

## Minutes

### Item 1: Call to Order

Mayor R. Hobbs called the meeting to order at 7:04 pm on November 15, 2011 and presided with the following individuals in attendance:

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

Randy Drover, Town Clerk/Manager

Councillor A. Hynes was absent with regrets.

### Item 2: Opening Prayer in the Form of Silent Reflection

A minute of silence was provided for a private prayer by Councillors.

### Item 3: Adoption of the Agenda

#### Motion 258/2011 – Councillor Mills/Councillor Budgell

To adopt the agenda as presented.

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

Nays: 0

**Motion Carried**

### Item 4: Adoption of Minutes for Public Council Meeting No. 1294

#### Motion 259/2011 – Deputy Mayor Tremblett/Councillor Mills

To adopt the minutes for public meeting 1294 as presented.

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

Nays: 0

**Motion Carried**

**Item 5: Business Arising from the Minutes of Public Council Meeting No. 1294**

Questions and discussions in relation to the minutes for public meeting 1294 were as follows:

Q1: Have the signs prohibiting transport trucks from using the Centre Access Road been installed by the Department of Transportation and Works?

A1: Signs on the east end of the TCH have been installed. The status of the west end signs was not known as of the meeting; however, work should be completed in the near future.

D1: The Clerk indicated the legal review surrounding the horse has not yet been initiated. Since the last meeting a considerable amount of time was devoted to the preparation of the 2012 budget. The legal review report will be ready for the next Council cycle.

**Item 6: Adoption of Minutes for Public Council Meeting No. 1295**

**Motion 260/2011 – Councillor Canning/Councillor Mills**

To adopt the minutes for public meeting 1295 as presented.

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

Nays: 0

**Motion Carried**

**Item 7: Business Arising from the Minutes of Public Council Meeting No. 1295**

Mayor Hobbs indicated Council's Christmas party will take place on December 2, 2011. It will proceed on the same format as 2010.

**Item 8: Standing Committee Reports and Recommendations**

8.1 PUBLIC WORKS STANDING COMMITTEE MEETING NO. 295 (NOV 1, 2011)

8.1.1 Chairperson's Report

Councillor King, Chairperson, presented the following report:

The Committee held a regular meeting on November 1, 2011.

In many ways this was a routine meeting, but the Committee did address several matters deferred to it by Council over the past month. As it concerns the plowing of private roads, which is not a new issue for the Town, the Committee reviewed the policy that was adopted and repealed in 2009. Generally speaking, the majority of the members felt plowing private roads, in the absence of policy or guidelines, is not a suitable practice. The system that developed over the Town's history is not equitable; therefore, the Committee has taken on the assignment of revising the 2009 policy. To this end, several amendments were identified and the Clerk was instructed to prepare the language for consideration at the next meeting. The changes, if any, will be made for the 2012-2013 snow clearing season.

In addition to the plowing of private roads, the Committee discussed the application to develop a duplex on Country Road, and another request to permit two (2) five (5) unit apartment complexes on Riverside Drive. In both cases the Committee recognized it's critically important for the Town to continue fostering development in the community, but a balance must be reached between the public and private interests. As we know, a petition containing 30 signatures was received opposing the construction of a 'multiplex apartment' on Country Road. The petitioners, having not received the details of the development, seem to be working from an uninformed basis. The Town will undertake its own research in this regard; however, in the interest of providing the applicant an opportunity to respond to the petition, the Committee instructed the Clerk to forward the petition (less the personal information of the signatories) to the developer. He/she will be given a reasonable amount of time to respond to the petitioners' arguments and Council, with that information, will be equipped to make a decision at the public meeting on November 15, 2011. This recommendation was brought before Council during a special public meeting on November 1, 2011.

In terms of the request to permit two (2) five (5) unit apartment complexes on Riverside Drive, the proponent is requesting a variance under the development regulations. The Committee is prepared to entertain this, but the developer must submit a formal application to the Town first. Again, this recommendation was laid before Council during the special public meeting on November 1, 2011.

