

**Town of Carbonear  
Regular Council Meeting August 15, 2023**

Minutes of a regular meeting of the Council of the Town of Carbonear held  
In Council Chambers, August 15, 2023 at 5:30pm

**Members Present:** Mayor Frank Butt  
Councillor Chris O'Grady  
Ray Noel  
Malcolm Seymour  
Peter Snow

**Members Absent:** Deputy Mayor Sam Slade  
Councillor Danielle Doyle

**Also Present:** Chief Administrative Officer Cynthia Davis  
Town Clerk / Director of Financial Operations Cathy Somers  
Director of Operations & Public Works Ian Farrell  
Recreation Director Rob Button  
EDTO Kerri Abbott

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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.  
  
Mayor Butt asked for a moment of silence to remember the passing of Honorary Fire Fighter John LeGrow and also condolences on the recent passing of Councillor Snow's mother-in-law, Mary Dwyer.
2. Approval of the Agenda for August 15, 2023 Regular Meeting  
**Motion 23-232 P. Snow / C. O'Grady**  
*Resolved to adopt the agenda for the August 15, 2023 Regular Council Meeting as presented to Council*  
Favour 5; Opposed 0; **Carried**
3. Adoption of the minutes
  - a) Regular Meeting – July 18, 2023  
**Motion 23-233 P. Snow / M. Seymour**  
*Resolved to adopt the minutes of the July 18, 2023 Regular Meeting of Council as presented.*  
Favour 5; Opposed 0; **Carried**
4. Business Arising from Minutes  
No business arising.

5. Proclamations / Presentations / Delegations

- a) September is Fetal Alcohol Spectrum Disorder Awareness Month  
Proclamation to be signed.

**Motion 23-234**

**C. O'Grady / M. Seymour**

*WHEREAS: Fetal Alcohol Spectrum Disorder (FASD) is a diagnostic term used to describe impacts on the brain and body of individuals prenatally exposed to alcohol. FASD is a lifelong disability. Individuals with FASD will experience some degree of challenges in their daily living, and need support with motor skills, physical health, learning, memory, attention, communication, emotional regulation, and social skills to reach their full potential. Each individual with FASD is unique and has areas of both strengths and challenges.*  
*WHEREAS: fasdNL is a pan-provincial organization that educates, provides supports and resources, and raises awareness about fetal alcohol spectrum disorder (FASD) in Newfoundland and Labrador and Atlantic Canada; and*  
*WHEREAS: fasdNL is leading a three-year FASD prevention, awareness, training, and collaborative action project in the four Atlantic provinces; and*  
*WHEREAS: FASD Awareness month is devoted to raising awareness of fetal alcohol spectrum disorder (FASD) to improve prevention of FASD and diagnosis and support for individuals with FASD and broad public awareness helps to put FASD the 'map'; and*  
*THEREFORE: The Town of Carbonear, do hereby proclaim the month of September, 2023 to be FASD Awareness Month in the Town of Carbonear.*  
Favour 7; Opposed 0; **Carried**

6. Permits and Correspondence

6.1 Permit Listing # 10304-10336

Councillor O'Grady asked Council to review the list of permits for possible conflicts.

**Motion 23-235**

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

*Resolved to approve permits # 10304-10336 as per the applications received and conditional upon the work being completed in accordance with the Town of Carbonear Municipal Plan and Development Regulations and other applicable regulations and policies.*

Favour 7; Opposed 0; **Carried**

6.2 Correspondence, requiring Council's decision

- a) Harris & Associates, Adelaide Street – Water, Sewer, Storm and Street Upgrading

RE: Change order # 1 in the amount of \$26,746.01 for additional quantities confirmed in field.

See Public Works Report for recommendation.

- b) Department of Transportation and Infrastructure  
RE: AP - MCW-23083, 17-GI-24-00052 -Beach Road Sewer Sizing Upgrade has been approved. Total project cost \$480,789. Motion to accept funding is required.  
See Public Works Report for recommendation.
- c) Department of Transportation and Infrastructure  
RE: AP - MCW-23070, 17-GI-24-00053 -Cross Roads Water Sewer Road Upgrades has been approved. Total project cost \$898,033. Motion to accept funding is required.  
See Public Works Report for recommendation.
- d) Department of Transportation and Infrastructure  
RE: AP -MCW-23067, 17-GI-24-00051 - Screenhouse and Chlorine Building Upgrades has been approved. Total project cost \$279,678. Motion to accept funding is required.  
See Public Works Report for recommendation.

