

**Town of Carbonear
Regular Council Meeting, March 13th, 2018**

Minutes of a regular meeting of the Council of the Town of Carbonear
Held in Council Chambers, March 13th, 2018 at 5:30pm

Members Present: Deputy Mayor Chris O’Grady
 Councillors Danielle Doyle
 Ray Noel
 Vic Jenkins
 Amanda Hulan

Members Absent: Councillor David Kennedy

Also Present: Town Clerk Cathy Somers
 Chief Administrative Officer Cynthia Davis
 Director of Operations
 & Public Works Brian O’Grady

- 1. Calling of Meeting to Order
 Deputy Mayor O’Grady called the meeting to order at 5:38pm

- 2.1 Adoption of the Agenda for March 13, 2018 Regular Meeting
 Motion 18-056 R. Noel / V. Jenkins
 Resolved to adopt the agenda as presented for the March 13, 2018 meeting.
 Favour 5; Opposed 0; **Carried**

- 2.2 Adoption of the minutes
 - a) Regular Meeting – February 27, 2018
 Motion 18-057 R. Noel / D. Doyle
 Resolved that the minutes of the February 27, 2018 Regular meeting of Council be adopted as presented.
 Favour 5; Opposed 0; **Carried**

- 3. Business Arising
 No business arising

- 4. Delegations
 No delegations listed.

- 5. Correspondence, Permits & Development
 - a) Permit Listing # 8101
 Councillor Doyle asked Council to review the list of permits.
 Motion 18-058 D. Doyle / A. Hulan
 Resolved to approve the list of permits # 8101 as per application received and in accordance with the Town of Carbonear Municipal Plan and Development Regulations and other applicable regulations and policies.
 Favour 5; Opposed 0; **Carried**

- 5.1 Correspondence, requiring Council’s decision
 None listed.

5.2 Correspondence received and action taken

Council reviewed the following correspondence and action taken:

- a) Government Purchase Agency
Re: Public Procurement Framework – Public Procurement Act
Copied to Chief Administrative Officer and Town Clerk
- b) Department of Fire and Emergency Services
RE: 2018 Training school schedule
Forwarded to the Fire Chief & placed on file
- c) Telecommunications Alliance
RE: Deferral of the new area code in Newfoundland and Labrador
Copied to Council and the Chief Administrative Officer
- d) Katem Septic Solutions
RE: Portable rentals and septic services
Forwarded to the Director of Operations and Public Works & placed on file
- e) The Newfoundland and Labrador Volunteer Hall of Fame / Executive Dir.
RE: Nomination form – Deadline May 7, 2018
Copied to Council & placed on file
- f) Department of Municipal Affairs & Environment
RE: Approval to award consulting services to Harris & Associates for the Multi Year Capital Works 2017-2020 is approved by the province.
Placed on file
- g) Department of Municipal Affairs & Environment
RE: Approval to award consulting services to Harris & Associates for the Small Communities Fund – Water & Sewer Upgrading Water Street 17-WCF-1800077 is approved by the province. Placed on file.
- h) Kiwanis Club of Carbonear Musical Festival
RE: Invitation for the Deputy Mayor to attend the Grand Concert on Tuesday, March 20 to present the Town of Carbonear award.
Forwarded to the Deputy Mayor.

6. Committee Reports

- a) Finance and Administration
Councillor Noel advised the Committee met on February 28th.
There are no motions being recommended from the Finance & Administration Committee at this time.
Various items ongoing and under review by the Committee. Any questions could be addressed to the Committee.
- b) Development
Councillor Doyle advised that the Committee met on March 5th and presented the following motions as recommended by the Development Committee.

Motion 18-059

D. Doyle / V. Jenkins

Resolved to approve development application for the property of 196 Water Street to replace the siding on the rear of the property with vinyl siding in accordance with the development application submitted.

Favour 5; Opposed 0; **Carried**

Motion 18-060

D. Doyle / A. Hulan

Resolved to send an order to the owner of 36 Crowdy Street to remove the driveway that was constructed on the property contrary to the Town of Carbonear Municipal Plan and Development and

further without a permit from Council.

Favour 5; Opposed 0; **Carried**

Motion 18-061

D. Doyle / R. Noel

Resolved to send the following orders to the properties specified:

- 36 Crowdy Street – *to remove a driveway constructed contrary to the Town of Carbonear Municipal Plan and Development Regulations*
- 16 Bunker Hill – *to send an order to cease the operations of a business operating without a permit from Council.*

Favour 5; Opposed 0; **Carried**

c) Recreation, Special Events, Culture & Tourism

Councillor Noel advised the Committee met on March 6th. There are no motions being recommended from the Recreation, Special Events, Culture & Tourism at this time.

Any questions could be addressed to the Committee.

Deputy Mayor O’Grady recognized the Special Events Committee’s work in a well planned Winter Carnival.

d) Public Works, Waste Management & Community Services

Councillor Jenkins presented the following motions as recommended by the Committee:

Motion 18-062

V. Jenkins / A. Hulan

Resolved that the Town of Carbonear approve the purchase of a full size ¾ ton pickup for the Public Works Department through the Government Purchasing Authority.

Favour 5; Opposed 0; **Carried**

Replaces 2010 Truck which is need of repair.