#### 8.1.2 Recommendations Arising

##### **Motion 261/2011 – Councillor King/Councillor Budgell**

That Council shall approve the application dated October 31, 2011 for a parcel of Crown land fixed on Newbay road measured 400 m by 200 m for agricultural use.

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

Nays: 0

##### **Motion Carried**

##### **Motion 262/2011 – Councillor King/Councillor Budgell**

That Council shall amend section four (4) of the *Permits and Licences Processing Regulations* by inserting an additional subsection to state as follows: (d) submit a water drainage plan.

## DISCUSSION/DEBATE

The following points were raised during discussion/debate: (1) What is the impact on the permit applicant? Will he/she be required to obtain engineering assistance to complete the drainage plan? (2) If adopted, this change will affect all permit applications as each will have to contain a plan addressing water drainage on the land. This is not meant to be an onerous process (i.e. engineer involvement), but the Town needs to make the applicant think about this important question. It will also help Town employees evaluate development plans.

Question was called.

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

Nays: 0

### Motion Carried

## 8.2 RECREATION STANDING COMMITTEE MEETING NO. 241 (NOV 7, 2011)

### 8.2.1 Chairperson's Report

Councillor King, Acting Chairperson, presented the following report:

A regular meeting was held on November 7, 2011.

Over the past several months, and perhaps longer, the idea of constructing a fitness centre in the stadium was discussed. Essentially, the concept is to remove a section of the stands at the end of the stadium opposite the community room, and in its place construct a room for fitness equipment such as treadmills, bicycles, rowing machines, etc. The targeted demographic for this initiative is those who are 50 or more years of age. Our current JCP project may be the best avenue to have the room constructed, and from there we can seek funding for the equipment. This plan is contingent on the Town's ability to source 100% of the necessary funding. The Committee felt this had great potential and, anecdotally speaking, there is a demand for this service in Town. A recommendation will be tabled later to pursue this opportunity.

Since the matter was deferred to Committee in July 2011, the *Recreation Rental Fees and Cancellation Policy* was placed under advisement. As Council is aware, this initiative will consolidate two (2) existing policies pertaining to the stadium, and it will also set in place rental fees for other recreation products/services such as the softball and soccer fields. The Committee's primary focus is to introduce a rental fee framework that is consistent with other municipalities, and we feel this was achieved. Once the policy is adopted and given effect, the rental fees for the soccer and softball fields (rates in the stadium remain unchanged) will be as follows (not including taxes):

| Recreation Product | Condition             | Minor Rate | Senior Rate | School Rate | General Rate |
|--------------------|-----------------------|------------|-------------|-------------|--------------|
| Stadium            | Rental before 7:00 pm | \$75       | \$105       | \$75        | \$105        |
|                    | Rental after 7:00 pm  | \$105      | \$105       | \$105       | \$105        |
|                    | During the Summer     | \$35       | \$50        | \$35        | \$50         |
| Softball Field     | Season (per team)     | \$250      | \$250       | Nil         | \$250        |
|                    | Hourly                | \$10       | \$15        | Nil         | \$15         |

|              |                   |       |       |     |       |
|--------------|-------------------|-------|-------|-----|-------|
| Soccer Field | Season (per team) | \$250 | \$250 | Nil | \$250 |
|              | Hourly            | \$10  | \$15  | Nil | \$15  |

The policy will be recommended for adoption later on the agenda.

The Committee reviewed an incident report submitted by the Summer Recreation Coordinator regarding the usage of Helen Tulk Elementary for the Central Summer Games. The School's principal alleged that several items were removed from the facility, without permission, while the Town was occupying the premises. This matter was taken very seriously by employees, and discussions occurred with School Board officials to have things clarified. Ultimately, the Town's investigation discovered it was highly unlikely that anything was removed from the school by the athletes because of the supervision and controls in place. Furthermore, other people were accessing the building during that time as well who were not associated with the Town; therefore, if something was removed, it is impossible to accuse anyone and this was acknowledged by the School Board. This matter has since been resolved, but the Committee felt it was prudent to file a report with Council.

Work was initiated to update the *Fallsview Park Policy Manual*. Language has been drafted around a potential reservation system, and once the final revisions are made the Committee will table the manual for Council's consideration.

