

Town of Carbonear
Regular Council Meeting September 12, 2023
Minutes of a regular meeting of the Council of the Town of Carbonear held
In Council Chambers, September 12, 2023 at 5:30pm

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

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

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 September 12, 2023 Regular Meeting
 Motion 23-256 C. O'Grady / P. Snow
 Resolved to adopt the agenda for the September 12, 2023 Regular Council Meeting as presented to Council with the addition under new business for YanMar Repairs
 Favour 7; Opposed 0; **Carried**
3. Adoption of the minutes
 - a) Regular Meeting – August 15, 2023
 Motion 23-257 S. Slade / M. Seymour
 Resolved to adopt the minutes of the August 15, 2023 Regular Meeting of Council as presented.
 Favour 7; Opposed 0; **Carried**
4. Business Arising from Minutes
 No business arising.
5. Proclamations / Presentations / Delegations
 - a) Legion Week, September 17-23, 2023
 Proclamation to be signed
 Motion 23-258 S. Slade / R. Noel

Whereas The Dominion Command of The Royal Canadian Legion has decreed that the week of 17th September to 23rd September as Legion Week in Canada, and

Whereas, Royal Canadian Legion Branch 23 Carbonear has decreed that the Branch will hold special events during this week, and

Therefore, The Town of Carbonear recognizes the week of 17th September to 23rd September as Legion Week in Carbonear.

Furthermore Branch 23 Carbonear will host special events throughout the week and wishes to invite the citizens of Carbonear to visit the Branch.

Let it be known to all, that Branch 23 will have an open house each day from Monday 18th September to Friday 22nd September from 1:00pm to 4:00pm and there will be a legion member available to provide the history of the branch and to conduct a tour of the building.

Plus, the Branch will host evening information sessions on Monday 18th September for the 589 Carbonear Air Cadet Squadron, Tuesday 19th September for the 2615 Victoria Army Cadet Corp and Thursday 21st September for the general public. These sessions will be from 7:00pm to 8:00pm.

Further, Branch 23, 589 Air Cadet Squadron and 2615 Army Cadet Corp will be hosting information booths at the TC Mall on Saturday 23rd September and the public is encouraged to visit these booths.

Favour 7; Opposed 0; Carried

- b) Candlelighters, Childhood Cancer Awareness Month, September
Mayor Butt read the following information provided to Council regarding the Candlelighters.

The primary aim of The Candlelighters Association of Newfoundland and Labrador is to be a support group whose goal is to provide the families of children diagnosed with cancer with information, emotional support and unique understanding. In keeping with that aim, Candlelighters provides emotional, peer support for our families as the need is identified – at diagnosis, before surgery, during hospitalization, upon relapse, in times of crisis, as death approaches, during bereavement; as well as when a child finishes their program of treatment and continue to progress with a normal life.

Candlelighters parents care in the unique way only parents of other child cancer patients can.

Some of the services Candlelighters NL offers its families are:

- Annual Christmas parties (with a gift for every child and a special visit from Santa)
- Special events
- Online supports
- Food cupboard at the Janeway

- Scholarships
- Support packages
- Birthday Club
- Bereavement support
- Childhood cancer awareness events.

Proclamation to be signed.

Motion 23-259

S. Slade / P. Snow

Whereas: There are about 10,000 children living with cancer in Canada today; and

Whereas: Each year, about 1600 cases are diagnosed; over 25 of which are children in Newfoundland and Labrador;

Whereas: In Canada, childhood cancer remains responsible for more deaths from one year through adolescence than any other disease;

Whereas: About one in four children who are diagnosed with cancer will die of the disease; and

Whereas: Because of significant advances in therapy, 78% of children diagnosed with cancer will survive 5 years or more, an increase of almost 46% since the early 1960s

Whereas: Childhood Cancers have close to a 75% cure rate, with Leukemia leading the success charge with close to 90% overall cure rate.

Now Therefore the Town of Carbonear do hereby proclaim September 2023 as "Childhood Cancer Awareness Month" in the Town of Carbonear.

