

Town of Carbonear
Regular Council Meeting October 11, 2022
Minutes of a regular meeting of the Council of the Town of Carbonear held
In Council Chambers, October 11, 2022 at 5:30pm

Members Present: Mayor Frank Butt
 Deputy Mayor Sam Slade
 Councillor Danielle Doyle
 Chris O'Grady
 Peter Snow

Members Absent: Councillor Ray Noel
 Malcolm Seymour

Also Present: Chief Administrative Officer Cynthia Davis
 Town Clerk / Director
 of Financial Operations Cathy Somers
 Director of Operations
 & Public Works Ian Farrell

Also Absent: Director of Recreation Rob Button (on vacation)

1. Calling of Meeting to Order
 Mayor Butt welcomed everyone to the meeting and called the meeting to order at 5:30pm. The meeting is being broadcasted through YouTube.
2. Approval of the Agenda for October 11, 2022 Regular Meeting
 Motion 22-287 D. Doyle / C. O'Grady
 Resolved to adopt the agenda of the October 11, 2022 Regular Meeting of Council as presented to Council.
 Favour 5; Opposed 0; **Carried**
3. Adoption of the minutes
 - a) Regular Meeting – September 27, 2022
 Motion 22-288 S. Slade / D. Doyle
 Resolved to adopt the minutes of the September 27, 2022 Regular Meeting of Council as presented.
 Favour 5; Opposed 0; **Carried**
4. Business Arising from Minutes
5. Proclamations / Presentations / Delegations
 - a) Smiles for Miles Foundation, October Child Abuse Prevention Month
 Proclamation to be signed.

Mayor Butt read the proclamation

Motion 22-289

S. Slade / P. Snow

Whereas: Children are the foundation for a prosperous and innovative society, and the foundation for a child's growth and development is established when the community takes responsibility for creating healthy environments where our children can thrive;

Whereas: All children deserve to have a safe, stable, nurturing home and community to foster their healthy growth and development;

Whereas: Child abuse and neglect is an important societal concern that may affect the long-term health and well being of not only children, but also the adults they become;

Whereas: Child abuse and neglect impacts our entire society and our society's future;

Whereas: Child abuse prevention is a shared responsibility and finding solutions requires the involvement and collaboration of citizens, organizations and government entities;

Whereas: this month, we emphasize the importance of understanding the devastating problem of child abuse and neglect, and commit to learn more about the behavioural and physical signs of possible abuse.

Therefore: the Town of Carbonear do hereby proclaim the month of October 2022 to be Child Abuse Prevention Month in the Town of and urge all citizens to work together to help reduce child abuse and neglect significantly in years to come.

Favour 5; Opposed 0; **Carried**

6. Permits and Correspondence

6.1 Permit Listing # 10074-10087

Councillor Doyle asked Council to review the list of permits for possible conflicts. Mayor Butt and Deputy Mayor Slade inquired if they would be considered to be in conflict on Permit #10082.

It was noted that a motion was obtained during the September 27th Regular Council Meeting that Mayor Butt and Deputy Mayor Slade are not considered to be in conflict of interest on this permit.

Councillor Snow noted that he knows the person who obtained permit # 10085, as that person lived with his family for a period of time. He inquired if he would be considered to be in conflict on that permit with the new legislation.

Councillor Snow indicated that he feels he can be impartial in making a decision on the matter. He asked Council to decide if he would be considered to be in conflict of interest on the matter.

The CAO read the part of the legislation relating to a personal relationship.

Discussed.

Motion 22-290

S. Slade / D. Doyle

Under Section 6.(5) of the Municipal Conduct Act, Be it Resolved that the Town of Carbonear does not consider Councillor Snow to be in conflict of interest on the matter of Permit # 10082 being presented at this meeting.

Favour 4; Opposed 0; **Carried**

Councillor Snow did not vote on this motion.

Motion 22-291

D. Doyle / C. O'Grady

Resolved to approve permits # 10074-10087 as per the applications 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 5; Opposed 0; **Carried**

6.2 Correspondence, requiring Council's decision

a) Harbourside Transportation Consultants

RE: Powell Drive Phase II – Approval to award tender to Concord Paving Ltd in the amount of \$646,927.90 (HST included)

Motion 22-292

D. Doyle / P. Snow

Whereas the call for tenders for construction services for Powell Drive Street and Storm Upgrading Phase 2 closed on 5 Oct 2022, and

Whereas the consultant, Harbourside Engineering, has reviewed the bids and provided a recommendation to award to Concord Paving,

Be it resolved to award a contract to Concord Paving in the amount of \$646,927.90 HST included.

Favour 5; Opposed 0; **Carried**

b) Department of Transportation and Infrastructure

RE: 17-GI-23-00002 – Adelaide Street Water Sewer Storm Street Upgrades Phase 2. Funding approved under AP-MCW-22170 in the amount of \$1,620,000.

Councillor O'Grady noted that he would be in conflict on this as his mother and brother own property in this area.

