

Minutes

Item 1: Call to Order

Mayor R. Hobbs called the meeting to order at 7:00 pm on October 22nd, 2013 and presided with the following individuals in attendance:

Deputy Mayor D. Tremblett
Councillor B. King
Councillor B. Saunders
Councillor K. McDonald
Councillor P. Budgell

Randy Drover, Town Manager
Dan Oldford, Town Clerk/Land Officer

Absent with regrets Councillor R. Canning

Item 2: Moment of Silent Reflection

Item 3: Adoption of Agenda

Mayor Hobbs opened the floor for additions/amendments to the agenda resulting in the following amendment: (1) Item 15.6 Request for Land McMahon's Lane Ext. Moved to front of agenda to allow resident in attendance time to hear his request early in the meeting.

Motion 231/2013 – Councillor King/Deputy Mayor Tremblett

To adopt the agenda for public meeting 1334 as amended.

Yeas: 6 – Mayor Hobbs, Deputy Mayor Tremblett, Councillor King, Councillor Saunders, Councillor McDonald and Councillor Budgell.

Nays: 0

Motion Carried

3.1 Request for Land McMahon's Lane Ext.

Resolution 232/2013 – Councillor Budgell/Councillor King

Whereas Council has received a request to acquire and develop a large parcel of land to the West of Irving Oil on the TCH; and whereas the particular parcel of land does not have any legal access; and whereas Council has instructed staff to pursue the right of way to enable legal access to this area, be it therefore resolved that Council shall withhold any development proposals until further investigation by staff into legal access being granted to the area.

DISCUSSION/DEBATE

The following points were raised during discussion: 1. Access of the land should be done by request process first. 2. If access not granted Council may need to look at expropriation. 3. Council cannot issue development permits without legal access.

Yeas: 6 – Mayor Hobbs, Deputy Mayor Tremblett, Councillor King, Councillor Saunders, Councillor McDonald and Councillor Budgell.

Nays: 0

Resolution Carried

Motion 233/2013 – Councillor Budgell/Councillor McDonald

That Council shall offer the parcel of land for sale as requested under the *Municipalities Act, 1999*. Section 201.1.

DISCUSSION/DEBATE

The following points were raised during discussion: 1. There was some concerned raises as to whether Council could in fact sell this parcel of land, however whether access is in place or not Council has clear title to the land and therefore, can sell the land 3. Ownership does not grant the right of development.

Yeas: 6 – Mayor Hobbs, Deputy Mayor Tremblett, Councillor King, Councillor Saunders, Councillor McDonald and Councillor Budgell.

Nays: 0

Item 4: Adoption of Minutes for Public Council Meeting No. 1330

Motion 234/2013 – Councillor King/Deputy Mayor Tremblett

To adopt the minutes of public meeting 1330 as presented.

Yeas: 6 – Mayor Hobbs, Deputy Mayor Tremblett, Councillor King, Councillor Saunders, Councillor McDonald and Councillor Budgell.

Nays: 0

Motion Carried

Item 5: Business Arising from the Minutes of Public Council Meeting 1330.

QA1: Councillor King raised the point of the Trestle Lights. He wished to pass on congratulations to the committee and acknowledge that the Lights are now on, and it will be a welcome tourist as well as resident attraction for the community.

QA2: Councillor King inquired about the proposed Community Centre on Birch St, with specific regard to the parking issue. NLHousing has been advised of Council's concerns and that these concerns would need to be addressed prior to the project going ahead.

QA3: Councillor Budgell inquired about the Tax Sale Status of a number of properties. Council was advised that staff is being extremely cautious to ensure that all proper legal processes are being followed. There are currently 2 properties proceeding with an additional property being researched.

Item 6: Adoption of Minutes for Public Council Meeting No. 1331

Motion 235/2013 – Councillor King/Councillor Budgell

To adopt the minutes of public meeting 1331 as presented.

Yeas: 6 – Mayor Hobbs, Deputy Mayor Tremblett, Councillor King, Councillor Saunders, Councillor McDonald and Councillor Budgell.

Nays: 0

Motion Carried

Item 7: Business Arising from the Minutes of Public Council Meeting 1331.

No Business Arising

Item 8: Adoption of Minutes for Public Council Meeting No. 1332

Motion 236/2013 – Councillor Saunders/Councillor McDonald

To adopt the minutes of public meeting 1332 as presented.

Yeas: 6 – Mayor Hobbs, Deputy Mayor Tremblett, Councillor King, Councillor Saunders, Councillor McDonald and Councillor Budgell.

