

**Town of Carbonear**  
**Regular Council Meeting, March 23, 2021**  
Minutes of a regular meeting of the Council of the Town of Carbonear  
Electronic meeting (Zoom webinar), March 23<sup>rd</sup>, 2021 at 5:30pm

**Members Present:** Mayor Frank Butt  
Deputy Mayor Chris O'Grady  
Councillors Danielle Doyle  
Ray Noel  
Amanda Dowden  
David Kennedy

**Members Absent:** Councillor Vic Jenkins

**Also Present:** CAO Cynthia Davis  
Town Clerk Cathy Somers  
Director of Recreation Rob Button  
EDTO Kerri Abbott

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1. Calling of Meeting to Order  
Mayor Butt called the meeting to order at 5:30 pm and welcomed everyone to the meeting. Several participants are registered for today's virtual meeting of Council.
  2. Adoption of the Agenda for March 23, Regular Meeting  
**Motion 21-087 R. Noel / D. Doyle**  
*Resolved to adopt the agenda of the March 23, 2021 Regular Meeting of Council.*  
Favour 6; Opposed 0; **Carried**
  3. Adoption of the minutes
    - a) Regular Meeting – March 9, 2021  
**Motion 21-088 C. O'Grady / D. Kennedy**  
*Resolved to adopt the minutes of the March 9<sup>th</sup>, 2021 Regular Meeting of Council.*  
Favour 6; Opposed 0; **Carried**
    - b) Special Meeting - March 8, 2021  
**Motion 21-089 R. Noel / D. Kennedy**  
*Resolved to adopt the minutes of the March 8<sup>th</sup>, 2021 Special Meeting of Council.*  
Favour 6; Opposed 0; **Carried**
  4. Business Arising from Minutes  
No business arising.
  5. Delegations  
No delegations listed.
  6. Correspondence, Permits & Development

- a) Permit Listing # 9398

**Motion 21-090**

**D. Doyle / D. Kennedy**

*Resolved to approve permit # 9398 as per the application received and conditional up on the work being completed in accordance with the Town of Carbonear Municipal Plan and Development Regulations and other applicable regulations and policies.*

Favour 6; Opposed 0; **Carried**

- 6.1 Correspondence, requiring Council's decision  
None listed.

- 6.2 Correspondence received and action taken  
Council reviewed the following listing of correspondence and approved the action taken on each item:

- a) Municipalities NL

- March 18 – Municipal Symposium and AGM
- March 16 – Municipal Sector News
- March 10 – 2<sup>nd</sup> Call for Resolutions

Copied to Council.

- b) Department of Justice and Public Safety

- Webinar for First Responders – Reducing Substance Use Stigma
  - Guidelines for Fire Department Operational Plan to COVID-19, Alert Level 3 & 4
  - Vaccination information for Fire Departments
- Councillor Doyle noted it is great to see our Fire Department members receiving their vaccinations.

Copied to the Fire Department.

- c) Conservation Corps

- Green Team project is being recommended for partnership under the 2021 Green Team Program  
Forwarded to Recreation Committee
- Internship Project Application  
Forwarded to Public Works, Waste Management and Community Services Committee.

- d) Federation of Municipalities

RE: FCM Board Nomination open

Copied to Council.

- e) Heritage Foundation of NL

RE: Baccalieu Trail Thriving Regions: Research Update Webinar

March 19, 11:30 am to 1pm.

Copied to Council, CAO and the EDTO.

- f) Autism Society, NL

ASNL Carbonear Swimming Lessons

Forwarded to the Director of Recreation.

- g) NL Public Health Laboratory, Test results of water samples collected on February 2, 2021 at Red Circle, Shell, Esso, Midtown. Results marked satisfactory.

- Placed on file.
- h) Eastern Health  
RE: Living with Grief Support Program, 8-week session starting April 6 from 7-9 pm through zoom.  
Copied to Council and staff. Placed on social media.
- i) Department of Transportation and Infrastructure
- Reminder of Procurement Record Requirements under Public Procurement Act, 2018
  - Updates to Municipal Water, Sewer and Roads Master Construction Specifications
- Copied to Chief Administrative Officer and the Town Clerk.
- j) Eastern Regional Service Board  
RE: Household Hazardous Waste Day – Tentative date: June 5  
Copied to the Fire Department and placed on social media and website.

