

Minutes

Item 1: Call to Order

Mayor B. Hobbs called the meeting to order at 7:00 pm on November 24, 2009 and presided with the following individuals in attendance:

Deputy Mayor D. Tremblett
Councillor B. King
Councillor A. Hynes
Councillor P. Budgell
Councillor F. Mills
Councillor R. Canning

Wayne Champion, Town Manager
Randy Drover, Town Clerk

Item 2: Opening Prayer in the Form of Silent Reflection

A minute of silence was provided for an opening prayer by individual Councillors.

Following the moment of silence, Mayor Hobbs shared comments from the public concerning the Olympic Torch events on November 13 and 14, 2009. There has been nothing but positive feedback, and the Mayor was very pleased to see a high participation of youth and families. His Worship extended the Town's appreciation to Councillor Hynes who was instrumental in organizing the events.

Item 3: Adoption of the Agenda

Motion 483/2009 – Councillor Hynes/Councillor Canning

To adopt the agenda as presented.

DISCUSSION

Councillor Budgell requested permission to add two items to the agenda under General Business, those being 'Public Announcement' and 'Christmas Social'. Mayor Hobbs advised Councillor Budgell that additions to a Public Meeting Agenda are not permissible as per the Standing Orders; however, with leave from Council they could be added. His Worship then

requested a new motion to adopt the agenda as amended. The motion on the floor was withdrawn with Council's consent.

Motion 483-1/2009 – Councillor Budgell/Councillor King

To adopt the agenda with the following additional items under General Business: Public Announcement and Christmas Social.

Yeas: 7 – Mayor Hobbs, Deputy Mayor Tremblett, Councillor King, Councillor Hynes, Councillor Budgell, Councillor Mills and Councillor Canning.

Nays: 0

Abstained: 0

Motion Carried

Item 4: Adoption of Minutes for Public Council Meeting No. 1253

Motion 484/2009 – Councillor Mills/Deputy Mayor Tremblett

To adopt the minutes for public meeting 1253 as presented.

Yeas: 7 – Mayor Hobbs, Deputy Mayor Tremblett, Councillor King, Councillor Hynes, Councillor Budgell, Councillor Mills and Councillor Canning.

Nays: 0

Abstained: 0

Motion Carried

Item 5: Business Arising from the Minutes of Public Meeting 1253

Councillor Budgell informed Council that he attended a meeting of the Centennial Celebrations Committee on November 16, 2009. Councillor King was not available at this time. Councillor Budgell then proceeded to read a two (2) page report of the meeting for Council's information. Councillor King advised Council of a second meeting of the Centennial Committee that occurred on November 23, 2009. For the most part the Committee addressed the closing ceremonies. On December 1, 2009 several members of the Committee will begin the process of consolidating the Corporation's financial affairs. An accurate picture of the Committee's fiscal position will not be known until the ceremonies end. Councillor King also stated that the legacy project for Diamond Pond is progressing well.

Item 6: Adoption of Minutes for Public Council Meeting No. 1254

Motion 485/2009 – Councillor Budgell/Councillor Hynes

To adopt the minutes for public meeting 1254 as presented.

DISCUSSION

Councillor Budgell explained that Council was legally obligated to withhold the cheque from the Centennial Committee because it was in the Town's name. In the past, such cheques were deposited into the Town's account, and a cheque was then written to the Committee for the same amount. However, the Committee was requested to produce certain documentation, and this was done last week. Withholding the cheque for a further period of time would only cause undue stress on the volunteers and the Committee's creditors. For these reasons Council decided to release the cheque last week. Councillor Canning wondered what creditors would be paid from the \$15,000. Councillor Budgell, in response, indicated that specific creditors cannot be mentioned, but a list was generated by the Committee. There being no further discussion, His Worship called for the question.

Yeas: 7 – Mayor Hobbs, Deputy Mayor Tremblett, Councillor King, Councillor Hynes, Councillor Budgell, Councillor Mills and Councillor Canning.

Nays: 0

Abstained: 0

Motion Carried

Item 7: Business Arising from the Minutes of Public Meeting 1254

There was no business arising from the minutes.