Finally, at the special public meeting on November 1, 2011, as Council is aware, the employee Christmas party was discussed; however, since then an idea emerged that has a recreational aspect, and the Committee believes it has value and should be implemented. As opposed to going to a restaurant or something along that line, although food will remain a part of the plan, the employees suggested an afternoon of curling may be more entertaining. Council and staff will be involved, and perhaps a match between them could be arranged. The Committee believes this will be much more enjoyable, and Council ought to instruct the Town Clerk/Manager to make the required plans.

#### 8.2.2 Recommendations Arising

##### **Motion 263/2011 – Councillor King/Deputy Mayor Tremblett**

Whereas there is a need to construct a fitness centre in the Pat O'Reilly Memorial Stadium; and whereas this centre could be used by persons 50 years of age and older to increase activity among this demographic; and whereas there is excess capacity in terms of stands in the stadium; and whereas a section of the stands could be dismantled to permit the construction of the centre; and whereas the Town has an ongoing JCP project that could be used to construct the centre; therefore, be it resolved the Town shall (1) apply for an additional allocation under the existing JCP project to construct a fitness centre in the Pat O'Reilly Memorial Stadium; (2) apply for funding from another source to acquire the equipment necessary for the fitness centre; and (3) where funding is secured under the JCP project or another source, dismantle that section of the stands necessary for the centre's construction; be it further resolved that this initiative shall be funding 100% by external sources. There shall be no municipal contribution.

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

Nays: 0

## **Motion Carried**

### **Motion 264/2011 – Councillor King/Councillor Mills**

That Council shall adopt the *Recreation Rental Fees and Cancellation Policy* as presented.

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

Nays: 0

## **Motion Carried**

### **8.3 GOVERNANCE STANDING COMMITTEE MEETING NO. 36 (NOV 8, 2011)**

#### **8.3.1 Chairperson's Report**

Councillor Canning, Chairperson, presented the following report:

A regular meeting was held on November 8, 2011.

As usual, the Committee reviewed and considered the Budget Report (Income/Expense Statement), Accounts Payable, Accounts Receivable (including delinquent accounts), Routine Payments, Cash and Capital Works Reports for the period ending November 8, 2011. As we approach fiscal year end, the Town's financial position is still stable. In terms of expenses, while we will most likely exceed budget targets for certain line items, the cost categories in the aggregate remain strong. One of the areas that has been and will continue to be monitored by the Committee is *Vehicle and Fleet Operations and Maintenance*. Much of the Town's equipment is beyond its useful life; therefore, not only will general maintenance cost increase with time, but there is a greater risk for 'unexpected' breakdowns. For example, the garbage truck recently lost its transmission, and it will cost approximately \$6,000 for the repairs. This is a significant issue, and the Town is currently reviewing its five (5) year capital investment plan to determine if it's more viable to expedite the replacement of the more problematic equipment (i.e. 2000 flyer and 1989 loader). That is being taken into account during the preparation of the 2012 budget. The table below outlines the percentage of the budget used to date per category.

| <b>Category</b>                                     | <b>% of Budget Used to Date</b> |
|---|---------------------------------|
| Council (remuneration, travel, supplies, etc.)      | 74%                             |
| Administration (wages, insurances, supplies, etc.)  | 79%                             |
| Property Assessment                                 | 100%                            |
| Professional Development & Training                 | 111%                            |
| Public Relations                                    | 82%                             |
| Protective Services (Fire Dept. and animal control) | 68%                             |
| Vehicle & Fleet Operations and Maintenance          | 73%                             |
| Roads (wages, supplies, equipment rental, etc.)     | 99%                             |
| Snow Removal  | 59%                             |
| Street Lights                                       | 79%                             |
| Water Supply  | 80%                             |
| Sewer Collection and Disposal                       | 53%                             |
| Recreation Administration (wages)                   | 87%                             |
| Parks/Playgrounds/Fields                            | 97%                             |

|   |     |
|---|-----|
| Stadium (wages, supplies, maintenance, etc.)      | 84% |
| Fiscal Services (debt repayment, bank fees, etc.) | 82% |

The accounts receivable collection rate continues to increase, and as of November 8, 2011 it sits at 92.45% (current accounts). Cash remains in a healthy condition.

