's Report

Deputy Mayor Tremblett, Chairperson, presented the following report:

The Committee held a regular meeting on January 11, 2011.

A report was received from the Public Works Supervisor on a recent problem with the 936 loader. Over the past several weeks there have been problems with the brakes, and just recently the Department engaged Toromont Cat to perform a diagnosis. Following this assessment, the Town was advised that a complete overhaul of the brakes is necessary, and this will cost approximately \$11,000 (the maintenance budget for the loader is \$25,000). The Committee discussed the issue at length, but ultimately the repairs are necessary. The 936 loader is used for snow clearing operations. Council should know, however, that this equipment is marked for replacement within the next three (3) years. A recommendation will be presented later to authorize the \$11,000 expenditure.

The Committee reviewed correspondence from the former Minister of Environment and Conservation, the Hon. Charlene Johnson, in regards to the river abutments. The Minister advised that her "Officials believe that the piers do not pose any environmental concern due to the fact that these have been weathered and submerged for over 25 years. However, the piers certainly could be a safety issue for boaters in the area which falls within the provisions of the Navigable Waters Protection Act administered by the federal government". This issue is stalled because the Department is requesting current photos of the abutments, but this has been next to impossible to obtain given the high water levels. The Committee discussed this development, and believed the Department is responsible to obtain the photos. The Town's role was to advise of the issue – it is now left to the Government to resolve.

DISCUSSION

Councillor Canning was concerned that the Town was passing the issue on to the Government. In response, Mayor Hobbs explained this is not the case, and the Town will continue to do what it can; however, Council's role in this process was to advise Government of the issue, and the latter must decide how the problem can be resolved. If that means approaching the Federal Government because of jurisdictional issues, then so be it. The process cannot stall because the Town is unable to provide photos of the current piers.

7.2.2 Recommendations

****COUNCILLOR CANNING DECLARED A CONFLICT OF INTEREST WITH THE NEXT MATTER AND VACATED CHAMBERS AT 7:28 PM****

Resolution 3/2011 – Deputy Mayor Tremblett/Councillor Budgell

Whereas a resident, in correspondence dated January 13, 2011, requested Council's consent to acquire Crown Land near the intersection of Main Street and Knights of Columbus Road; and whereas this land, marked as being 66' wide, is designated as a "Government Road Reservation"; and whereas this land may be necessary for future development; therefore, be it resolved that Council shall stand in opposition to the resident's application to acquire Crown Land near the intersection of Main Street and Knights of Columbus Road.

Yeas: 5 – Mayor Hobbs, Deputy Mayor Tremblett, Councillor King, Councillor Hynes, and Councillor Budgell.

Nays: 0

Conflict of Interest: 1 – Councillor Canning

Resolution Carried

****HAVING ADDRESSED THE MATTER, MAYOR HOBBS INVITED COUNCILLOR CANNING BACK INTO CHAMBERS AT 7:32 PM****

Motion 4/2011 – Deputy Mayor Tremblett/Councillor King

That Council shall approve an appropriation of \$11,000 to repair the brakes to the 936 loader.

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

Nays: 0

Motion Carried

7.3 GOVERNANCE STANDING COMMITTEE MEETING 29 (JAN 11, 2011)

7.3.1 Chairperson's Report

Councillor Budgell, Chairperson, presented the following report:

A regular meeting was held on January 11, 2011.

The members reviewed the reports (budget and cash) ending December 31, 2010. The fiscal year ended with a positive cash balance and a moderate surplus. In most cases, each Department (Public Works, Recreation, Fire and Administration) did not utilize the overall allocations. This demonstrates, quite clearly, that the Town's financial resources are being managed properly. Such practices will continue into 2011 and, where necessary, be improved. The Committee also reviewed the AP Transaction Journal as of January 10, 2011. This period the payables are on average (approximately \$46,000), and the members found no substantial concerns. In terms of 2011, Council should know that the accounting system has been updated with the new budget information. With the exception of salaries, there has been little other expenses. The cash balance has decreased since 2010 because a loan payment was required on January 1, 2011. Furthermore, the loan for the arena boards (\$33,000) was transferred from the general account to capital works/grants in January. A positive cash balance still remains, nonetheless.