Item 8: Standing Committee Reports and Recommendations

8.1 RECREATION STANDING COMMITTEE MEETING NO. 221 (OCT 27, 2009)

8.1.1 Chairperson's Report

Councillor King reported that the Committee held a meeting with the Bishop's Falls Lions Club on October 27, 2009 to discuss the Lions Memorial Playground. The organization's concerns were head by the members, and the delegation was advised that once the Town is ready to move forward on the matter, they will be contacted.

Motion 486/2009 – Councillor King/Councillor Canning

To adopt the report for Recreation Standing Committee meeting no. 221 as presented.

Yeas: 7 – Mayor Hobbs, Deputy Mayor Tremblett, Councillor King, Councillor Hynes, Councillor Budgell, Councillor Mills and Councillor Canning.

Nays: 0

Abstained: 0

Motion Carried

8.2 COMMUNITY RELATIONS STANDING COMMITTEE MEETING NO. 14 (NOV 9, 2009)

8.2.1 Chairperson's Report

Deputy Mayor Tremblett advised Council that the Committee held a meeting on November 9, 2009 to finalize plans for Remembrance Day. The Deputy Mayor was very pleased with the event, indicating that it was the largest crowd in sometime. Mayor Hobbs agreed, and stated that the public was pleased to see all Councillors present. He went on to express the Town's gratitude to the Community Relations Standing Committee for its efforts.

Motion 487/2009 – Deputy Mayor Tremblett/Councillor Mills

To adopt the report for Community Relations Standing Committee meeting no. 14 as presented.

Yeas: 7 – Mayor Hobbs, Deputy Mayor Tremblett, Councillor King, Councillor Hynes, Councillor Budgell, Councillor Mills and Councillor Canning.

Nays: 0

Abstained: 0

Motion Carried

8.3 RECREATION STANDING COMMITTEE MEETING NO. 222 (NOV 10, 2009)

8.3.1 Chairperson's Report

Councillor King presented the following report:

- Held a regular meeting on November 10, 2009 in Chambers.
- Received a report from the Recreation Attendant, Mr. Dave Seymour. Mr. Seymour made several suggestions on a variety of topics (i.e. stadium schedule, infrastructure, etc). These suggestions are being taken under advisement by the Committee, and if any recommendations are in order they will be presented to Council at a later date.

Motion 488/2009 – Councillor King/Councillor Canning

To adopt the report from Recreation Standing Committee meeting no. 222 as presented.

Yeas: 7 – Mayor Hobbs, Deputy Mayor Tremblett, Councillor King, Councillor Hynes, Councillor Budgell, Councillor Mills and Councillor Canning.

Nays: 0

Abstained: 0

Motion Carried

8.3.2 Recommendations

Motion 489/2009 – Councillor King/Councillor Canning

Whereas Vain Entertainment requested permission to amend the Transfer Agreement between the Town of Bishop's Falls and Vain Entertainment that would allow Vain Entertainment to host the 2010 Newfoundland Strongman Competition in Botwood; and whereas this will expose the Competition to other communities; and whereas Council agrees this will contribute to the growth of the event; therefore, be it resolved that Council shall approve the request provided that Vain Entertainment agrees to return the event to Bishop's Falls in 2011 and fulfil its obligations under the Transfer Agreement.

DISCUSSION

Deputy Mayor Tremblett spoke against the motion. She stated that the previous Council worked very hard to negotiate the Transfer Agreement, and Vain Entertainment ought to have raised such concerns at that time. The Deputy Mayor went on to say that she is very supportive of the event and its organizer; however, she believes the negotiated contract should be honoured. Councillor King explained the Committee's rationale. As it stands right now the event has become static, and to facilitate its growth it must be exposed to different communities and markets. Vain Entertainment will still have to fulfil its obligations under the Transfer Agreement once the event returns to Bishop's Falls in 2011. Mayor Hobbs informed Council that there are no financial obligations attached to the event from the Town's perspective. It was generally agreed that the Town must do what's possible to ensure the event continues to grow. There being no further discussion, His Worship put the motion to a vote.

Yeas: 6 – Mayor Hobbs, Councillor King, Councillor Hynes, Councillor Budgell, Councillor Mills and Councillor Canning.