## 6.2 Correspondence received and action taken

Council reviewed the following correspondence and action taken:

- a) Government of NL
  - Department of Transportation and Infrastructure  
RE: Changing the MERX pricing table  
Forwarded to the Director of Operations and Public Works and the Chief Administrative Officer
  - Department of Transportation and Infrastructure  
RE: Call for Applications – 2024 – 2025 Municipal Capital Work.  
Deadline September 29, 2023  
Forwarded to the Director of Operations and Public Works and the Chief Administrative Officer
  - Department of Environment and Climate Change  
RE: Winter 2023 2023 Public Drinking Water supply – Drinking Water Quality Data available for review.  
Forwarded to the Director of Operations and Public Works and the Chief Administrative Officer
  - Department of Children, Seniors, and Social Development  
RE: Capacity Grant 2023. Due to the high volume of application, the town was not approved for funding.
- b) Knights of Columbus Dalton Assembly, Carbonear  
Invitation for Council to attend an Interfaith Prayer Service, Saturday, September 9 at 11am. St. Patrick's Parish. Copied to Council.
- c) Property owner, Earle's Lane  
RE: rodent concern  
Forwarded to Public Works, Waste Management and Community Services

- d) Correspondence regarding bridge repair Valley Road  
Forwarded to Public Works, Waste Management and Community Services committee
- e) Office to Advance Women Apprentices NL  
RE: Free workshop August 17.  
Shared on Social Media
- f) Municipal Assessment Agency  
RE: Nominee for World Mayor 2023. Mayor Tony R. Keats of Dover was shortlisted as one of twenty-five mayors nominated for World Mayor 2023 award. Request for council to vote and lend support.  
Copied to Council.
- g) Alzheimer Society NL  
RE: Coffee Break Fundraiser by hosting a coffee break  
Forwarded to the Chief Administrative Officer and the Economic Development and Tourism Officer
- h) Department of Fisheries and Oceans  
RE: Fish and Fish Habitat Protection Program – Brochures for distribution  
Placed in the lobby.
- i) Harris & Associates  
RE: Change Order # 1, Adelaide Street, Water, Sewer, Storm and Street Upgrading - 17-MYCW-22-00030 (PN 21-134)  
Forwarded to Public Works, Waste Management and Community Services committee

## 7. Committee Reports

- a) Administration and Finance  
Councillor O'Grady advised the committee met on August 3<sup>rd</sup> and noted the following:
  - Code of conduct – Recreation Director to review with volunteer and committee members.
  - Tax Collection - Staff are continuing work on tax collection, latest report on 2023 tax collection is Property 87%, Water/Sewer 81% and Business Tax 90% collected. Discontinuation of water services for outstanding taxes is continuing.
  - MEO position – This position has been awarded and the new MEO will commence work tomorrow.
  - Committee volunteers inquiry on procurement - reviewed by committee.
- b) Economic Development, Planning and Land Use Development  
Councillor O'Grady noted the following from the committee meeting:
  - A reminder that applicants should ensure their development application

is processed, approved and a permit issued before proceeding with the proposed work.

- October 1<sup>st</sup> the Harvest festival is starting, lots of events planned and lots of support from businesses.
- Orders recommended:

**Motion 23-236**

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

*WHEREAS Civic No. 154 Forest Road, Carbonear, NL completed an extension erected to the dwelling without a permit contrary to S.7 of the Town of Carbonear Municipal Plan General Regulations;*

*BE IT RESOLVED THAT IT IS HEREBY ORDERED pursuant to S. 102 of the Urban and Rural Planning Act, 2000 that you cease construction and take down and remove the extension erected and you shall comply with this Order on or before the expiration of 14 days of your receipt of the Order.*