Motion 18-063

V. Jenkins / R. Noel

Resolved to send clean up orders to the following properties:

- 2 Chapel Place *to remove an accumulation of scrapped vehicles on the property*
- 18 Highroad North *to remove scrapped vehicles and scrapped wood on the property.*

Favour 5; Opposed 0; **Carried**

Motion 18-064

V. Jenkins / D. Doyle

Resolved to award the tender to upgrade the water and sewer on Rusted Place, PN 18-101, to Shaw Ventures Company Limited at a cost of \$118,521.63 (HST included).

Favour 5; Opposed 0; **Carried**

Motion 18-065

V. Jenkins / A. Hulan

Resolved to approve the change order no. 0018 from Eastern Contracting in the amount of \$4,101.35 (HST included) to finalize the electrical work at the Town Depot.

Favour 5; Opposed 0; **Carried**

7. Reports of Chief Administrative Officer and Department Heads

a) Chief Administrative Officer

The following items from the CAO report was reviewed with Council:

Fire Department Equipment

Fire Chief Sweeney has requested approval to order 5 bunker suits at approximately \$2,000 each. This is for new members who require these suits as soon as possible to complete their Level 1 training at the end of the month. There

is \$15,000 in the budget for new equipment for the Fire Department so this is within the budget allocated. The Fire Department is also planning on applying for cost shared funding for other equipment for the remaining budget. A motion of Council is required to approve the purchase of the 5 bunker suits at a cost not to exceed \$10,000.

Motion 18-066

R. Noel / V. Jenkins

Resolved that the Town of Carbonear grant approval for the Carbonear Fire Department to purchase 5 Bunker Suits at a cost not to exceed \$10,000 from the funds allocated in the 2018 Fire Department's budget for new equipment.

Favour 5; Opposed 0; **Carried**

Fire Department By-Laws and Cost Shared Funding Application

The Fire Department is proposing to submit an application for funding on a 70-30, Provincial-Municipal cost shared basis. The 30% will be from capital funding approved by the Town and also from the Fire Department's own sources (eg. Turkey Raffle). The Town is required to be the applicant on these applications but per the proposal, it will utilize funding already allocated and if additional funds are required, it will be from the Fire Departments funds. A motion of Council is required to submit this application.

Motion 18-067

V. Jenkins / D. Doyle

Resolved that the Town of Carbonear submit an application for funding under the Firefighting Equipment Program for funding in the amount of \$79,088.60 HST included, to be cost shared on a 70-30 basis with the Province-Municipal, for various Firefighting Equipment as identified to Council by the Carbonear Fire Department.

Favour 5; Opposed 0; **Carried**

The CAO advised that Council is also required to approve any changes to the Fire Department's By-Laws. A copy of the By-Laws approved by the Fire Department at the AGM in February has been distributed to Council for their review and approval. CAO has highlighted the changes from 2016 to 2018. Deferred until Council can review the changes.

The CAO advised that she will be out of the office on Wednesday and Thursday for the UMC meetings.

b) Director of Recreation

The Director of Recreation was absent, however he previously distributed his report to Council. Deputy Mayor O'Grady reviewed the following details of the report as submitted by the Director of Recreation:

Pool & Rec Maintenance

Upgrades to remote access for pool heating systems are being completed. Have been experiencing issues with this for quite some time. Programming is now upgraded to match that of programming at the depot, hopefully this will resolve all issues.

Financial & Program Analysis

	<u>2018</u>	<u>2017</u>
1.) Pool Revenue (less HST)	\$69,349.51	\$61,099.98
2.) Lesson Registration	501	463
3.) Pool Visitation	7,499	6,009

Programs & Grants

- 1.) Process of applying for Canada Summer Jobs has been completed.
- 2.) Swim to Survive Program is more than half complete. Currently in 2nd

week of the 2nd half of schools participating in the program. By completion date of March 28th, the program will have involved 13 schools on the Baccalieu Trail and have provided swimming instruction and first aid training to nearly 400 Grade 2 students.

Deputy Mayor O'Grady noted that there are a fair number of athletes from Carbonear in Deer Lake now participating in the NL Winter Games.

8. Finance

a) Operating Invoices **over** \$2,000.00 totaling..... **\$235,000.27**
Motion 18-068 **R. Noel / D. Doyle**

Resolved that the Town of Carbonear approve for payment the list of invoices as submitted totaling \$235,000.27.

Favour 5; Opposed 0; **Carried**

9. Regulations

No regulations listed.

10. New Business

a) Update on the Court Proceedings: Frank Butt vs Town of Carbonear Appeal
Deputy Mayor O'Grady provided the following information:

The court proceedings for the appeal hearing for Frank Butt was held at Supreme Court on March 8 & 9. Councillor Noel and Deputy Mayor O'Grady attended on behalf of the Town. Both sides presenting numerous affidavits and other documents and there was one person called for cross-examination. The allotted time was very tight but both sides managed to present all the information and arguments they felt important to the case.

At the end of the proceedings, Justice Stack requested a brief from each lawyer regarding their interpretation of the legislation, specifically which section of the Act should be used to decide the appeal; section 410 or section 207 or should they follow a recent shift in jurisprudence and consider it a de novo appeal. Both lawyers agreed to have these submissions to the judge within two weeks.

Justice Stack gave no indication on when to expect a ruling on the case but considering his additional request we can expect the ruling to take longer than two weeks.

11. Notices of Motion

No notices of motions were filed.

12. Adjournment

Motion 18-069 **R. Noel / D. Doyle**

Resolved that the meeting adjourn at 5:58 p.m. and to meet again on Tuesday, March 27th, 2018 at 5:30 p.m. for the next Regular Council Meeting.

Deputy Mayor Chris O'Grady

Cathy Somers, Town Clerk