Town of Bishop's Falls
Public Council Meeting No. 1394
June 20, 2017 @ 7:00 pm
Council Chambers

Minutes

Item 1: Call to Order

Mayor R. Hobbs called the meeting to order at 7:00 pm on June 20, 2017 and presided with the following individuals in attendance:

Deputy Mayor D. Tremblett
Councillor B. King
Councillor B. Saunders
Councillor K. McDonald
Councillor R. Canning

Randy Drover, Town Manager/Clerk
Dan Oldford, Assistant Town Manager

Councillor Budgell was absent with regrets.

Item 2: Moment of Silent Reflection

A minute of silence was provided for a private reflection/prayer.

Item 3: Adoption of the Agenda

Mayor Hobbs opened the floor for additions/revisions to the agenda. The following items were added under General Business:

- NL Hydro/Nalcor dam operations and salmon (Councillor King, sponsor)
- Asphalt (Councillor McDonald, sponsor)
- RiverFest (Councillor Saunders, sponsor)
- West end garbage complaint (Deputy Mayor Tremblett, sponsor)
- Meeting with Minister (Mayor Hobbs, sponsor)

Motion 46/2017 – Councillor Saunders/Councillor Canning

To adopt the agenda for public meeting 1394 as amended.

Yeas: 6 – Mayor Hobbs, Deputy Mayor Tremblett, Councillor King, Councillor Saunders, Councillor McDonald, and Councillor Canning.
Nays: 0

Motion Carried

Item 4: Adoption of Minutes for Public Meeting No. 1393

Motion 47/2017 – Councillor McDonald/Councillor Canning

To adopt the minutes for public meeting no. 1393 as circulated.

Yeas: 6 – Mayor Hobbs, Deputy Mayor Tremblett, Councillor King, Councillor Saunders, Councillor McDonald, and Councillor Canning.
Nays: 0

Motion Carried

Item 5: Business Arising from the Minutes of Public Meeting No. 1393

Councillor King sought a status update regarding the lease discussions with the BMO for the ATM. The Town Manager/Clerk indicated there was no interest expressed from the other banks that were approached, and he recently advise the BMO that an annual lease of $7,000 (including taxes) was the Finance Standing Committee's counteroffer. BMO is currently considering the counteroffer.

Item 6: Standing Committee Reports and Recommendations

6.1 COMMUNITY RELATIONS STANDING COMMITTEE NO. 21 (JUN 5, 2017)

6.1.1 Committee's Report

Deputy Mayor Tremblett, Chairperson, presented the following report:

> A special sitting was held on June 5, 2017 with Councillor Canning, Councillor Saunders and Mayor Hobbs in attendance. The purpose of this meeting was to discuss plans for three upcoming events: Memorial Day, Canada Day and Suicide Walk.
>
> *Memorial Day*
>
> Memorial Day will take place June 25, 2017 at 2:30 in the afternoon at the Cenotaph. It was noted that Peter Budgell will not be available this year to emcee the service and it was suggested by the Committee to ask Councillor Bryan King. The order of service was reviewed by the Committee and the Chair advised the Office Administrator to go ahead and start planning the service.
>
> *Canada Day*
>
> Canada Day will take place July 1, 2017 from 12:00 to 2:00 pm at the Bishop's Falls Memorial Playground. The food will be barbeque hot dogs/drinks and cake. There will be a variety of games and prizes for kids which will be organized by our students.
>
> *Senior's War Veterans Dinner*
>
> Senior's War Veterans Dinner will take place July 1, 2017 at 5:00pm at the Knights of Columbus. Invitations are in the process of being sent out and tickets are on sale for $3.00. It will be turkey dinner with dessert. The entertainment is still yet to be determined and an update will be provided

by the Program Coordinator through email. The evening will end with prize draws and cutting of the cake.

Suicide Walk

The Chair advised the Committee this year will mark the 5th year of the Suicide Walk and it will take place in early September. It was noted the Committee will be taking part in the walk again this year and a budget of $500.00 has been approved for the event.