Favour 5; Opposed 0; **Carried**

- Development Application approvals:

**Motion 23-237**

**C. O'Grady / M. Seymour**

*Be It 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:*

- *erect a shed at 150 Highroad South;*
- *home office for a plumbing business at 11 Circular Road which will operate from no fixed address conditional upon no objections to a discretionary notice and in accordance with General Regulations, S.10 Discretionary Powers of Authority and further conditional upon coming back to council for further review if there are objections to the discretionary notice;*
- *nail salon business from 196 Water Street conditional upon receipt of approval from Service NL and other applicable government departments and agencies;*
- *extension to a deck for a wheelchair ramp at 10 Irishtown Road in accordance with General Regulations, S.10 Discretionary Powers of Authority.*

Favour 5; Opposed 0; **Carried**

- c) Recreation, Special Events, Culture and Tourism  
Councillor Noel advised the committee met on August 2<sup>nd</sup>, there are no motions being recommended at this time.
  - Special thanks to the Special Events Committee for the events they planned this summer.

- Score Board base has been installed and remainder of work will be completed within the near future. We look forward to having this completed.

- d) Public Works, Waste Management and Community  
Councillor Noel noted the following from the committee:  
There are several motions being recommended.

**Motion 23-238**

**R. Noel / P. Snow**

*Be It Resolved to approve the following streets / sections of streets as per the list and estimates provided for paving upgrades from the 2023 asphalt operating budget:*

- White's Road;
- Earle's Lane;
- Chapel Hill;
- Wareham's Road;
- Mutreyville;
- Kimberly Place;
- Southside Lower Road;
- Street off Bunker Hill to civic #'s 14 and 16;
- Whitely Drive;
- Paved Walkway/Accessible Parking to Recreation Complex

Favour 5; Opposed 0; **Carried**

**Motion 23-239**

**R. Noel / P. Snow**

*Be It Resolved to approve Water Street Phase 2, change order #2 to extend the project by 4 additional working days.*

Favour 7; Opposed 0; **Carried**

Councillor O'Grady declared a conflict of interest on this project as his brother owns property in the area.

Councillor Snow declared a conflict of interest on this project as his sister owns property in the area.

Councillor Seymour declared a conflict of interest as his mother-in-law owns property in the area.

Councillors O'Grady, Snow and Seymour moved to the public gallery.

As there are three in conflict, the question was asked if the remaining members could vote on the motion.

CAO read Section 7.(1) of the Municipal Conduct Act which speaks to this matter, "*Where one or more councillors have declared a conflict of interest under subsection 6(1) and the number of councillors remaining at the meeting is not sufficient to constitute a quorum then, notwithstanding any other Act, regulations or a regulation of council, the number of councillors remaining,*

*where not less than 2, shall be considered to constitute a quorum for purposes of discussion and voting on the matter being considered by the council."*

**Motion 23-240**

**R. Noel / F. Butt**

*Whereas the Adelaide Street Phase 2 tender is over budget by approximately \$500,000; and*

*Whereas there are no additional funds to complete this project;*

*Be It Resolved to cancel the tender call and re-evaluate the project scope for re-tendering.*

Favour 2; Opposed 0; **Carried**

Councillors O'Grady, Snow and Seymour returned to the seats at the Council table.

**Motion 23-241**

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

*Be It Resolved that the Town of Carbonear submit its Capital Investment Plan to the Department of Municipal and Provincial Affairs for Gas Tax Funding in the amount of \$447,639.01 for the Powell Drive Phase 3 Storm Sewer and Street Upgrading Project.*

Favour 5; Opposed 0; **Carried**

Councillor Snow declared a conflict of interest on the motion being recommended as his sister owns property in the area. Councillor Snow then moved to the public gallery while the matter was reviewed.

**Motion 23-242**

**R. Noel / M. Seymour**

*Be It Resolved to approve Change Order # 1, Adelaide Street, Phase 1 17-MYCW-22-00030, Water, Sewer, Storm and Street Upgrading in the amount of \$26,746.01.*

Favour 4; Opposed 0; **Carried**

Councillor Snow returned to his place at the Council table.

