

Town of Bishop's Falls
Special Public Council Meeting No. 1342
April 3rd, 2014 @ 7:00 pm
Council Chambers

Minutes

Item 1: Call to Order

Mayor R. Hobbs called the meeting to order at 7:00 pm on April 3rd, 2014 and presided with the following individuals in attendance:

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

Dan Oldford, Town Clerk/Land Officer

Absent: Councillor R. Canning (working)

Item 2: Moment of Silent Reflection

Item 3: Adoption of Agenda

Motion 68/2014 – Councillor King/Deputy Mayor Tremblett

To adopt the agenda for public meeting 1342 as amended.

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

Nays: 0

Motion Carried

Item 4: Pumping Station – Replacement Pumps

Resolution 69/2014 – Councillor Budgell/Councillor Saunders

Whereas, there have been a number of problems with the pump station on Newtown Road; and whereas the age of the pumps has come into question regarding reliability; and whereas the request for quotation of replacement pumps has resulted in potential significant cost to the Town; and whereas a possible solution has been brought forward of connecting the area directly to the Water tank; and whereas this solution could be a more cost effective course of action; be it resolved that the Town

Manager shall engage the town's Engineers to assess the cost comparison of connecting to the Water tower directly as opposed to replacement of the pumps on Newtown Road.

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

Nays: 0

Resolution Carried

Item 5: Kings Road Subdivision RFP Results

RESOLUTION 70/2014 – Councillor King/Councillor McDonald

Whereas the Kings Road subdivision request for proposals closed March 7, 2014; and whereas one (1) proposal was received; and whereas the developer countered with alternative terms for Council's consideration; and whereas these terms were given due consideration; and whereas Council wishes to respond to the proposal with counteroffers; therefore, be it resolved that Council shall respond to the developer by offering the following terms:

(1) Purchase Price

Council will accept nothing less than \$50,000 plus HST for the land in addition to the \$25,000 for engineering and surveying costs. The purchase price is therefore \$56,500 plus \$25,000 for a total of \$81,500.

(2) Section 10: Changes to Design

Any changes to the designs as tendered will need to be approved by the Town and DMG. Council will entertain amendments as proposed by the developer, but it retains sole discretion regarding the design of the subdivision.

(3) Section 11: Development Timeframes

In light of the developer's proposal in relation to section 12, Council is countering with an amended section 11 as follows:

The Bidder(s) acknowledges that he/she/they will be solely responsible for the selling of the lots and that one contract will be rewarded for all three (3) phases of the development. The following is hereby acknowledged:

(1) *Phase one (1) must be developed within five (5) years from the date of the execution of the subdivision agreement.*

(2) *Phase two (2) must*

(a) be developed within fifteen (15) years from the date of the execution of the subdivision agreement; or

(b) commence once 90% of the lots in phase one (1) have been sold and be fully developed within ten (10) years from commencement of the development of phase two (2).

(3) *Phase three (3) must*

(a) be developed within thirty (30) years from the date of the execution of the subdivision agreement; or

(b) commence once 90% of the lots in phase two (2) have been sold and be fully developed within fifteen (15) years from commencement of the development of phase three (3).

(4) *Phase two (2) and three (3) shall be developed under the earliest of the two (2) timeframes as provided under subsections 11 (2) and 11 (3).*

(5) *Development may progress at a quicker rate if the market demands.*

(6) *In the event development does not occur as provided under sections 11 (1), 11 (2), 11 (3) or 11 (4), a \$5,000 annual penalty shall apply for each development infraction.*

(4) Section 12: Tax Shield

Council agrees to provide a perpetual tax shield to the developer that is voided once the land is sold to a third party. Council rejects fully the concept/proposal of providing the developer with a 10% royalty on all taxes collected from the new subdivision/development. Such revenues shall be retained in whole by the municipality and shall not be shared with the developer under any circumstances.

(5) Section 15: Sale of Land

Council agrees to consider the possibility of including the lands abutting the Kings Road subdivision on Kings Road, McDonald Crescent, and Butler Street. Before a final decision is reached, however, the developer will need to specifically show the areas of interest by way of surveys. Council rejects the offer in relation to the blivet and land on Kings Road. That lot shall be retained by the municipality along with the blivet.

(6) Section 16: Restriction by Department of Environment and Conservation

The development restriction as imposed by the Department of Environment and Conservation was lifted in March 2014 when the final contract for the wastewater treatment project was awarded. However, the developer will still require approval from the Department prior to development. The developer will need to apply to the Department for the proper permit(s).

(7) Zoning Regulations

In the interest of full disclosure, Council wishes to advise the developer that under the proposed municipal plan and development regulations that are currently under consideration, there may be restrictions around the type of residential development that can proceed. You are encouraged to contact the Town Clerk/Land Officer for more information on this matter if you are interested.

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

Nays: 0

Resolution Carried

Item 6: Civic Holiday

Motion 71/2014 – Councillor McDonald/Councillor King

That July 21st, 2014 shall be declared as Bishop's Falls Day.

DISCUSSION/DEBATE

During discussion it was noted that the Fallsvue Festival Committee has a full weekend of activities planned as part of the **2014 Fallsvue Festival** which will be held from **July 17th, 2014**.

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

Nays: 0

Motion Carried

Item 7: Adjournment

Motion 72/2014 – Councillor Saunders/Councillor Budgell

To adjourn special public meeting 1342

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

Nays: 0

Motion Carried

The meeting adjourned at 7:52 pm.

Dan Oldford, Town Clerk/Land Officer