Nays: 0

Motion Carried

Item 9: Business Arising from the Minutes of Public Council Meeting 1332.

No Business Arising

Item 10: Adoption of Minutes for Public Council Meeting No. 1333

Motion 237/2013 – Deputy Mayor Tremblett/Councillor Budgell

To adopt the minutes of public meeting 1333 as presented.

Yeas: 6 – Mayor Hobbs, Deputy Mayor Tremblett, Councillor King, Councillor Saunders, Councillor McDonald and Councillor Budgell.

Nays: 0

Motion Carried

Item 11: Business Arising from the Minutes of Public Council Meeting 1333.

QA1: Council expressed its appreciation to the Town Manager for the quality of work in the development and presentation of the Terms of Reference and Standing Orders. It was noted that there have been at least one other community requesting the use of the template the Town has adopted.

Item 12: Public Health & Safety Standing Committee Business

12.1 Community Pride (Mayor Hobbs)

Mayor Hobbs expressed a desire to have Council work with any number of community groups to increase the Civic Pride in the Community. In the past couple of years the town has shown tremendous success with Hockeyville, Playground development with “Let them Be Kids”, and the “Light up the Exploits” as part of Fallsview Festival. This is a community all residents should be proud of and Council should endeavour to push the Civic Pride even further.

12.2 Remembrance Day

With Remembrance Day so close it is advisable that the Public Health & Safety Standing Committee should meet ASAP to finalize plans for this year’s activity. Deputy Mayor Tremblett also advised Council that the renovations to the War Memorial Grounds are part of next year’s 100 Year anniversary of the First World War and therefore an appropriate ceremony would take place next year. At this year’s Remembrance Day Ceremonies only an acknowledgment of the improvements would be made. It was noted by a number of Councillors that the improvements are really appreciated by residents.

12.3 Exploits River Water Levels

A concern brought forward by Councillor Canning from residents concerning the lowering of the Exploits River Water Level was discussed. Nalcor, as the operator of the Power Plant does occasionally need to raise or lower the water levels. In the past they have normally advertised these changes in advance. Mayor Hobbs agreed to touch base with the Town’s contact at Nalcor on this issue, to ensure residents are kept informed.

12.4 Request for Waive of Fees

Motion 238/2013 – Councillor McDonald/Councillor Saunders

That Council shall approve a request from the Brother's Family to utilize the softball field, free of charge, on July 25, 26, and 27, 2014 for the purpose of hosting the Annual Leo Brothers Memorial Softball Tournament.

DISCUSSION/DEBATE

The following points were raised during discussion: 1. This is an annual event and Council has waived the fees for this event on a regular basis. 2. The actual cost to the town is minimal, meanwhile the value of the Tournament to the Town is significant. 3. This group, has on a regular basis donated portions of the funds raised, back to other community groups.

Yeas: 6 – Mayor Hobbs, Deputy Mayor Tremblett, Councillor King, Councillor Saunders, Councillor McDonald and Councillor Budgell.

Nays: 0

Motion Carried

Item 13: Finance Standing Committee Business

13.1 Finance Reports

Resolution 239/2013 – Councillor Budgell/Deputy Mayor Tremblett

Be it resolved that Council shall approve the A/P Transaction Journal dated October 17th, 2013, totalling \$123,088.63, for disbursement as presented.

DISCUSSION/DEBATE

During discussion it was noted that the amount of A/P was substantially higher this month due to: 1. Time of year when Maintenance of the fleet is highest. 2. The Beaumont Heights Culvert replacement Project was paid. 3. The Water treatment Invoices were paid.

Yeas: 6 – Mayor Hobbs, Deputy Mayor Tremblett, Councillor King, Councillor Saunders, Councillor McDonald and Councillor Budgell.

Nays: 0

Resolution Carried

Resolution 240/2013 – Councillor King/Councillor Saunders

Be it resolved that Council shall ratify the Routine Payments for September 2013, totalling \$38,102.57, as presented.

Yeas: 6 – Mayor Hobbs, Deputy Mayor Tremblett, Councillor King, Councillor Saunders, Councillor McDonald and Councillor Budgell.

Nays: 0

Resolution Carried

Additionally Council was advised by the Town Manager that as a preventive measure all Purchase Order issuance has been redirected to the Town Manager's Office until further notice. This measure has been taken to make every effort that expenditures remain within budget. Currently the budget is being adhered to in most areas and every effort is being made to maintain this position.