Councillor Snow asked if he would be considered to be in conflict of interest on the matter as his sister owns property just west of the Section around Stentafor's Lane.

Council asked if that area is included in the scope of this project.

The Director of Operations and Public Works advised the project does include a small area west of Stentafor's Lane.

Councillor Snow declared a conflict of interest on the matter as well.

Due to Councillors O'Grady and Snow declaring a conflict of interest on the matter, there was no longer a quorum for the matter to be considered.
Item deferred for a Special Meeting of Council.

6.3 Correspondence received and action taken

Council reviewed the following correspondence and approved the action taken on each item:

- a) Government of NL
 - Department of Transportation
RE: Call for 2023 -2024 Municipal Infrastructure Applications, Deadline October 28, 2022
Forwarded to the Chief Administrative Officer and the Town Clerk
 - Department of Justice and Public Safety
RE: Regional Emergency Management and Planning Officer – new staff
Forwarded to the Chief Administrative Officer and the Town Clerk
- b) Municipal Assessment Agency
RE: 2023 Assessment Fee
Forwarded to Administration and Finance committee
- c) Eastern Regional Service Board
RE: 2023 budget and fee structure
Forwarded to Administration and Finance committee
- d) Municipalities NL
RE: New partnership with depend build Data Collection
Forwarded to the Chief Administrative Officer and the Town Clerk
- e) Gunner's Pond Development Association
RE: Request to grade road
Forwarded to the Chief Administrative Officer and the Director of Operations and Public Works and the Public Works, Waste Management and Community Service committee
- f) Property owner Churchill Circle
RE: Request for brook clean out and stone.
Forwarded to the Chief Administrative Officer, Director of Operations and Public Works and Public Works, and the Public Works, Waste Management and Community Service committee
- g) Canadian Parks and Wilderness Society Newfoundland and Labrador
RE: Beach Clean up scheduled for October 22.
Advertised on social media

7. Committee Reports

- a) Public Works, Waste Management, and Community Services
Deputy Mayor Slade noted that the committee met on September 29.

Council can peruse and ask any questions. Deputy Mayor Slade presented the following motions:

Motion 22-293

S. Slade / C. O'Grady

*Whereas the HVAC system in the Council Office has outlived its useful life, and
Whereas the system is obsolete and parts are difficult to procure,
Be it resolved to order a new HVAC system from Ainsworth, to supply and install, for
\$19,152 plus HST.*

Favour 5; Opposed 0; **Carried**

Councillor Snow inquired on whether this is an air cooled or water cooled system. Pricing on air cooled systems were requested. Director to check the details on the units quoted.

Mayor Butt asked if this company is currently providing the service contract on our system. The Director confirmed, this is the company that currently has the service contract for the HVAC systems and three prices were obtained on the replacement unit. Our current service provider will be supplying and installing the unit.

Mayor Butt asked for the status on the burnt out buildings on Water Street. The demolition orders were served on the property owner by the MEO. This matter will be further reviewed by the Public Works Committee.

- b) Economic Development, Planning and Land Use Development
Councillor Doyle noted the committee met on October 4 and noted the following:
- Town recently held a business networking session, was very well organized, but not well attended. EDTO will try to determine how we can obtain a higher attendance at these functions.
 - Kick off meeting has been held on the Municipal Plan Review.

Councillor Doyle presented the following motions:

Motion 22-294

D. Doyle / P. Snow

Resolved to approve the following applications in accordance with applications submitted, the Town of Carbonear Municipal Plan and Development Regulations and other conditions as specified:

- *To install a new septic system at 5288659^90mN / 324745^59mE Long Island Pond, Line Road conditional upon approval from the Department of Digital Government and Service NL and the Department of Environment & Climate Change (Water Resources Division);*
- *To construct a two-storey accessory building at 11 Southwell Place conditional upon no objections or representations being received from the discretionary use advertisement; and further conditional upon the application being referred back to committee and council for further review if objections are received in response to the discretionary notice.*

Favour 5; Opposed 0; **Carried**

Deputy Mayor Slade inquired about the land being cleared over by Dairy Queen.

Discussed.

CAO advised the Town has not received a development application to this point for new building construction on the property. Permit has been issued for the ground work only.

c) Administration and Finance

Councillor O'Grady advised the committee met on October 5 and presented the following:

Eastern Regional Service Board, 2023 Fee Structure – Both landfill waste and recyclables have increased by \$5 per tonne from 2022 starting on April 1, 2023.
Municipal Assessment Agency Fees for 2023 – Minimal difference in overall cost from 2022 to 2023.

Councillor O'Grady noted two motions to be presented.

Mayor Butt and Deputy Mayor Slade asked if they would be in conflict on the motion for the roof repairs at the Fire Hall as they are members of the Fire Department.

Motion 22-295

P. Snow / C. O'Grady

Under Section 6.(5) of the Municipal Conduct Act, Be it Resolved that the Town of Carbonear does not consider Deputy Mayor Slade to be in conflict of interest on the matter to approve Mustang Holdings Ltd to complete repairs to the eaves at the Fire Hall which is being presented at this meeting.