7. Committee Reports

- a) Public Works, Waste Management and Community Services  
Councillor Dowden advised that the committee met on March 10<sup>th</sup> and noted the following from the meeting:  
Snow Clearing Routes  
Committee discussed the snow clearing routes. A copy of the routes has been sent to council for their review.  
Councillor Kennedy noted the following:  
In the past special committees of council worked well to come to quick resolutions when investigating issues for council.
- Pool rentals/fee structure in 2012
  - The current work being completed by the ATV committee investigating the possibility of permitted ATV use on Town Roads.
- With road maintenance including snow clearing being such a huge expenditure in the Towns Budget, as a proactive measure, he would like for council to form a special committee of council to create a snow clearing policy and routes. As has been noted, the routes have not been altered in years, after which time we have seen great residential and commercial growth in certain areas of our Town, a school being moved, etc. thus he feels it is imperative that the town investigate the important requirements to be considered when creating snow clearing routes and see that such routes are designed as efficiently as possible.
- Councillor Kennedy asked if there is currently a snow clearing policy. CAO advised the Town has a policy on widening, which outlines how operators prioritize streets and sidewalks. This can also be provided to council.
- Mayor Butt suggested this matter be referred to the Public Works Committee. Deputy Mayor O'Grady noted that this is an item that would fall under Public Works. Councillor Kennedy noted that he would like to have input on the matter and would like it discussed by all of Council. Councillor Kennedy noted that changes may not be necessary but he would like to back up the routes with a policy outlining the considerations in determining the policy.

Deputy Mayor O'Grady noted that these routes have been adjusted each year and the routes are working really well. This is done by the Director of Operations and Public Works in consultation with the operators.

Councillor Noel noted that he considers the town's snow removal to be second to none and commends the staff for their work. He also noted that last year during Snowmageddon, we also did well with snow clearing.

Councillor Doyle asked if we receive a lot of snow clearing complaints. CAO advised we do receive some small complaints, but no complaints concerning the snow clearing routes.

Councillor Doyle noted that she felt the snow clearing is done very well within the town.

Councillor Dowden noted that she agrees that the snow clearing is done in a timely manner after each snow fall.

The CAO noted that it is council's role to set policy. Snow clearing of our streets is usually completed by 9am. Council would provide staff and equipment for management to have it completed in that time frame, then it is up to the staff and management to carry out the policy. It is not typical for council to get involved in setting the routes.

Mayor Butt noted we will schedule a special meeting and then any concerns identified in that meeting could be reviewed by the Public Works Committee. CAO will provide widening policy to Council.

#### Capital projects

Councillor Dowden noted that we are waiting on funding for Water Street and the Powell Drive projects go ahead.

Councillor Kennedy inquired if the Water/Sewer for Water Street Phase 2 could proceed and suggested the CAO review the budget to determine if we can proceed with the project.

CAO advised that the funding application to ACOA can only be submitted after March 31. We will submit at that time and hopefully we will be awarded the funding to start this fall. This would help with downtown business to rebuild after Covid shut down. We will not lose the funding for the Water/Sewer portion of Water Street Phase 2, while we wait to determine if the ACOA funding will be approved.

#### Powell Drive Street Upgrading and Paving Project

##### **Motion 21-091**

**A. Dowden / C. O'Grady**

*Resolved to tender for the Powell Drive Street Upgrading and Paving Project (Columbus Drive to Goff Avenue).*

Favour 6; Opposed 0; **Carried**

#### Complaints on roaming dog on Burkes Lane

The MEO responded to these complaints and is continuing to monitor that issue.

#### Tender - Demolition old depot

This item has been included in the budget for the past two years.