It was also noted that the Cash flow position is good; meanwhile Council has been able to complete a number of Capital Works Projects this year. We have however, encountered a number of unexpected expenses. 1. The orders from O H & S at \$4,000.00. 2. The unexpected additional expenses from IGOR repairs. 3. The needed replacement of a vehicle.

13.2 Igor Project

Resolution 241/2013 – Councillor Budgell/Deputy Mayor Tremblett

Whereas Council has received notification from its engineers that the cost of the Igor Repairs are going to require an additional expenditure by Council; and whereas the maximum additional cost will be \$30,318.00; and whereas to not complete these repairs in a timely manner could result in additional flooding and expense, be it therefore, resolved, that Council shall approve the maximum expenditure of \$30,318.00 as the Town's portion of the Igor Disaster Repairs.

DISCUSSION/DEBATE

The following points were raised during discussion; 1. The additional expense was partly related to DFAA (Disaster Financial Assistance Arrangements) covers only specific repairs to replace with the same size and features of what was destroyed. 2. It would not allow increase in protection to ensure future prevention. 3. Meanwhile MCW (Municipal Capital Works) portion of the project came in above cost. 4. Council realizes and is prepared to make an effort to prevent future flooding in the area.

Yeas: 6 – Mayor Hobbs, Deputy Mayor Tremblett, Councillor King, Councillor Saunders, Councillor McDonald and Councillor Budgell.

Nays: 0

Resolution Carried

Resolution 242/2013 – Councillor King/Councillor Saunders

Whereas Council has agreed in Motion 241/2013 to proceed with the Igor reparations at additional expense; and whereas this disaster relief expense cost to the Town has even come in above normally funding arrangements, be it therefore resolved, that the Town Manager shall write to the Department of Municipal Affairs requesting additional funding to offset these repairs.

DISCUSSION/DEBATE

The following point was raised during discussion; 1. With or without, the additional support from the department, Council will proceed with the project in a timely manner to prevent future flooding and damage.

Yeas: 6 – Mayor Hobbs, Deputy Mayor Tremblett, Councillor King, Councillor Saunders, Councillor McDonald and Councillor Budgell.

Nays: 0

Resolution Carried

Item 14: Public Works Standing Committee Business

14.1 Fencing Permit for Dominic St.

Motion 243/2013 – Councillor King/Councillor Budgell

That Council shall grant a permit for the construction of a 6' high Fence at a Property on Dominic St. as per the application received.

Yeas: 6 – Mayor Hobbs, Deputy Mayor Tremblett, Councillor King, Councillor Saunders, Councillor McDonald and Councillor Budgell.

Nays: 0

Motion Carried

14.2 Fencing Permit for Kings Road

Motion 244/2013 – Councillor King/Deputy Mayor Tremblett

That Council shall grant a permit for the construction of a maximum 5' high chain Link fence at the rear of 3 Kings Road.

DISCUSSION DEBATE

The Following points were raised during discussion: 1. The owner of the property needs the fencing in order to protect his property. 2. There may be some issues in the future around the amount of space surrounding the mailboxes, however, this must not interfere with private property.

Yeas: 6 – Mayor Hobbs, Deputy Mayor Tremblett, Councillor King, Councillor Saunders, Councillor McDonald and Councillor Budgell.

Nays: 0

Motion Carried

14.3 Fencing Permit for Kings Road

Motion 245/2013 – Councillor King/Councillor Budgell

That Council shall grant a permit for the construction of a maximum 5' high chain Link fence at the rear of 1 Kings Road, however the maximum height permitted from the front building line on Kings Road is 1 metre as per *Fencing Regulations, 2010* section (5).

Yeas: 6 – Mayor Hobbs, Deputy Mayor Tremblett, Councillor King, Councillor Saunders, Councillor McDonald and Councillor Budgell.

Nays: 0

Motion Carried

14.4 Crown Land Application Botwood Highway

Motion 246/2013 – Councillor Budgell/Councillor Saunders

That Council shall recommend the approval of the application for Crown Land for resident on Botwood Highway.

DISCUSSION/DEBATE

The following points were raised during discussion: 1. The developer is aware of the area being zoned Rural Residential and thus, a minimum 1 acre lots for Single Dwellings can be permitted. 2. That the developer is aware there are no Water and Sewer Services available in this area. 3. That the developer does have a single access permit from the province to the property. 4. That this is only the Municipal Recommendation for Crown Lands, and any development of the property must be submitted to council for approval prior to start of the development.