Favour 4; Opposed 0; **Carried**

Deputy Mayor Butt did not vote on this motion.

Motion 22-296

C. O'Grady / P. Snow

Under Section 6.(5) of the Municipal Conduct Act, Be it Resolved that the Town of Carbonear does not consider Mayor Butt to be in conflict of interest on the matter to approve Mustang Holdings Ltd to complete repairs to the eaves at the Fire Hall which is being presented at this meeting.

Favour 4; Opposed 0; **Carried**

Mayor Butt did not vote on this motion.

Councillor O'Grady then presented the following motions:

Motion 22-297

C. O'Grady / D. Doyle

Resolved to approve Mustang Holdings Ltd to complete repairs to the eaves at the Fire Hall at a cost of \$4,995 plus HST.

Favour 5; Opposed 0; **Carried**

Motion 22-298

C. O'Grady / S. Slade

Resolved to purchase 8 snowflake decorative lights for the street lights on Water Street for a total of \$7,960 plus HST and shipping.

Question: Mayor Butt asked if these are for the 2nd Phase of the Downtown Project. It was confirmed these lights are for the 2nd Phase of the Water Street Project.

Favour 5; Opposed 0; **Carried**

Deputy Mayor Slade inquired as to when the light pole that was damaged on Water Street will be repaired.

Director of Operations and Public Works advised the light pole has been delivered and will be installed tomorrow.

This damage was due to an accident and is being covered under insurance.

Councillor Doyle inquired if the Mayor would be in conflict on the Human Resource Policy changes as presented to Council as his wife is a staff member and the changes would be applicable to all staff. It was noted that the change to the policy is to add a functional assessment form.

Discussed.

Mayor Butt declared a conflict of interest on the changes to the Human Resource Policy as it applies to all staff and his wife is a member of the staff. Mayor Butt then left the meeting and Deputy Mayor Slade assumed the position of Chair.

Motion 22-299

C. O'Grady / P. Snow

Resolved to adopt the Human Resource Policy (A.16) – as presented to Council.

Favour 4; Opposed 0; **Carried**

Mayor Butt was called back into the meeting and assumed the position of Chair.

Flatrock Fire Protection – Notices were delivered, we are now waiting to hear back from the homeowners committee.

Building replacement costs

The CAO and the Director of Operations and Public Works have determined revised replacement rates for our buildings and will have them updated on the Town's insurance coverage. In regards to the Heritage buildings, a replacement value is not determined, as we may not be able to replace the structures. There is an insured value to cover the cost of clean up/disposal but may not be sufficient to cover replacement costs.

Discussed.

Council to give it further thought to determine if we will also include replacement value for the museums as well.

Mayor Butt asked if the Handicapped Parking Places have been repainted at the Pool facility. Director Operations and Public Works advised they are not repainted yet. He advised staff will be in there later this week. Staff are also looking at possible changes to improve the crossing as well.

Councillor Doyle asked if the Town could do a promotional video on recycling to promote more recycling.

Deputy Mayor Slade advise that would be reviewed in the next Public Works meeting.

8. Reports of Chief Administrative Officer and Department Heads
None listed.

9 Finances

- a) Operating Invoices over \$2,000.00 in the amount of..... \$68,850.17

Motion 22-300 C. O'Grady / P. Snow

Resolved that the Town of Carbonear approve for payment the list of operating invoices over \$2,000 totaling \$68,850.17 as submitted to Council.

Favour 5; Opposed 0; **Carried**

- b) **Capital Invoices:**

Powell Drive Street Upgrading Phase II

Harbourside Transportation Consultants, Invoice #2575..... \$7,693.50

Motion 22-301 C. O'Grady / P. Snow

Resolved that the Town of Carbonear approve for payment the following Capital Project Invoice:

Powell Drive Street Upgrading Phase II

Harbourside Transportation Consultant, Invoice # 2575.....\$7,693.50

Favour 5; Opposed 0; **Carried**

10. Regulations for Adoption
None listed

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

12. New Business
Announcements:

- Mayor Butt advised there will be an Open House at the Fire Hall tomorrow evening for Fire Prevention Week.
- Mayor Butt noted he attended an event at NL Power to sign proclamation for Energy Efficiency Week.

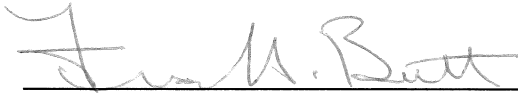
13. Adjournment

Motion 22-302

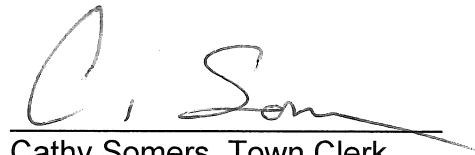
S. Slade / P. Snow

Resolved that the meeting adjourn at 6:21 pm and that Council meet again for a Regular Council Meeting on Tuesday, October 25, 2022 at 5:30pm.

Favour 5; Opposed 0; **Carried**



Mayor Frank Butt



Cathy Somers, Town Clerk