Finally, the Committee discussed t-shirts for summer students. It was decided this year that the shirts will have both the town and heritage logo on them.

Item 7: EBDI Ratifications

7.1 PRIME CONSULTANT FOR EXPLOITS RIVER PROJECT

Resolution 48/2017 – Councillor King/Councillor Canning

Whereas on May 30, 2017 the Town Manager/Clerk initiated a process in accordance with *Standing Order 24* to resolve a matter by electronic means; and whereas the matter involved the engagement of a prime consultant for the Exploits River Tourism Product Development Project; and whereas Council resolved the matter by electronic means in accordance with *Standing Order 27;* and whereas the decision must be ratified during a public meeting in accordance with *Standing Order 28*; therefore, be it resolved that Council shall ratify the following decision that was resolved by electronic means; *Be it resolved that Council shall engage Exploits Engineering Consultants Ltd. as the prime consultant for the Exploits River Tourism Product Development Project for a total cost of $160,659.60 including HST.*

Yeas: 6 – Mayor Hobbs, Deputy Mayor Tremblett, Councillor King, Councillor Saunders, Councillor McDonald, and Councillor Canning.
Nays: 0

Resolution Carried

7.2 BUDGET ADJUSTMENTS

Resolution 49/2017 – Councillor Canning/Deputy Mayor Tremblett

Whereas on June 6, 2017 the Town Manager/Clerk initiated a process in accordance with *Standing Order 24* to resolve a matter by electronic means; and whereas the matter involved a budget adjustment; and whereas Council resolved the matter by electronic means in accordance with *Standing Order 27;* and whereas the decision must be ratified during a public meeting in accordance with *Standing Order 28*; therefore, be it resolved that Council shall ratify the following decision that was resolved by electronic means; *Be it resolved that Council shall approve the budget adjustments, totaling $35,312, as circulated.*

Yeas: 6 – Mayor Hobbs, Deputy Mayor Tremblett, Councillor King, Councillor Saunders, Councillor McDonald, and Councillor Canning.
Nays: 0

Resolution Carried

7.3 MUNICIPAL PLAN/DEVELOPMENT REGULATIONS AMENDMENTS

Resolution 50/2017 – Councillor McDonald/Councillor King

Whereas on June 6, 2017 the Town Manager/Clerk initiated a process in accordance with *Standing Order 24* to resolve a matter by electronic means; and whereas the matter involved three amendments to the *Municipal Plan* and *Development Regulations*; and whereas Council resolved the matter by electronic means in accordance with *Standing Order 27;* and whereas the decision must be ratified during a public meeting in accordance with *Standing Order 28*; therefore, be it resolved that Council shall ratify the following decision that was resolved by electronic means; *Be it resolved that Council shall adopt the following amendments to the Municipal Plan and Development Regulations as circulated:*

Amendment Number	*Summary*
1	*Hobbs Park (addressing mobile home issue)*
2	*Rezoning an area around Tower Road from CDA to RMD*
3	*Rezoning an area around Botwood Highway from RR to Industrial*

Yeas: 6 – Mayor Hobbs, Deputy Mayor Tremblett, Councillor King, Councillor Saunders, Councillor McDonald, and Councillor Canning.
Nays: 0

Resolution Carried

Item 8: General Business

8.1 JUNE 2017 FINANCIAL REPORTS

Councillor King, Chairperson of the Finance Standing Committee, presented the financial reports (AP Transactions Journal, Routine Payments, Income/Expense Statement (Budget), Cash, and Capital Works Income Statement) for June 2017. There were no material issues noted. The Town's financial situation is healthy at the present time. The performance of the budget is summarized below.