**Motion 23-243**

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

*Be It Resolved that, we the Ultimate Recipient Town of Carbonear accept cost-shared funding as outlined in the Department of Transportation and Infrastructure project approval letter dated 31 day of July, 2023, Project Number 17-GI-24-00051 – Screenhouse and Chlorine Building Upgrades with a total project value of \$279,678. This council agrees to provide the Ultimate Recipient share value of \$50,724 in funding for this project and authorizes the Mayor and the Town Clerk to enter into a funding agreement with the Department of Transportation and Infrastructure on behalf of the Town of Carbonear.*

Favour 5; Opposed 0; **Carried**

**Motion 23-244**

**R. Noel / P. Snow**

*Be It Resolved that, we the Ultimate Recipient Town of Carbonear accept cost-shared funding as outlined in the Department of Transportation and*

*Infrastructure project approval letter dated 31 day of July, 2023, Project Number 17-GI-24-00052 - Beach Road Sewer Sizing with a total project value of \$480,789. This council agrees to provide the Ultimate Recipient share value of \$87,199 in funding for this project and authorizes the Mayor and the Town Clerk to enter into a funding agreement with the Department of Transportation and Infrastructure on behalf of the Town of Carbonear.*  
Favour 5; Opposed 0; **Carried**

**Motion 23-245**

**R. Noel / M. Seymour**

*Be It Resolved that, we the Ultimate Recipient Town of Carbonear accept cost-shared funding as outlined in the Department of Transportation and Infrastructure project approval letter dated 31 day of July, 2023, Project Number 17-GI-24-00053 – Cross Roads Water Sewer Road Upgrades with a total project value of \$898,033. This council agrees to provide the Ultimate Recipient share value of \$162,874 in funding for this project and authorizes the Mayor and the Town Clerk to enter into a funding agreement with the Department of Transportation and Infrastructure on behalf of the Town of Carbonear.*  
Favour 5; Opposed 0; **Carried**

**Motion 23-246**

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

*Be It Resolved to accept the Amendment to the mapping for Island Pond/Fling's Pond Protected Water Supply as provided by the Department of Environment and Climate Change, Water Resources Division.*  
Favour 5; Opposed 0; **Carried**

**Motion 23-247**

**R. Noel / M. Seymour**

*Be It Resolved that the Town of Carbonear accept cost-shared funding as outlined in the Department of Transportation and Infrastructure project approval letter dated 6 day of July, 2023, 2023-2026 Multi Year Capital Works with provincial funding in the amount of \$739,322; and*  
*Be It Further Resolved that this council agrees to provide its share value of the funds for this project and authorizes the Mayor and the Town Clerk to enter into a funding agreement, if required, with the Department of Transportation and Infrastructure on behalf of the Town of Carbonear; and*  
*Be It Further Resolved to complete the LeMarchant Street Extension Water Sewer Street Upgrading up to the total approved funding provided to the Town of Carbonear from this program.*  
Favour 5; Opposed 0; **Carried**

**Motion 23-248**

**R. Noel / P. Snow**

*Be It Resolved to request approvals to borrow from the Minister of Municipal and Provincial Affairs from Scotiabank for a term of 3 years and with an*



*amortization period of 10 years for an interest rate of 0.25% plus prime for the following projects and project estimates:*

- PN 17-GI-24-00051 – Screenhouse and Chlorine Building Upgrades - \$50,724
- PN 17-GI-24-00052 - Beach Road Sewer Sizing - \$87,199
- PN17-GI-24-00053 – Cross Roads Water Sewer Road Upgrades - \$162,874
- 2023-2026 Multi Year Capital Works - \$184,831

Favour 5; Opposed 0; **Carried**

**Motion 23-249**

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

*Be It Resolved to repaint the crosswalk in front of 256 Water Street to rainbow colours.*