Nays: 1 – Deputy Mayor Tremblett

Abstained: 0

Motion Carried

Motion 490/2009 – Councillor King/Councillor Canning

That Council not send a representative to the CATCH Program Workshop in St. John's on November 20, 2009 because of budget limitations.

Yeas: 7 – Mayor Hobbs, Deputy Mayor Tremblett, Councillor King, Councillor Hynes, Councillor Budgell, Councillor Mills and Councillor Canning.

Nays: 0

Abstained: 0

Motion Carried

Councillor King stated that a copy of Recreational Newfoundland Labrador's Awards program was included in their packages. If anyone knows of a person or group that meets the awards' criteria, they should refer the name to the Committee for consideration. Mayor Hobbs also stated that the stadium will be open over the Christmas Holidays.

8.4 GOVERNANCE STANDING COMMITTEE MEETING NO. 15 (NOV 10, 2009)

8.4.1 Chairperson's Report

Councillor Budgell presented the following report:

- Held a regular meeting on November 10, 2009 in Council's Chambers.
- Received a report from the Town Manager concerning the Town's cash flow position. This matter is being explored further by the Committee, and a report will be forthcoming.
- Council will be pleased to know that the audit is underway. The interim financial statements will most likely be prepared in the next few weeks. Once that process is completed we will have an accurate picture of the Town's fiscal position.
- Reviewed the invoices received to date and the routine payments.
- Council must know that once the audit is completed, the Committee will begin the process of preparing the 2010 Municipal Operating Budget.

8.4.2 Recommendations

Motion 491/2009 – Councillor Budgell/Councillor Canning

That Council approves the updated AP Transaction Journal dated November 9, 2009, totalling \$119,107.96, as presented.

Yeas: 7 – Mayor Hobbs, Deputy Mayor Tremblett, Councillor King, Councillor Hynes, Councillor Budgell, Councillor Mills and Councillor Canning.

Nays: 0

Abstained: 0

Motion Carried

Motion 492/2009 – Councillor Budgell/Deputy Mayor Tremblett

That Council approves the Routine Payments Reports for the months of August, September, and October 2009 as presented.

Yeas: 7 – Mayor Hobbs, Deputy Mayor Tremblett, Councillor King, Councillor Hynes, Councillor Budgell, Councillor Mills and Councillor Canning.

Nays: 0

Abstained: 0

Motion Carried

Motion 493/2009 – Councillor Budgell/Deputy Mayor Tremblett

That Council approves a \$100 donation to the Grand Falls-Windsor Community Food Bank for the 2009 Christmas Campaign.

Yeas: 7 – Mayor Hobbs, Deputy Mayor Tremblett, Councillor King, Councillor Hynes, Councillor Budgell, Councillor Mills and Councillor Canning.

Nays: 0

Abstained: 0

Motion Carried

Motion 494/2009 – Councillor Budgell/Councillor King

Whereas much of the Town's fuel for the Public Works and Fire Departments is obtained from Circle K; and whereas the supplier requires immediate payment of invoices; and whereas access to fuel is fundamental to the provision of public services; therefore, be it resolved that Council shall amend section 6.2 of the *Accounts Payable Policy* by including "Circle K" as a routine payment.

Yeas: 7 – Mayor Hobbs, Deputy Mayor Tremblett, Councillor King, Councillor Hynes, Councillor Budgell, Councillor Mills and Councillor Canning.

Nays: 0

Abstained: 0

Motion Carried

Motion 495/2009 – Councillor Budgell/Deputy Mayor Tremblett

Whereas the Town of Bishop's Falls secured a loan for the first phase of sewage treatment from the Bank of Montreal; and whereas the Town paid approximately \$366,000 from the general account for expenses relating to the first phase of sewage treatment; and whereas the Town is responsible for 20% of the costs; therefore, be it resolved that Council shall request a letter from the Department of Municipal Affairs granting permission to borrow \$133,805 from the Bank of Montreal that represents the Town's 20% of the first phase of the sewage treatment project.

DISCUSSION

Councillor Canning wondered if, by passing this motion, Council would compromise its efforts to lobby for a better cost-share arrangement. Mayor Hobbs indicated that an agreement has already been signed for this phase, and the ratios are established. Councillor Budgell stated that Council will need to consider the full impacts of a better cost-share arrangement before any lobbying begins. It may affect the gas tax funding because it's awarded on a per-capita basis. There being no further discussion, His Worship called for the question.