Favour 7; Opposed 0; **Carried**

6. Permits and Correspondence

6.1 Permit Listing # 10337-10366

Councillor Doyle asked Council to review the list of permits for possible conflicts.

Motion 23-260

D. Doyle / P. Snow

Resolved to approve permits # 10337-10366, omitting #10359(void) 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) Department of Transportation and Infrastructure

RE: 17-GI-21-00075, Water Street, Phase II Part B

Change Order Number 5 in the amount of \$10,899.88 for Black Diamond Construction Ltd for actual quantities.

Motion 23-261

S. Slade / M. Seymour

Be It Resolved to approve Change Order 5, Water Street Phase II Part B

(17-GI-21-00075) for Black Diamond Construction in the amount of \$10,899.88. for actual quantities.

Favour 7; Opposed 0; **Carried**

Councillor Doyle inquired about the change in actual quantities. Director of Operations and Public Works advised that the actual quantities in the field differ from the quantities in the tender call.

b) Strake Engineering Structural Design and Analysis

RE: Water Street Cellars Structural Protection System

Motion 23-262

S. Slade / C. O'Grady

Resolved to contract Strake Engineering for professional engineering design services for a structural protection system for the corbelled vault cellars located at 193 Water Street for the quoted price of \$4,200 + HST.

Favour 7; Opposed 0; **Carried**

6.3 Correspondence received and action taken

Council reviewed the following correspondence and action taken:

a) Government of NL

- Department of Fisheries, Forestry and Agriculture

RE: Grant in the amount of \$750 approved under the Community Garden Support program.

Placed on file.

- Department of Transportation and Infrastructure

RE: Change Order Number 1 in the amount of \$7,535.38 for Harris & Associates Water Street – Water, Sewer and Street Upgrading Phase II Part A, 17-GI-21-00075

Forwarded to Public Works, Waste Management and Community Service committee.

- RE: Change Order Number 2 in the amount of \$84,193.08 for Cougar Engineering & Construction Ltd, 17-MYCW-22-00030

Forwarded to Public Works, Waste Management and Community Service committee.

- RE: Change Order Number 4 in the amount of \$104,721.30 for Black Diamond Construction Ltd, 17-GI-21-00075 Water Street – Water, Sewer and Street Upgrading Part B, 17-GI-21-00075

Forwarded to Public Works, Waste Management and Community Service Committee.

- RE: Contract Payment Reminders

Forwarded to Town Clerk and Chief Administrative Officer

- RE: Application Status Update

Forwarded to Town Clerk and Chief Administrative Officer

- RE: Revised Capital Works Contingency Allowance Policy

Forwarded to Town Clerk and Chief Administrative Officer

- Department of Municipal and Provincial Affairs
RE: Community Collaboration Grants – Reminder
Forwarded to Administration and Finance committee
RE: Mandatory Training Deadline
Forwarded to Administration and Council
- Department of Environment and Climate Change
RE: Fall Operator Education Seminars
Forwarded to the Chief Administrative Officer and the Director of Operations and Public Works
- Department of Government and Service NL
RE: Removal of boil water advisory
Forwarded to Administration. Placed on file.
- b) 2023 U18 Men's National Team
RE: Team Sponsorship opportunity
Forwarded to the Recreation, Special Events, Culture and Tourism committee
- c) Email from resident regarding the composting initiative
Forwarded to the Recreation, Special Events, Culture and Tourism committee
- d) MMSB
RE: Community Waste Diversion Fund
Forwarded to Public Works, Waste Management and Community Services committee
- e) Business owner, inquiry on requirement to set up within town facilities during a community event.
Forwarded to Economic Development, Planning and Land Use Development committee
- f) Urban and Rural Planning Act, 2000
RE: Decision of appeal hearing
Forwarded to Economic Development, Planning and Land Use Development committee
- g) Atlantic Mayor's Congress, September 21-23
Forwarded to Administration and Finance committee
- h) Property owners, Valley Road
RE: Extension of sewer main
Forwarded to Public Works, Waste Management and Community Services committee
- i) Property owner, Water Street
RE: Complaint neighbouring property, cats and rodents
Forwarded to Public Works, Waste Management and Community Services committee
- j) The Steward Association of Municipalities Inc.
RE: Request for meeting