As Council is aware, the arena boards were replaced in December 2010 – that project is now completed. Management is in the process of closing the file, and a report was submitted to the Committee as it pertains to the financials. In summary, the project exceeded approved funding by approximately \$5,300. This relates to replacement glass and the stainless steel gate hardware. Subsequently, on January 10, 2011 the Town Clerk/Manager applied to the Department of Municipal Affairs for 80% of the overruns. This action will need to be sanctioned by Council, and a recommendation to this effect will be tabled later. If the Department approves its share of the overruns, the Town's total contribution will be \$39,183.86, of which \$33,000 will be paid from the Bank of Montreal loan. The balance will be covered under various recreation donations or, if necessary, general revenue.

7.3.2 Recommendations

Motion 5/2011 – Councillor Budgell/Deputy Mayor Tremblett

That Council shall approve the A/P Transaction Journal dated January 10, 2011, totalling \$46,171.90, for disbursement as presented.

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

Nays: 0

Motion Carried

Motion 6/2011 – Councillor Budgell/Councillor Hynes

That Council shall ratify the Routine Payments for the month of December 2010 totalling \$26,461.14.

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

Nays: 0

Motion Carried

Resolution 7/2011 – Councillor Budgell/Deputy Mayor Tremblett

Whereas the Bishop's Falls Lions Club was forced to cancel the 2010 community bonfire because ammunition was found in the debris; and whereas the Lions Club was required to pay a contractor \$452.00 for the proper clean-up of the site; and whereas the Lions Club is requesting the Town's financial support in this regard because of the extenuating circumstances; and whereas Council believes the situation warrants a financial contribution; therefore, be it resolved that the Town shall provide a \$225 grant to the Bishop's Falls Lions Club to assist with the cost incurred in relation to the clean-up of the 2010 community bonfire debris.

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

Nays: 0

Resolution Carried

Resolution 8/2011 – Councillor Budgell/Deputy Mayor Tremblett

Whereas Wishes Flowers and Gifts (hereinafter referred to as 'business'), in correspondence dated January 7, 2011, offered to purchase the Town's advertising sign for \$300; and whereas the business has stated that it is "...interested in utilizing one side of the [sign] on a regular basis for community events"; and whereas Council is interested in selling the sign under these conditions provided adequate consideration is provided; therefore, be it resolved that Council shall offer to sell the sign to the business for \$500 on condition that the business agrees that one (1) side of the sign will be available for use by the general public and Council at no charge.

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

Nays: 0

Resolution Carried

Resolution 9/2011 – Councillor Budgell/Deputy Mayor Tremblett

Whereas the Bishop's Falls Fire Department requires 12 sets of Turnout Gear; and whereas the Department of Municipal Affairs sponsors a program that aims to assist municipalities purchase this necessary and important equipment; therefore, be it resolved that the Town shall submit a funding application to the Department of Municipal Affairs for 80% of the cost to purchase 12 sets of Turnout Gear for the Bishop's Falls Fire Department.

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

Nays: 0

Resolution Carried

Motion 10/2011 – Councillor Budgell/Councillor Hynes

That Council shall ratify Home Based Business Licence 1-12-2010 to Ms. Paula King that authorizes, subject to certain conditions, the operation of a Beauty Salon at 46 B Marshall's Drive.

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

Nays: 0

Motion Carried

Motion 11/2011 – Councillor Budgell/Councillor King

That Council shall apply for \$5,353.67 in additional funding from the Department of Municipal Affairs for the Arena Boards Replacement Project (09263).