Yeas: 7 – Mayor Hobbs, Deputy Mayor Tremblett, Councillor King, Councillor Hynes, Councillor Budgell, Councillor Mills and Councillor Canning.

Nays: 0

Abstained: 0

Motion Carried

Motion 496/2009 – Councillor Budgell/Councillor King

Whereas the Town issued two (2) tenders to acquire a pick-up truck for the Public Works Department over the past several months; and whereas on both occasions no tenders were received; and whereas since October 20, 2009 the Town sought tenders from local suppliers as per clause 9.1(2) of the *Public Tender Act*; and whereas tenders were received from Jim Penny Ford and Grand Toyota; and whereas it has since been realized that the pick-up truck is most needed in the Recreation Department; therefore, be it resolved that Council shall purchase a pick-up truck from Grand Toyota for the total sum of \$32,535 (monthly payments of \$573 for five years) for the Recreation Department.

Yeas: 7 – Mayor Hobbs, Deputy Mayor Tremblett, Councillor King, Councillor Hynes, Councillor Budgell, Councillor Mills and Councillor Canning.

Nays: 0

Abstained: 0

Motion Carried

Councillor Budgell advised Council that the Committee directed staff to write a letter to the Town of Grand Falls-Windsor concerning animal control services. The Committee also decided to obtain legal advice on the Centennial Committee's Terms of Reference; however, this is now a moot point and no further action will be taken.

Motion 497/2009 – Councillor Budgell/Deputy Mayor Tremblett

To adopt the report for Governance Standing Committee meeting no. 15 as presented.

Yeas: 7 – Mayor Hobbs, Deputy Mayor Tremblett, Councillor King, Councillor Hynes, Councillor Budgell, Councillor Mills and Councillor Canning.

Nays: 0
Abstained: 0

Motion Carried

8.5 PUBLIC WORKS STANDING COMMITTEE MEETING NO. 277 (NOV 12, 2009)

8.5.1 Chairperson's Report

Councillor Mills presented the following report:

- Held a regular meeting on November 12, 2009 in Council's Chambers.
- Received a delegation from a resident concerning an ongoing neighbourhood problem. The resident was very upset, and the Committee listened to the concerns. In short, there is a noise problem and accumulation of debris. The Committee will recommend a decisive course of action during the Public Meeting.
- Received a report from the Public Works Department concerning the Butler Street subdivision. The road has been paved; however, the work is somewhat substandard and a few problems were identified (i.e. the road does not extend to include two houses, insufficient class A was used, etc). Some of the residents are still not pleased. The Committee decided to release 50% of the holdback to the developer. The remainder will be released once the outstanding problems have been resolved. Council should know that the Committee, which was mandated to resolve this matter (reference motion 442/2009), is keeping a very close eye on the situation.

8.5.2 Recommendations

Motion 498/2009 – Councillor Mills/Councillor Canning

That Council approves the application by Cooke's Metal and Demolition for a General Business Licence subject to sections 86 and 22 of the *Land Use Zoning, Subdivision, and Advertisement Regulations*.

DISCUSSION

Councillor King wondered where the business would be located. Councillor Mills, in response, indicated it will be based on Sunset Drive. There being no further discussion, Mayor Hobbs called for the question.

Yeas: 7 – Mayor Hobbs, Deputy Mayor Tremblett, Councillor King, Councillor Hynes, Councillor Budgell, Councillor Mills and Councillor Canning.

Nays: 0
Abstained: 0

Motion Carried

Motion 499/2009 – Councillor Mills/Councillor Budgell

Whereas a resident requested Council to order a survey, at its expense, to resolve an alleged boundary issue for property near Mayor's Avenue; and whereas Council does not order surveys in such situations; and whereas the boundary issue, if existent, will be resolved during the purchase/sale process; therefore, be it resolved that Council shall not order a survey, at its expense, as requested by the residents in correspondence dated November 2, 2009.

Yeas: 7 – Mayor Hobbs, Deputy Mayor Tremblett, Councillor King, Councillor Hynes, Councillor Budgell, Councillor Mills and Councillor Canning.