*The committee recommends the Director of Operations and Public Works proceed to advertise the tender for the old depot.*

##### **Motion 21-092**

**A. Dowden / C. O'Grady**

*Resolved to tender for demolition of the former town hall on Bannerman Street.*

Favour 6; Opposed 0; **Carried**

- b) Economic Development, Planning and Land Use Development  
Councillor Doyle advised that the committee met on March 18<sup>th</sup> and noted the following from the meeting:  
Gunner's Pond Internet Service  
Committee Recommendation:  
*To provide a letter of support to the Gunner's Pond Association to obtain internet services in Gunner's Pond.*  
Council agreed with the recommendation.

Development Applications

**Motion 21-093**

**D. Doyle / D. Kennedy**

*Resolved to approve the following development applications conditional upon the development being completed in accordance with the Carbonear Municipal Plan and Development Regulations and other regulations and policies and in accordance with other conditions as specified:*

- 14 Quarter' Lane – Home Based Business (Baker)  
*Conditional upon complying with the Home-Based Business Regulations: and conditional upon approval from Service NL, and no objections or representations being received from the discretionary use advertisement published;*
- 104 Valley Road – to operate a Home-Based Business (Online Lighting Company) *Conditional upon complying with the Home-Based Business Regulations: and no objections or representations being received from the discretionary use advertisement published;*
- 15A Industrial Crescent, Phase I Approval - *to complete site work and building foundation;*
- 74 Crowdy Street *to subdivide property and construct a new dwelling;*
- 25 Bemister's Hill *to construct a new dwelling*

Favour 7; Opposed 0; **Carried**

Application for the operation of an onsite storage of waste disposal bins for commercial waste disposal at 42 Powell Drive. The bins will be stored on site when not rented. The application to operate a business from this location is being considered as a discretionary use. *Once the discretionary notice has ended, there will be further discussion on whether it will be recommended for approval with any conditions that may be attached to the approval.*

Inquiry on Popup Sales

Committee reviewed the inquiry. *The committee recommends responding to the email to advise that a Vendor Permit is required but permits are not being issued for the goods they will be selling.*

Municipal Plan Review

CAO to review with planner and discuss getting quotes.

- c) Administration and Finance  
Deputy Mayor O'Grady advised that the committee met on March 11<sup>th</sup> and noted the following from the meeting:  
Policy on correspondence received

**Motion 21-094****C. O'Grady / D. Kennedy**

*Resolved to adopt the Processing Correspondence Policy / A.33 as submitted to Council.*

Favour 6; Opposed 0; **Carried**

Mayor Butt asked about a request that is just sent to Mayor or an individual councillor. Town Clerk advised that there is a process noted in the policy to address that. The process to handle that, would be for the individual council member to obtain permission from the sender to forward it to all of council for review and then forward to the Town office for processing. CAO noted that otherwise, we have no record of it.

It was noted that if changes to the policy are required, it can be amended at a later date.

**A/R Report**

The Town Clerk reported on collections to March 11, 2021. For the current year collections for Property tax is 66%, Water/Sewer tax is 47%, Business Tax is 72%. Collections are up slightly from last year.

The Town Clerk reported that interest on 2021 taxes will be applied on March 31, 2021.

*The committee recommends to defer the interest for another month.*

**Motion 21-095****C. O'Grady / R. Noel**

*Resolved to defer the application of interest on overdue accounts for municipal taxes to April 30, 2021.*

Favour 6; Opposed 0; **Carried**

Update on properties receiving notice of tax arrears pending possible sale of property for tax arrears.

Work is continuing on this process.

The searches on the properties that were identified have been received. The notices prepared prior to the searches being completed have all been revised to include the current years taxes and additional interest.

There is one property where the property owner is willing to convey the property to the Town.

**Motion 21-096****C. O'Grady / D. Kennedy**

*Resolved that the Town of Carbonear purchase the property of 123-125 Water Street, Carbonear in lieu of payment for the amount of taxes and fees owing to the Town of Carbonear to be credited to the purchase price for the property.*

Favour 6; Opposed 0; **Carried**

**Correspondence**

Municipalities NL

RE: Municipal Symposium / AGM – May 6-8

- Call for Resolutions
- MNL Board of Director positions

It was noted the Town forwarded a resolution a few years ago to MNL concerning the amendment to the Municipalities Act pertaining to liens on property. The committee recommends to resubmit.