Yeas: 6 – Mayor Hobbs, Deputy Mayor Tremblett, Councillor King, Councillor Saunders, Councillor McDonald and Councillor Budgell.

Nays: 0

Motion Carried

14.5 Land Request Sunset Dr.

Resolution 247/2013 – Councillor Budgell/Councillor King

Whereas Council has received a request for land on Sunset Dr.; and whereas the area in question has a number of concerns regarding future use; and whereas the Council feels further investigation is necessary, be it resolved that Council shall refer the request to the Public Works Committee for a full review and assessment.

Yeas: 6 – Mayor Hobbs, Deputy Mayor Tremblett, Councillor King, Councillor Saunders, Councillor McDonald and Councillor Budgell.

Nays: 0

Resolution Carried

14.6 Request to rezone property on Main St.

Motion 248/2013 – Councillor Budgell/Councillor McDonald

That Council shall approve a request to have a parcel of vacant land located on Main St. rezoned as a part of it Municipal Plan review from Commercial to RMD (Residential Medium Density).

DISCUSSION/DEBATE

During discussion the following points were raised: 1. This is a parcel of land that has been vacant for a considerable amount of time. 2. It is currently surrounded by residential properties and thus converting to residential should not cause any issues for adjoining properties. 3. Council is currently in the process of a new Municipal Plan review and a rezoning of this nature should be less expensive and timelier.

Yeas: 6 – Mayor Hobbs, Deputy Mayor Tremblett, Councillor King, Councillor Saunders, Councillor McDonald and Councillor Budgell.

Nays: 0

Item 15: General Business

15.1 Request for Fencing Access

Council received correspondence from Helen Tulk Elementary concerning a number of items and due to the nature of the various items, it was agreed the request would be best actioned by referring them to the Public Health & Safety Standing Committee for consideration and assessment.

15.2 Resident Concerns re ATV

Council received a request from a company in Town concerning the ongoing issue of ATV's, dirt bikes etc on Main St.. Council appreciates the concerns and has been contacting the RCMP on an ongoing basis regarding this issue. The RCMP has been taking an active role on both the education side as well as the enforcement side of the problem. Council encourages all residents to contact the RCMP or the Town office with any incidents and these will be in turned brought to the attention of the RCMP. Council was also reminded of a Wiki set up by the Town Manager to handle these specific complaints and that the Town Manager would then pass on the concerns to the RCMP.

Council is aware of the distinct situation of Bishop's Falls being a Trailway Town due to the location of the former CN Railway (now Provincial Trailway) and that it will therefore refer the concerns as well to the Public Health & safety Standing Committee for consideration of potential development of designated crossings and trail corridors.

Item 16: Appointment of Committee Members

Mayor Hobbs, under *Municipalities Act, 1999* Section, 25 (2) appointed the following members to the respective committees:

Finance	Chair: Robert Canning Bryan King Peter Budgell
Economic Development	Chair: Peter Budgell Barry Saunders Robert Canning
Public Works	Chair: Bryan King Kirk McDonald Doreen Tremblett
Public Health & Safety	Chair: Doreen Tremblett Kirk McDonald Barry Saunders
Chamber of Commerce	Bob Hobbs
Regional Services Board	Barry Saunders

The Appointment of the Heritage Committee and the Fallsview Festival Committee will be directed through the Public Health & Safety Standing Committee.

Item 10: Privileged Session

Motion 249/2013 – Councillor King/Councillor Budgell

To dissolve into a privileged session

Yeas: 6 – Mayor Hobbs, Deputy Mayor Tremblett, Councillor King, Councillor Saunders, Councillor McDonald and Councillor Budgell.

Nays: 0

Motion Carried

****THE PRIVILEGED SESSION COMMENCED AT 8:58PM****

Motion 250/2013 – Deputy Mayor Tremblett/Councillor Saunders

To cease the privileged session and resume the public meeting.

Yeas: 6 – Mayor Hobbs, Deputy Mayor Tremblett, Councillor King, Councillor Saunders, Councillor McDonald and Councillor Budgell.

Nays: 0

Motion Carried

****THE PRIVILEGED SESSION CONCLUDED AT 9:10PM****

Item 13: Adjournment

Motion 251/2013 – Councillor McDonald/Councillor Budgell

To adjourn regular public meeting 1334

Yeas: 6 – Mayor Hobbs, Deputy Mayor Tremblett, Councillor King, Councillor Saunders, Councillor McDonald and Councillor Budgell.

Nays: 0

Motion Carried

The meeting adjourned at 9:12 pm.

Dan Oldford, Town Clerk/Land Officer