Nays: 0

Abstained: 0

Motion Carried

Motion 500 – Councillor Mills/Councillor Canning

Whereas the Town has been pursuing the possible expropriation of land located near Hampton's Hill for residential development; and whereas the Town will incur expenses associated with expropriation or a similar process; therefore, be it resolved that Council shall cease pursuing the expropriation of land located near Hampton's Hill at this time.

Yeas: 7 – Mayor Hobbs, Deputy Mayor Tremblett, Councillor King, Councillor Hynes, Councillor Budgell, Councillor Mills and Councillor Canning.

Nays: 0

Abstained: 0

Motion Carried

Motion 501/2009 – Councillor Mills/Councillor King

Whereas Council permitted a resident to repair pallets on his/her property in the west end of Town subject to two (2) restrictions; and whereas the resident has not complied with these restrictions; therefore, be it resolved that Council shall not permit the resident to continue repairing pallets on his/her property in the west end of Town; be it further resolved that the resident shall be required to obtain a business licence before undertaking to repair pallets in the municipality.

Yeas: 7 – Mayor Hobbs, Deputy Mayor Tremblett, Councillor King, Councillor Hynes, Councillor Budgell, Councillor Mills and Councillor Canning.

Nays: 0

Abstained: 0

Motion Carried

Motion 502/2009 – Councillor Mills/Councillor Budgell

Whereas a resident put forth an offer to Council concerning property on Country Road; and whereas the offer involves an easement on the resident's property; and whereas the resident is requesting a substantial sum of money for the easement; and whereas the resident is willing to sell the land to Council for the same sum of money; and whereas Council is not in the business of purchasing land from residents in such cases; therefore, be it resolved that Council shall not purchase the land as requested; be it further resolved that Council shall exercise its authority under the *Municipalities Act, 1999* to ensure the resident does not compromise the Town's infrastructure.

Yeas: 7 – Mayor Hobbs, Deputy Mayor Tremblett, Councillor King, Councillor Hynes, Councillor Budgell, Councillor Mills and Councillor Canning.

Nays: 0

Abstained: 0

Motion Carried

Motion 503/2009 – Councillor Mills/Councillor Canning

That Council approves an annual expenditure in the amount \$770 for the operation of street lights in the Centennial Drive subdivision.

Yeas: 7 – Mayor Hobbs, Deputy Mayor Tremblett, Councillor King, Councillor Hynes, Councillor Budgell, Councillor Mills and Councillor Canning.

Nays: 0

Abstained: 0

Motion Carried

Motion 504/2009 – Councillor Mills/Councillor Budgell

Whereas Mr. David Gagne requested approval to acquire Crown Land on or near Botwood Highway; and whereas the area is zoned as Rural; and whereas Council is not interested in pursuing a zoning amendment at this time; therefore, be it resolved that Council shall not approve Mr. David Gagne's Crown Land application for land on or near Botwood Highway.

Yeas: 7 – Mayor Hobbs, Deputy Mayor Tremblett, Councillor King, Councillor Hynes, Councillor Budgell, Councillor Mills and Councillor Canning.

Nays: 0

Abstained: 0

Motion Carried

Motion 505/2009 – Councillor Mills/Councillor Budgell

Whereas the Department of Municipal Affairs, Engineering and Land Use Planning Division reviewed Bishop's Falls Municipal Plan Amendment No. 16, 2009 and Development Regulations Amendment No. 18, 2009; and whereas in correspondence dated October 19, 2009 the Department advises the Town of Bishop's Falls that the amendments do not conflict with any stated provincial policies; therefore, be it resolved that Council shall;

- a. Adopt Municipal Plan Amendment No.16, 2009 and Development Regulations Amendment No. 18, 2009;
- b. Appoint Mr. Bryan Blackmore or Mr. Ben Blackmore, whoever is available, as Commissioner of the Public Hearing regarding Municipal Plan Amendment No.16, 2009 and Development Regulations Amendment No. 18, 2009; and
- c. Schedule a Public Hearing for December 9, 2009 at 2:00 pm regarding Municipal Plan Amendment No. 16, 2009 and Development Regulations Amendment No. 18, 2009.