**Motion 21-097****C. O'Grady / R. Noel**

*WHEREAS Section 404(5) only allows a municipal council to recover costs, expenses or charges incurred by the council in carrying out the terms of the*

*order from the person against whom the order was made as a debt owed to the council; and*

*WHEREAS it is very costly to the municipality and its residents in legal fees to recover these costs from property owners unwilling to pay the debt; and*

*WHEREAS other provincial governments currently have such legislation;*

*BE IT RESOLVED that MNL urge the provincial government to make required changes to the Municipalities Act, 1999, so the cost of work is first lien where a council of a municipality lawfully causes work to be done pursuant to the Municipalities Act, the cost of the work, with interest, at a rate determined by the council, by policy, from the date of the completion of the work until the date of payment, is first lien on the property upon which, or for the benefit of which, the work was done.*

Favour 6; Opposed 0; **Carried**

Mayor Butt inquired how long ago this was presented to MNL. CAO noted it was almost 10 years ago that it was approved at AGM, and forwarded to the province.

CAO noted that the Municipalities Act has not been changed to date to include this. As it is now, property water sewer tax has a lien, there is no lien for other municipal fees such as fees for clean up, demolition, etc.

This is in the act for NS, but not in the act for NL.

Deputy Mayor O'Grady noted that an MNL representative met with the CBN Joint Council and he indicated that this may very well be included on the new proposed legislation, and he will try to find out if it is included. He noted that he hasn't seen the new act, but he understood that it is supposed to give the Town more options and may be covered in the new legislation.

Mayor Butt inquired about a complaint received on a personal facebook account.

A response will be sent to the complainant.

#### Property owner, Request for review of taxes on property.

Town Clerk reviewed the accounts and informed the property owner of the details and provided the information requested. There are no tax adjustments required on the accounts.

#### New Business Items

- Policy – Working from Home  
A draft policy has been forwarded to the committee members for review. This policy is included on the MNL site and municipalities are being encouraged to have a policy where staff may work from home. The committee will review for further discussion at the next meeting.
- Facility Rental Agreement  
A draft Facility Rental Agreement which was on the MNL site was forwarded to the committee as it is recommended that rental policies should be updated to address COVID 19 guidance responsibilities. The committee will review for further discussion at the next meeting.
- Appointment of Assessment Review Commissioner

**Motion 21-098**

**C. O'Grady / R. Noel**

*Resolved to appoint Mr. Derek Edwards as the Review Commissioner for the Town of Carbonear municipal assessment appeals for 2021 and 2022.*

Favour 6; Opposed 0; **Carried**

#### Strategic Plan

The EDTO has scheduled stakeholder interviews and the surveys are completed. EDTO provide an update to Council on the progress.

#### ERSB Fire Protection update

Deputy Mayor O'Grady noted that it was hoped that ERSB would enter into an agreement with the Town to invoice the property owners in Gunners Pond and Line Road for Fire Protection fees. The town has since been advised that ERSB will not be billing the areas of Gunners Pond or Line Road.

The Committee will continue with further work with those groups directly.

ERSB will enter into an agreement with the town to invoice for fire protection in areas of English Hill and Gadden's Mash.

- d) Recreation, Special Events, Culture and Tourism  
Councillor Noel advised that the committee met on March 16<sup>th</sup> and noted the following from the meeting:

#### Programming

The Director provided an overview of upcoming programming which includes the following: fitness program, continuation of Kids in the Kitchen, Easter Egg hunt. The Snow Sculpture contest with the Special Events Committee was a great success.

#### Culture & Tourism & Special Events

- The Special Events Committee has postponed events until the spring.
- The Director reported on the meeting with the Recreation Commission. The Commission is suggesting to put Awards Night on hold until the end of May, early June. The Athletic Awards winners have been decided but there is further discussion required on other awards.