Favour 7; Opposed 0; **Carried**

**Motion 23-250**

**R. Noel / M. Seymour**

*WHEREAS land at Civic No. 45 Janes Avenue, Carbonear, NL is being utilized, or causing, and/or authorizing to be utilized, for the purpose of the carrying on of commercial operations, including the storage, repair and operation of tractors, machinery, commercial mowers, vehicles and other equipment related to the conduct of business including landscaping and excavation without permit contrary to S.7 of the Town of Carbonear Municipal Plan General Regulations; BE IT RESOLVED THAT IT IS HEREBY ORDERED pursuant to S. 102 of the Urban and Rural Planning Act, 2000 that you cease all such business operation on the said land, and that all vehicles, machinery and/or equipment utilized in such business operation be removed from the said land.*

Favour 5; Opposed 0; **Carried**

**Motion 23-251**

**R. Noel / P. Snow**

*Be It Resolved to proceed with the procurement process to obtain a prime consultant(s) for the following projects:*

- 2023 Street Upgrading and Paving;
- Screenhouse and Chlorine Building Upgrades
- Beach Road Sewer Sizing
- Cross Roads Water Sewer Road Upgrades
- Lemarchant Street Extension Water Sewer and Street Upgrades
- Powell Drive Ph 3

Favour 5; Opposed 0; **Carried**

**8. Reports of Chief Administrative Officer and Department Heads**

**a) Chief Administrative Officer**

The CAO noted the following from her report with Council:

Total tax revenue levied to date now exceeds the budgeted revenue by \$1,596. Expenditures for all departments are within budget. Transportation Services is

showing as 25% spent, however that is because this \$1.1million budgeted for asphalt which has not yet been invoiced.

b) Director of Recreation

The Director of Recreation reviewed the following from his report with Council:

Pool & Rec Maintenance

- 1.) Scoreboards bases have been installed, scoreboards should be installed next week.
- 2.) Ball Field Lights – have been ordered. When received, these will be installed as well.

Financial & Program Analysis

Revenues are up from last year, and lesson registration numbers are well ahead of last year.

Programs & Grants

- 1.) 3 vs 3 Street Basketball Tournament scheduled for weekend of September 9/10. Registration is now live. Some teams registered, hopefully we will have more teams registered before registration closes this week and this will be a great success..
- 2.) Summer Program has concluded. Would like to thank and congratulate the summer students (staff) for another successful summer of day camp. Kids went away with many smiles and happy memories.
- 3.) Carbonear Day Weekend was another great time. Unfortunately, our World Cup of Tiddly was affected by the weather. However, our first Co-Ed Softball Tournament was deemed a great success, as well as many of the other activities scheduled over the course of the weekend. Would like to thank our many volunteers and Special Events Committee for your hard work and dedication to that weekend!!
- 4.) Summer Concert (Rockin' Da Garden) is our next major event, happening on August 26<sup>th</sup>. Ticket sales have been going well and looking forward to a great evening with Shanneyganock and the Aldermen. Will also be hosting some local entertainment to get the night started.

Softball news

- U15 NL Select Team competed at National Championship and won the Silver medal. Aaron O'Leary from Carbonear was a member of that team.
- U17 NL Select team traveled. Carbonear resident Drew Deering participated on that team.
- U20 NL Select Team attending National Championship, members from

Carbonear are Reid Deering, Adrien Green, Jacob Kennedy, Josh Kennedy and Matthew King, also coaches from Carbonear are David Kennedy and Charlie Deering.

- U17 Female NL Select Team to attend Nationals  
Brooklyn Short and Lilly Slade
- Adrien Green from Carbonear was named to the Men's U18 National Team and will compete at the Pan-Am competition.
- This past weekend the Carbonear Islanders hosted the U17 provincial tournament and Carbonear won the silver medal.

We have a great contingent of players from the town and wanted to recognize their achievements.

Councillor Noel recognized the supportive parents, volunteers and coaches that support these programs and other sports as well.

Councillor Noel asked that the Director check the online registration process for the 3 vs. 3 Basketball tournament and possibly include some directions on the registration process for those who wish to register a team.

Councillor O'Grady noted the CBN Legendary Car Club have their car show event this weekend at Paddy's Garden. All proceeds in support of the Special Olympics. Encourage everyone to visit and enjoy the cars.

c) Director of Operations & Public Works

Director reviewed the following from his report:

Infrastructure and Public Works

- Approximately 242 tonnes of asphalt placed to repair potholes to date this year.