Yeas: 7 – Mayor Hobbs, Deputy Mayor Tremblett, Councillor King, Councillor Hynes, Councillor Budgell, Councillor Mills and Councillor Canning.

Nays: 0

Abstained: 0

Motion Carried

Councillor Mills stated that the Committee has scheduled a special meeting for November 30, 2009 to receive delegations from two (2) businesses in the community. A report will be tabled at the next meeting.

Motion 506/2009 – Councillor Mills/Councillor Hynes

To adopt the report for Public Works Standing Committee meeting no. 277 as presented.

Yeas: 7 – Mayor Hobbs, Deputy Mayor Tremblett, Councillor King, Councillor Hynes, Councillor Budgell, Councillor Mills and Councillor Canning.

Nays: 0

Abstained: 0

Motion Carried

Item 9: General Business

9.1 STANDING COMMITTEE MEETINGS SCHEDULE

Mayor Hobbs suggested that Standing Committee meetings could be dividing into two (2) weeks rather than one (1). He noticed that some Councillors are double-booked on certain days, and this can become very demanding. Moreover, the additional week will provide

more time for staff to prepare. There was general agreement with the Mayor's suggestion, and he was instruction to work with staff to revise the Standing Committee schedule.

9.2 TOWN CLERK RESIGNATION

Motion 507/2009 – Councillor Budgell/Councillor Mills

To accept the resignation of the Town Clerk, Randy Drover, effective December 11, 2009.

Yeas: 7 – Mayor Hobbs, Deputy Mayor Tremblett, Councillor King, Councillor Hynes, Councillor Budgell, Councillor Mills and Councillor Canning.

Nays: 0

Abstained: 0

Motion Carried

9.3 TOWN MANAGER RESIGNATION

Motion 508/2009 – Councillor Canning/Councillor King

To accept the resignation of the Town Manager, Wayne Champion, effective December 11, 2009.

DISCUSSION

Mayor Hobbs indicated that Council regrets to accept both resignations; however, Mr. Drover and Mr. Champion decided to pursue other career goals. Councillor Budgell indicated that he enjoyed working with both individuals, who contributed much to the Town during their employment, and is pleased to know that the resignations have nothing to do with the current Council. Mr. Drover and Mr. Champion were both thanked for their service to the community. There being no further discussion, question was called.

Yeas: 7 – Mayor Hobbs, Deputy Mayor Tremblett, Councillor King, Councillor Hynes, Councillor Budgell, Councillor Mills and Councillor Canning.

Nays: 0

Abstained: 0

Motion Carried

9.4 PUBLIC ANNOUNCEMENT

Councillor Budgell explained that there are several rumours in the community surrounding the recent resignations of the Town Manager and Town Clerk. Once such rumour is that the Mayor is going to resign as well, and this is completely false. Councillor Budgell believed it would be wise to issue a public statement on the various affairs of the Town to ensure residents are properly informed. Mayor Hobbs agreed; however, it was his opinion

that the statement should be withheld until the audit is completed. He would much rather have all the information before the statement is issued. The other Councillors agreed.

9.5 CHRISTMAS SOCIAL

Councillor Budgell indicated that in the distant past the Town organized a Christmas Social that brought the policy makers and staff together. This has not been the case for some time, and he believed Council should strive to bring the tradition back. The Social will improve the relationship between Council and staff. Mayor Hobbs agreed, as did other Councillors, but he noted the cost factor must be considered. There was general agreement that the Social should be explored further, and an ad hoc Committee – comprised of Councillor Budgell, Councillor Canning, and Councillor Hynes - was struck for this purpose.

Item 10: Adjournment

Motion 509/2009 – Councillor King/Councillor Canning

To adjourn public meeting 1255.

Yeas: 7 – Mayor Hobbs, Deputy Mayor Tremblett, Councillor King, Councillor Hynes, Councillor Budgell, Councillor Mills and Councillor Canning.

Nays: 0

Abstained: 0

Motion Carried

The meeting adjourned at 8:22 pm.

Mayor Robert Hobbs

Randy Drover, Town Clerk

Bishop's Falls Town Council
Public Meeting 1255
November 24, 2009

List of Appendices

Appendix	Source
AP Transaction Journal dated November 9, 2009	Governance 15
Routine Payments Reports August, September and October 2009	Governance 15