#### Correspondence

- NL Power, Take Charge of your Town Challenge, grant from \$7,500 to \$10,000. Deadline May 7 - RE: Possible proposals that improve energy conservation or energy efficiency  
The deadline to apply is May.  
There was some discussion on possibilities for Town facilities including the pool upstairs multipurpose room and the Princess Sheila building. The Director of Recreation will have someone come in to determine recommendations and determine if heat pumps/mini splits would be a recommendation.  
*The committee recommends the Director contact at least two different certified installers in the area to complete a site visit of the Princess Sheila building and provide a quote for further discussion.*
- Communities in Bloom  
RE: Invitation to participate



The committee is not suggesting to enter the Communities in Bloom competition this year.

- Baccalieu Trail Thriving Regions Community Conversation, March 19 at 11:30 am

Anyone can register for this session where the researchers will provide updates and present the results of their work.

This has been sent to Council as well.

#### New Business

- Brook bridge

There has been previous discussion regarding a pedestrian bridge to cross the brook to join the walking trail so that you can get to Nell's Trail and Earle Trail safely.

The Recreation Director has identified that there was funding announced for pedestrian bridges and walkways for Trailways, so this may be something that the town can pursue.

*The committee recommends further investigation into a bridge for this area including obtaining estimates of options for review. The committee also recommends the Director reach out to municipalities that would have installed a bridge in recent years.*

*Councillor Kennedy noted that the Goulds has a similar bridge which spans from the stadium property to the soccer field property.*

- Request to clear walking track and boardwalk

The walking track is closed during the winter season as snow clearing equipment could damage the rubberized surface of the track. Those using the track do so at their own risk. It was also reported the Town does not snow clear the boardwalk during the winter months. Use again is at the users own risk.

#### Other Discussion

- It was reported the garbage receptacles around the boardwalk and on Water Street are filled with trash. This will be relayed to the department to have the matter addressed. The committee also suggested making a friendly social media post as a reminder to pet owners to clean up after their animals.
- It was suggested to have the snow shoes inventory clearly marked and stored properly.

#### Ongoing Items

- Princess Sheila building –There will be continued discussion on utilization of the building. Council has granted approval to a group to rent the facility.
- Meeting with Recreation Commission  
The commission had some discussion on revamping the summer program to include several categories of programming such as sports, outdoor adventures, various arts (dance, virtual, creative), etc. The commission is seeking a catchy phrase for the camp. Looking forward to expansion of the program.
- Terms of reference – deferred until after the Strategic Plan is complete  
The EDTO recently sent out an update on the timeframe and schedule

of the Strategic Plan.

- Installation of clay blocks and materials - All national tournaments have been cancelled
- Options for accessible playground - The grant application has been submitted. The total amount was \$248,000.

8. Reports of Chief Administrative Officer and Department Heads

a) Chief Administrative Officer Report

CAO reviewed the following from her report with Council:

Revenue Taxes:

Budgeted Tax Revenue is \$5,564,382. Tax revenue levied is \$5,573,422.

This is \$9,040 above tax revenue budgeted.

Revenue is on target.

Expenditures:

All Departments are within budget to date.

c) Director of Recreation

The Director noted the following:

Work at pool is ongoing. Waiting on partitions for the change rooms to arrive. Installation of shower heads and toilets should be done within the next couple of weeks.

Working on guidance document for Level 3. Still looking for clarification on the guidelines, to determine how to move forward.

9. Finance

a) Operating Invoices over \$2,000.00 in the amount of..... \$10,624.47

**Motion 21-099**

**C. O'Grady / R. Noel**

*Resolved that the Town of Carbonear approve for payment the list of operating invoices over \$2,000 as submitted, totaling \$10,624.47.*

Favour 6; Opposed 0; **Carried**

b) Capital Invoices:

Water, Sewer, Storm Sewer & Street Upgrading, Valley Road Phase 3

PN 21-102 (MA 17-GI-21-00041)

Harris & Associates Engineering Invoice #6790.....\$13,249.96

Water, Sewer & Street Upgrading, Marshall Drive,

PN 21-101 (MA 17-GI-00092)

Harris & Associates Engineering Invoice # 6791.....\$3,188.38

Water, Sewer, & Street Upgrading, Water Street Phase II

(PN 21-101 (MA 17-GI-21-00075)

Harris & Associates Engineering Invoices # 6789.....\$8,495.63

Barrier Fee Family Change Room Renovations – Carbonear Pool

Can-Am Platforms & Construction Ltd. PC#3, Invoice #8288...\$25,202.25

Can-Am Platforms & Construction Ltd. PC#4, Invoice #8312...\$33,741.00

Can-Am Platforms & Construction Ltd. PC#5, Invoice #8325....\$23,391.00

Councillor Noel declared a conflict of interest on Valley Road, Phase 3 project

as his brother owns property in that area.