- Forwarded to Public Works, Waste Management and Community Services committee
- k) Eastern Regional Service Board
RE: Community Waste Diversion Fund
Forwarded to Public Works, Waste Management and Community Services committee
 - l) 2024 NL Games Host Committee
RE: Request for track upgrades,
Forwarded to Chief Administrative Officer and Council
 - m) Trinity Conception Placentia Health Foundation
RE: Thank you for donation
Placed on file.
 - n) Municipalities NL
 - RE: MNL 2023 AGM: First call for resolutions
 - RE: Nominations now open for MNL Board of Directors
 - AGM 2023: MNL bylaw changes notice
 Copied to Council and Administration.
 - o) Newfound Riders
RE: Sam Jeffers Memorial Ride – September 16
Copied to Council.

7. Committee Reports

- a) Administration and Finance
Councillor O'Grady advised the committee met on August 31
Councillor O'Grady presented the following:
Motion 23-263 **C. O'Grady / D. Doyle**
Resolved to adopt the revised Records Management Policy (A.12) as presented to Council.
 Favour 7; Opposed 0; **Carried**
- Motion 23-264** **C. O'Grady / D. Doyle**
Resolved to adopt the Condolence/ Hospitalization Policy (A.37) as presented to Council.
 Favour 7; Opposed 0; **Carried**

Councillor O'Grady also noted the following; 2023 Tax Collection continues to improve with property tax 89%, water/sewer tax 83% and business tax 93% collected. Later in the year, there are other properties that will be considered for possible sale of property for outstanding tax arrears.

Working on finalizing the agreement for the purchase of the 190 Water Street. This should be finalized over the next few days.

- b) Economic Development, Planning and Land Use Development
Councillor Doyle noted the following from the committee meeting on September 7th.

- Committee is following up with policy for required action for businesses operating without a permit from the Town. A couple of orders have been delivered to businesses operating without a permit.
- Reviewed inquiry on requirements for a business to set up on town facilities during a community event as well inquiry on insurance and liability. All companies / organizations operating on town facilities are required to obtain approval and submit proof of insurance.
- Harvest Festival is planned for October 1 – November 1. The schedule of events will be released the 3rd week of September.
- Some forth coming business spotlights coming up.
- A Fall Multiculturalism Walk will take place in October.
- Permit applications

Motion 23-265

D. Doyle / C. O'Grady

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:

- *child care business at 10 Quarter's Lane conditional upon no objections to a discretionary notice and further conditional upon coming back to council for further review if there are objections to the discretionary notice;*
- *interior renovations at 22 Goff Avenue conditional upon receipt of approval from Service NL and other applicable government departments and agencies;*
- *new business (production of leather goods, upholstery and repair) at 244 Water Street conditional upon receipt of approval from Service NL and other applicable government departments and agencies;*

Favour 7; Opposed 0; **Carried**

Motion 23-266

D. Doyle / M. Seymour

Resolved to approve the application for a new pool and deck at 117 Forest Road in accordance with application submitted and the Town of Carbonear Municipal Plan and Development Regulations and other applicable regulations; and

Be It Further resolved to refuse the application to construct a fence at 117 Forest Road per the application submitted as the fence proposed is not in compliance with the Town of Carbonear Fence Regulations.

Favour 7; Opposed 0; **Carried**

- Councillor Doyle reminded property owners to check with the town to obtain a permit before building fences, green houses, garages, decks, etc.

Councillor Noel questioned item 3a of the committee minutes. Not sure if this is completely accurate as the business was not invited. So that this is not complicated in the future, this should go to the Recreation Director and not to a volunteer of a softball organization. Anyone coming in on town facilities to use it to provide services, they need to know the process involved to obtain a permit to do so. Volunteers are hard to come by and we don't want to discourage volunteers from being involved. Councillor Noel noted that this was not an invitation to come and provide a service, rather it was a business that offered to provide a service. No individual company was asked to provide a service over another company. CAO advised this was a concern expressed by another company in the town and when the committee reviewed it, there was certainly no discussion about the volunteer organization itself. The committee will follow up further and in the future any vendor or business that goes on town property to provide goods or services, would go through the proper process to obtain a permit.

c) Recreation, Special Events, Culture and Tourism

Councillor Seymour noted the following from the committee:

- Scoreboard installation in progress;
- Basketball tournament went off well;
- Staffroom Renovations tender package will be advertised;
- Bollards at Willoughby Playground are installed;
- Paddy's Garden Concert went very well;
- Carbonear softball athlete named to the 2023 U18 Men's National Team.