### 8.3.2 Recommendations Arising

#### **Motion 265/2011 – Councillor Canning/Councillor Mills**

That Council shall approve the A/P Transaction Journal dated November 8, 2011, totalling \$38,701.51, for disbursement as presented.

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

Nays: 0

**Motion Carried**

#### **Motion 266/2011 – Councillor Canning/Deputy Mayor Tremblett**

That Council shall ratify the Routine Payments for the month of October 2011 totalling \$26,363.31.

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

Nays: 0

**Motion Carried**

#### **Motion 267/2011 – Councillor Canning/Councillor King**

That Council shall purchase twenty (20) thirty (30) second Christmas Greeting messages for \$500 plus taxes from Steel Communications.

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

Nays: 0

**Motion Carried**

### 8.4 COMMUNITY RELATIONS STANDING COMMITTEE NO. 36 (NOV 8, 2011)

#### 8.4.1 Chairperson's Report

Councillor Mills, Chairperson, presented the following report:

A regular meeting was held on November 2, 2011.

The Committee conversed with executive members of the Bishop's Falls Fire Department regarding ongoing issues (i.e. Mutual Aid Agreements). Additionally, the executive was asked to justify the need for additional pagers and radios that can be acquired under JEPP. Subsequently, the Department advised they were necessary to replace older equipment and to bring everyone up to the same standard. If the JEPP application is approved, \$3,276.17 will come from the Department's current budget.

On November 1, 2011 the Committee held a special meeting to finalize details for the Remembrance Day Ceremonies. There was a specific effort this year to engage youth, and the Committee feels this was achieved.

## DISCUSSION

Mayor Hobbs, on behalf of Council, congratulated the Committee for a job well done with Remembrance Day. Some Councillors noted it was one of the better ceremonies in recent memory. Deputy Mayor Tremblett suggested 'thank-you' notes should be sent to those involved with planning and coordination. This will be addressed by the Committee at the next sitting.

### 8.4.2 Recommendations Arising

#### **Motion 268/2011 – Councillor Mills/Councillor King**

That Council shall submit an application under JEPP to acquire ten (10) pagers, five (5) radios and the associated equipment on a 50/50 basis at a cost of \$9,593.70 including taxes. The equipment acquired shall be used for the Bishop's Falls Fire Department to replace older pagers and radios. Motion 217/2011 is hereby rescinded.

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

Nays: 0

#### **Motion Carried**

## **Item 9: General Business**

### 9.1 52 COUNTRY ROAD DEVELOPMENT APPLICATION

Mayor Hobbs reported the developer responded, on November 7, 2011, to the petition and Council's inquiry as per motion 251/2011. The developer indicated a single dwelling with a basement apartment is not possible because drawings are already prepared. Any further work in this area will bring additional expenses, and the developer is not prepared to assume that cost. In terms of the petition, he/she disputes the fact property values will be negatively impacted because of the development.

#### **Motion 269/2011 – Councillor Canning/Deputy Mayor Tremblett**

To dissolve into a privileged session.



## DISCUSSION/DEBATE

The following points were raised during discussion/debate: (1) Many people are interested in this matter and the outcome; therefore, Council's deliberations ought to be public knowledge. (2) The only reason to dissolve into a privileged session is to protect the privacy of the individuals involved. If this can be maintained during public debate, the motion can be withdrawn.

With Council's consent, the motion was withdrawn by the proponents.