Councillor Noel then left the meeting.

**Motion 21-100** **C. O'Grady / D. Kennedy**

*Resolved that the Town of Carbonear approve for payment the following capital project invoice:*

Water, Sewer, Storm Sewer & Street Upgrading, Valley Road Phase 3

PN 21-102 (MA 17-GI-21-00041)

Harris & Associates Engineering Invoice #6790.....\$13,249.96

Favour 5; Opposed 0; **Carried**

Councillor Noel was called back into the meeting.

**Motion 21-101**

**C. O'Grady / A. Dowden**

*Resolved that the Town of Carbonear approve for payment the following capital project invoices:*

Water, Sewer & Street Upgrading, Marshall Drive,

PN 21-101 (MA 17-GI-00092)

Harris & Associates Engineering Invoice # 6791.....\$3,188.38

Water, Sewer, & Street Upgrading, Water Street Phase II

(PN 21-101 (MA 17-GI-21-00075)

Harris & Associates Engineering Invoices # 6789.....\$8,495.63

Barrier Free Family Change Room Renovations – Carbonear Pool

Can-Am Platforms & Construction Ltd. PC#3, Invoice #8288...\$25,202.25

Can-Am Platforms & Construction Ltd. PC#4, Invoice #8312...\$33,741.00

Can-Am Platforms & Construction Ltd. PC#5, Invoice #8325...\$23,391.00

Favour 6; Opposed 0; **Carried**

10. Regulations  
None listed.

11. New Business

- a) Ratification of tentative collective agreement  
Councillor Noel inquired if this should be done in privileged meeting of Council. CAO advised that it was, without the members of Council who would be in conflict of interest.  
Mayor Butt declared a conflict of interest on the matter as his wife is a one of the unionized staff covered in the collective agreement.  
Councillor Noel declared a conflict of interest as his brother-in-law is one of the unionized staff covered in the collective agreement.  
Mayor Butt and Councillor Noel then left the meeting.  
Deputy Mayor O'Grady assumed the position of chair.

**Motion 21-102**

**D. Kennedy / D. Doyle**

*Resolved to approve a roll over of the collective agreement for one year, (January 1, 2021 to December 31, 2021), with a wage increase of 1% and a signing bonus of \$350 for all full-time unionized staff and \$200 for seasonal and part time unionized staff in accordance with terms negotiated.*

Favour 4; Opposed 0; **Carried**

Mayor Butt and Councillor Noel were called back into the meeting.

Other

Mayor Butt gave an update from the Fire Department. He noted the following:

- there have been 12 fire calls this year;
- 60% of the Fire Department members received their COVID-19 vaccinations as of yesterday;
- Practices started again, 10 per session;
- Virtual Level 1 training being done as well.
- 

Mayor Butt reminded everyone to be vaccinated when vaccinations become available to them.

Mayor Butt noted there was an article on Carbonear in the Enroute magazine. He encourages people to come to our town.

Mayor Butt inquired on the status of the new pumper for the Fire Department. CAO advised that when she inquired, it was still being built. The town will be advised when it is being shipped.

Councillor Noel noted that area is dry, and he would like to see a posting about permits being required for burning.

12. Notices of Motion  
No notices of motions were filed.

13. Adjournment  
**Motion 21-103** **R. Noel / A. Dowden**  
*Resolved that the meeting adjourn at 6:50pm.*  
Mayor Butt advised that the next meeting is scheduled for April 13<sup>th</sup>, 2021 at 5:30pm.  
Favour 6; Opposed 0; **Carried**



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Mayor Frank Butt



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Cathy Somers, Town Clerk