Councillor Doyle inquired about the request for installation of blinds in the bathroom of the stage building on Paddy's Garden. Film on the windows would only work, if the windows are closed. There was also a request for a mirror to be installed.

Councillor Seymour noted the committee will review further.

Councillor Snow asked to have the lighting timer adjusted to come on earlier now at the Recreation Complex basketball court area.

d) Public Works, Waste Management and Community

Deputy Mayor Slade advised Council could peruse the minutes.

Deputy Mayor Slade presented the following recommendations:

Motion 23-267

S. Slade / R. Noel

Be It Resolved to approve Change Order 4, Water Street Phase II Part B (17-GI-21-00075) for Black Diamond Construction in the amount of \$104,721.30 for extra quantities.

Favour 7; Opposed 0; **Carried**

Motion 23-268

S. Slade / M. Seymour

Be It Resolved to approve Change Order 1, Water Street, Water, Sewer and Street Upgrading (Phase II – Part A) (17-GI-21-00075) for Harris & Associates in the amount of \$7,535.38 for extra contract administration time due to removal of soil and supervision time.

Favour 7; Opposed 0; **Carried**

Councillor Snow declared a conflict of interest on the item relating to Change Order 2, for the Adelaide Street, Phase 1 project as his sister owns property in the area.

Councillor Snow then took a seat in the public gallery.

Motion 23-269

S. Slade / C. O'Grady

Be It Resolved to approve Change Order 2, Adelaide Street Phase I (17-MYCW-22-00030) for Cougar Engineering and Construction in the amount of \$84,193.08 for additional quantities.

Favour 6; Opposed 0; **Carried**

Councillor Snow returned to his seat at the Council table.

Motion 23-270

S. Slade / P. Snow

Resolved to approve the cost of \$2,800 plus HST from Pennecon Technical Services to complete testing and inspection for two overhead cranes at the town depot.

Favour 7; Opposed 0; **Carried**

Recommendations for two items added under New Business for today's agenda.

Motion 23-271

S. Slade / P. Snow

*Whereas a pump has failed on the YanMar V4 loader, and
Whereas the cost to replace the pump is \$22,215.85 including HST,
Be it resolved to approve the purchase and installation of the pump to Atlantic Powertrain and Equipment Inc to replace the failed pump.*

Favour 7; Opposed 0; **Carried**

Motion 23-272

S. Slade / R. Noel

*Whereas the tracks on the YanMar 100 excavator are in need of replacement,
and*

Whereas the cost to replace is \$4,800 plus HST per track, plus shipping,

Be it resolved to order new tracks from Provall Parts Limited for \$9,600 plus HST plus the cost of shipping.

Favour 7; Opposed 0; **Carried**

Councillor Doyle noted that she is happy to see that staff are gathering information on properties without civic numbers installed on their homes. She indicated that it would be good to have more promotion on the Town's social media to remind residents to have civic numbers distinctly placed on their house so that emergency vehicles can locate the property in case of an emergency.

Councillor Doyle inquired about the demolition of the two burnt buildings on Water Street. If demolition is not completed, we will proceed to the next step. CAO confirmed the demolition order was delivered to the property owner. If not completed, the Town will move forward to the next step.

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

9. Finances

- a) Operating Invoices over \$2,000.00 in the amount of..... \$117,013.06
Motion 23-273 C. O'Grady / R. Noel

Resolved that the Town of Carbonear approve for payment the list of operating invoices over \$2,000 totaling \$117,013.06 as submitted to Council.

Favour 7; Opposed 0; **Carried**

Mayor But inquired on the Recreation Master Plan (RMP). CAO advised the RMP has not yet been released.