### **Motion Withdrawn**

Discussion/debate resume and the following points were made: (1) The Town does not know the contact information of the real estate agent advising the petitioners (this information was requested by the developer); however, from reading the petition's preamble, there appears to be some confusion about the details of the development. (2) Notwithstanding any inaccuracies with the petition, it still has merit and must inform the ultimate decision. The fact is Council decided to prohibit the construction of apartments, regardless of their nature, in a previous public meeting, and there was good reason for doing so. Residents are concerned these structures are being constructed in all areas of the Town regardless of their conformity with the existing neighbourhood. The petition speaks to this problem. (3) Council did not formally decide to prohibit the construction of apartment complexes throughout the Town. This is an important point. (4) As it concerns Country Road, a duplex already exists at the west end; therefore, the conformity argument is somewhat weakened. (5) Country Road is long and there are different neighbourhoods or areas with varying development attributes. A duplex does not fit with the east end of the road. (6) Council should be open to this opportunity because it will help seniors get back into the community and closer to their families. There is a demand for this. (7) On a community wide basis, the demand for apartments is not as significant as thought by some. (8) Perhaps Council should consider issuing a public notice explaining the details of development and take feedback from there. At least then everyone will be working from the same page. (9) This development does not conform to the existing neighbourhood, and it should be denied on these grounds. (10) Conformity is a vague term and Council will need to specify the supporting reasons. (11) If this application is approved, Council will have little grounds to prohibit apartment construction in the future when it's permitted in the zone; therefore, the Town will not be able to address this problem until the Municipal Plan and Development Regulations are updated. That will take 12-18 months.

Mayor Hobbs, having allowed ample time for discussion/debate, called for a motion.

### **Motion 270/2011 – Councillor King/Councillor Canning**

That Council shall reject the October 6, 2011 application to construct a duplex at 52 Country Road because the development's building design fails to conform to the existing neighbourhood.

Yeas: 2 – Councillor King and Councillor Canning.

Nays: 4 – Mayor Hobbs, Deputy Mayor Tremblett, Councillor Budgell, and Councillor Mills

### **Motion Defeated**

**Motion 271/2011 – Councillor Mills/Deputy Mayor Tremblett**

That Council shall approve the October 6, 2011 application to construct a duplex at 52 Country Road.

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

Nays: 2 – Councillor King and Councillor Canning.

**Motion Carried**

**9.2 DIRECTOR OF PUBLIC WORKS AND RECREATION RESIGNATION**

His Worship tabled the resignation letter of the Director of Public Works and Recreation who is leaving employment with the Town for another opportunity. Mayor Hobbs then facilitated a discussion on the job structure of the Directorship. The following points were raised: (1) The recruitment process needs to be expedited. Ideally, a replacement should be found within four (4) weeks but this may not be practical. (2) Presently, the job's design may not be conducive to the Town's goals back when the Directorship was created. While there was a greater emphasis on strategic planning and overall management, the daily demands in the Department of Public Works limits the time available for these functions. When it comes to Recreation, there is even less time. A better model may be to create a Public Works Superintendent/Supervisor and assign lead hand responsibilities for recreation to the Attendant. (3) It is difficult to measure the success or failure of the Directorship job design because it's only been six (6) months since it was created. Perhaps having a different person in the role would produce different results. (4) Regarding recruitment, in the interest of time Council may be best advised to select an individual from the May 2011 competition. (5) Issuing a public advertisement will give Council more options. There is a benefit to seeing what is out there.

**Motion 272/2011 – Councillor Budgell/Councillor Mills**

To separate the Recreation and Public Works Departments and transform the Director of Public Works and Recreation into the new job of Public Works Supervisor with the job description to follow.

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

Nays: 0

**Motion Carried**

**Motion 273/2011 – Councillor Budgell/Deputy Mayor Tremblett**

That Council shall appoint Mayor Hobbs, Councillor Budgell, and Councillor Canning as the Selection Committee for the Public Works Supervisor and Town Clerk recruitment and selection processes.

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

Nays: 0

**Motion Carried**

## **Item 10: Adjournment**

### **Motion 274/2011 – Councillor Canning/Councillor Hynes**

To adjourn public meeting 1296.

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

Nays: 0

### **Motion Carried**

The meeting adjourned at 9:01 pm.

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Randy Drover, Town Clerk/Manager

Bishop's Falls Town Council  
Public Meeting 1296  
November 15, 2011

**List of Appendices**

| <b>Appendix</b>                                       | <b>Source</b>         |
|---|-----------------------|
| <i>Recreation Rental Fees and Cancellation Policy</i> | Policies – Recreation |
| AP Transaction Journal November 8, 2011               | GOV 36                |
| Routine Payments October 2011                         | GOV 36                |