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

Nays: 0

Motion Carried

Item 8: General Business

8.1 BISHOP’S FALLS BOYS JUVENILE BROOMBALL CORRESPONDENCE

Mayor Hobbs presented a letter from the Bishop’s Falls Boys Juvenile Broomball requesting an adjustment to the rental rates at the stadium. Essentially, the organization is looking to avail of the minor rate for an upcoming tournament that is being used as a fundraiser. Council discussed the merits of the request, and generally agreed that the rates cannot be adjusted, as requested, in the circumstances – to do otherwise would establish a problematic precedent. Councillor Canning suggested that the organization could, in this situation, be offered the same rates that apply to the minor hockey association (i.e. minor rate during minor hours and prime rate during prime hours). This is the best possible solution.

Motion 12/2011 – Councillor Canning/Councillor Hynes

That Council shall, in response to a request from the Bishop’s Falls Boys Juvenile Broomball received January 14, 2011, provide the said organization with the following rental rates at the Pat O’Reilly Memorial Stadium for its fundraising tournament on January 28 and 29, 2011: Minor rate up to 7:00 pm and prime rate after 7:00 pm.

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

Nays: 0

Motion Carried

8.2 ZAMBONI ROOM DOOR (DISPOSABLE) – OFFER TO SELL/PURCHASE

Council considered the sale of the old Zamboni room door that was recently removed from the stadium. The Clerk was directed to advertise the sale on the Town’s website for a two (2) week period, and the offers (if any) will be presented to the Governance Standing Committee at its next sitting in February.

8.3 HOSPITALITY NL

Mayor Hobbs advised Council that Hospitality NL will be holding a meeting in St. John's from February 17 – 19, 2011. Being a non-member, it will cost the Town \$430 per person to attend. Council, by consensus, expressed no interest in the opportunity and declined the invitation.

8.4 SENIORS ACTIVITY REPORT

Councillor Hynes reported that work is underway in relation to organizing activities for seniors (specifically women). Research is currently being completed.

8.5 ADDA DEVELOPMENT APPLICATION – DISCRETIONARY NOTICE

****COUNCILLOR CANNING DECLARED A CONFLICT OF INTEREST WITH THE NEXT MATTER AND VACATED CHAMBERS AT 8:03 PM****

The Clerk advised Council that no written objections to the public notice were received as of January 18, 2011 at 4:30 pm. Council then proceeded to discuss the impacts of permitting an apartment in a resident medium density zone in the Knights of Columbus Road/Main Street area. Given the nature of the development (i.e. subdivision of land), the Councillors concluded that an engineering study/plan is required. There are drainage issues in the area that need to be taken into account, and the development – whether it's two (2) or three (3) apartments – may cause the area to be congested. These issues can only be resolved upon reviewing an engineering submission. Councillor Budgell suggested that it may be wise to table the discretionary decision until such time as the full plan can be properly considered.

Motion 13/2011 – Councillor Budgell/Councillor King

To defer the question until such time as a proper engineering study/plan is submitted by the developer that takes into account issues of concern to the Town.

Yeas: 5 – Mayor Hobbs, Deputy Mayor Tremblett, Councillor King, Councillor Hynes, and Councillor Budgell.

Nays: 0

Conflict of Interest: 1 – Councillor Canning

Motion Carried

****HAVING ADDRESSED THE MATTER, MAYOR HOBBS INVITED COUNCILLOR CANNING BACK INTO CHAMBERS AT 8:30 PM****

Item 9: Adjournment

Motion 14/2011 – Councillor Canning/Deputy Mayor Tremblett

To adjourn public meeting 1282.

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

Nays: 0

Motion Carried

The meeting adjourned at 8:32 pm.

Randy Drover, Town Clerk/Manager

Bishop's Falls Town Council
Public Meeting 1282
January 18, 2011

List of Appendices

| Appendix | Source |
|---|--------|
| AP Transaction Journal January 10, 2011 | GOV 29 |
| Routine Payments December 2010 | GOV 29 |