- b) Capital Invoices:

Powell Drive Upgrading, Phase 2

Concord Paving, Claim #3\$339,903.83

Paving 2022

Concord Paving, Claim #1\$275,922.72

Water Street, Phase 2, Part A

Black Diamond, Claim No. 4CS.....\$181,459.46

Adelaide Street, Phase 1

Cougar Engineering & Construction Limited, Claim #3\$218,451.32

Cougar Engineering & Construction Limited, Claim #4\$136,724.95

Cougar Engineering & Construction Limited, Claim #5 (ROH)\$104,296.96

Valley Road, Phase 3

Concord Paving Ltd, Invoice # 18428.....\$26,040.60

Councillor Snow declared a conflict of interest on the Adelaide Street, Phase I project as he has a sister who owns property in the area.

Councillor Noel declared a conflict of interest on Valley Road, Phase 3 as his sister and brother own property in the area.

Motion 23-274

C. O'Grady / P. Snow

Resolved that the Town of Carbonear approve for payment the following capital project invoices as presented to Council and reviewed and recommended for payment by the prime consultant and the Town's representative.

Powell Drive Upgrading, Phase 2

Concord Paving, Claim #3\$339,903.83

Paving 2022

Concord Paving, Claim #1\$275,922.72

Water Street, Phase 2, Part A

Black Diamond, Claim No. 4CS.....\$181,459.46

Favour 7; Opposed 0; **Carried**

Councillor Snow moved to the public gallery for the vote on the invoices being presented for approval for the Adelaide Street, Phase 1 project.

Motion 23-275

C. O'Grady / R. Noel

Resolved that the Town of Carbonear approve for payment the following capital project invoices as presented to Council and reviewed and recommended for payment by the prime consultant and the Town's representative.

Adelaide Street, Phase 1

Cougar Engineering & Construction Limited, Claim #3\$218,451.32

Cougar Engineering & Construction Limited, Claim #4\$136,724.95

Cougar Engineering & Construction Limited, Claim #5 (ROH)\$104,296.96

Favour 6; Opposed 0; **Carried**

Councillor Snow returned to his seat at the Council table.

Councillor Noel moved to the public gallery for the vote on the invoices being presented for approval for the Valley Road Phase 3 project.

Motion 23-276

C. O'Grady / S. Slade

Resolved that the Town of Carbonear approve for payment the following capital project invoices as presented to Council and reviewed and recommended for payment by the prime consultant and the Town's representative.

Valley Road, Phase 3

Concord Paving Ltd, Invoice # 18428.....\$26,040.60

Favour 6; Opposed 0; **Carried**

Councillor Noel returned to his seat at the Council table.

10. Regulations for Adoption
No regulations listed.

11. Notices of Motion

- a) The following Notice of Motion was presented to be voted on at the next scheduled Regular Council Meeting
Mover: Deputy Mayor Slade Second: Councillor Noel
Resolved to approve the amendments to the Water and Sewer System Regulations as recommended by the Public Works, Waste Management and Community Services committee and distributed to Council.

12. New Business

- a) Repairs required for YanMar V4 loader and YanMar 100 excavator
Motions obtained earlier in the meeting under the report from the Public Works, Waste Management and Community Services.
- b) Other
- Mayor Butt noted that he attended the UMC meeting in Bonavista on August 18-19.
Some of the items discussed included: housing concerns, timing of funding applications being approved.
 - Mayor Butt noted that he attended the announcement at Carbonear Hospital regarding the new location of hip and knee replacements to be completed at Carbonear Hospital and he took a tour of the new location while he was there.
Deputy Mayor Slade noted seeing these types of surgeries being done here in Carbonear is a great improvement to the health care facility.

13. Adjournment


Motion 23-277

S. Slade / R. Noel


Resolved that the meeting adjourn at 6:24pm and that Council meet again for a Regular Council Meeting on Tuesday, September 26th, 2023 at 5:30pm.

Favour 7; Opposed 0; **Carried**

Mayor Frank Butt



Cathy Somers, Town Clerk



Deputy Mayor Sam Slade