Facilities

- Annual facility inspections have been completed.

Municipal Enforcement

- New MEO starting tomorrow.

Capital Projects

- Valley Road Phase 4 – Construction is underway.
- Water Street Phase 2 – Installation of light bases is underway, roadwork to follow in short order.
- Adelaide Street, Phase 2 – Tenders came in over budget
- Grassy Lane – Still awaiting design, but will likely call for tenders in early 2024.
- Adelaide Street Phase 1 – Final lift of asphalt to be placed shortly. Completion of minor cleanup. Project nearly complete.

Other Items

A new flow sensor is needed to continue monitoring the sewer flows.

A motion of council is required to proceed with the purchase. Councillor Noel will present the motion.

**Motion 23-252****R. Noel / P. Snow**

*Whereas the flow sensor at the lift station has reached the end of its useful life, and*

*Whereas a new sensor is needed to continue monitoring sewer flows in accordance with the Wastewater Systems Effluent Regulations,*

*Be It Resolved to purchase a new sensor from Can-Am Instruments for the price of \$5,529.11 + HST.*

Favour 5; Opposed 0; **Carried**

Mayor Butt inquired if we could investigate solar lights rather than electrical lights for Water Street Phase 3. The Director of Operations and Public Works advised the lights are LED, we can discuss during the preliminary design planning with the prime consultant. CAO noted that we would have to confirm that sunlight would be sufficient to fully charge those lights throughout the year.

9. **Finances**

- a) Operating Invoices over \$2,000.00 in the amount of..... \$175,278.61

**Motion 23-253****C. O'Grady / P. Snow**

*Resolved that the Town of Carbonear approve for payment the list of operating invoices over \$2,000 totaling \$175,278.61 as submitted to Council.*

Favour 5; Opposed 0; **Carried**

- b) Capital Invoices:

*Powell Drive Upgrading, Phase 2*

Harbourside Transportation Consultants, Invoice # 2787.....\$20,918.50

Harbourside Transportation Consultants, Invoice # 2843.....\$8,360.50

Concord Paving, Claim #2 .....\$28,492.89

*Paving 2022*

Harbourside Transportation Consultants, Invoice # 2844.....\$4,252.13

Harbourside Transportation Consultants, Invoice # 2845.....\$19,159.18

**Motion 23-254****C. O'Grady / R. Noel**

*Resolved that the Town of Carbonear approve for payment the following capital project invoices totaling \$240,244.64 as presented to Council:*

*Powell Drive Upgrading, Phase 2*

*Harbourside Transportation Consultants, Invoice # 2787.....\$20,918.50*

*Harbourside Transportation Consultants, Invoice # 2843.....\$8,360.50*

*Concord Paving, Claim #2 .....\$28,492.89*

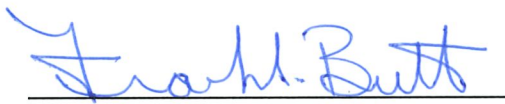
*Paving 2022*


*Harbourside Transportation Consultants, Invoice # 2844.....\$4,252.13*

*Harbourside Transportation Consultants, Invoice # 2845.....\$19,159.18*

Favour 5; Opposed 0; **Carried**

10. Regulations for Adoption  
No regulations listed.
11. Notices of Motion  
No notices of motions were filed.
12. New Business  
Announcements  
Mayor Butt attended 60<sup>th</sup> anniversary celebration for Heber and Harriet McGurk  
Mayor Butt attended the DQ treat day this week.  
Mayor Butt noted composting is continuing to end of October at the Community Garden, encourage everyone to participate.
13. Adjournment  
**Motion 23-255** **C. O'Grady / M. Seymour**  
*Resolved that the meeting adjourn at 6:14pm and that Council meet again for a Regular Council Meeting on Tuesday, September 12<sup>th</sup>, 2023 at 5:30pm.*  
Favour 5; Opposed 0; **Carried**

  
\_\_\_\_\_  
Mayor Frank Butt

  
\_\_\_\_\_  
Cathy Somers, Town Clerk