Item	Percentage Realized/Used to Date
Revenue (% Realized)	
Taxes	100.60
Sale of Goods and Services	65.96
Other Revenue from own Sources	40.64
Municipal Operating Grants	82.18
Expense (% Used)	
Council	30.54
General Administration	37.69
Municipal Elections	0.00
Property Assessment Services	50.00
Professional Development and Training	23.11
Public Relations	46.25
Fire Department	29.53
Animal and Pest Control	27.19
Public Works Administration	40.20
Public Works Compensation	44.24
Vehicle and Fleet Operations	44.71

Roads	29.00
Snow Removal (Supplies)	65.20
Street Lighting	37.01
Water Supply	33.31
Sewer Collection and Disposal	36.98
Garbage Collection and Waste Disposal	36.90
Recreation Administration	35.56
Parks/Playgrounds/Fields	13.86
Stadium	42.54

Resolution 51/2017 – Councillor King/Deputy Mayor Tremblett

Be it resolved that Council shall approved the A/P Transaction Journal dated June 14, 2017, totaling $32,046.99, for disbursement as circulated.

Yeas: 6 – Mayor Hobbs, Deputy Mayor Tremblett, Councillor King, Councillor Saunders, Councillor McDonald, and Councillor Canning.
Nays: 0

Resolution Carried

Resolution 52/2017 – Councillor King/Councillor McDonald

Be it resolved that Council shall ratify the Routine Payments Report dated June 13, 2017, totaling $125,737.95, as circulated.

Yeas: 6 – Mayor Hobbs, Deputy Mayor Tremblett, Councillor King, Councillor Saunders, Councillor McDonald, and Councillor Canning.
Nays: 0

Resolution Carried

8.2 RESIDENTIAL CLAIM FOR DAMAGED WINDSHIELD

Council reviewed a claim from a resident regarding a damaged windshield. Council concluded it could not support the claim. Similar matters were referred to the Town's insurance providers in the past and were rejected because it is difficult to place liability on the municipality. The Clerk was instructed to respond to the resident accordingly.

8.3 MAYOR MARCH 2017

The opportunity to participate in the Mayor's March for heart disease and stroke was declined by Council.

8.4 BISHOP'S FALLS HERITAGE SOCIETY REQUEST AND INSURER RESPONSE

Recently, the Bishop's Falls Heritage Society submitted a letter requesting coverage under the Town's directors and officers' liability insurance. The Town's insurer indicated this can be done, at no additional costs, if the Society is regarded as an 'arm of Council'. The present structure of the Heritage Society subjects that question to debate; however, Council concluded, by consensus, that if the Society wishes to truly become an 'arm of Council', it can be included in the Town's insurance coverage. The matter was deferred to the Society to determine how it wishes to be structured going forward.

8.5 CM: CTO POLICY AMENDMENTS

The *Compensatory Time-Off and Flexible Hours Policy* requires housekeeping to reflect current titles and practices. More importantly, however, it was recently determined that section 4.1 (e) is operationally problematic because it restricts the Public Works Supervisor's eligibility to receive compensatory time-off (CTO) at the normal rate. That section was introduced several years ago in a difference context and was reconsidered by Council.

Resolution 53/2017 – Councillor Canning/Councillor McDonald

Be it resolved that Council shall amend the *Compensatory Time-Off and Flexible Hours Policy* as follows:

(1) Section 2.0 that reads,

"This policy applies exclusively to the Town Manager, Public Works Supervisor, Executive Assistant, and Town Clerk. Notwithstanding the latter, Section 5.0 applies exclusively to the Town Manager, Executive Assistant, Accounts Receivable Clerk, Front Desk Receptionist, and the Town Clerk."

is amended to read as follows:

"This policy applies exclusively to the Town Manager/Clerk, Assistant Town Manager, Public Works Supervisor, and the Office Administrator."

(2) "Town Manager" is replaced with "Town Manager/Clerk" throughout the policy.

(3) "Executive Assistant" is replaced with "Office Administrator" throughout the policy.

(4) "Town Clerk" is replaced with "Assistant Town Manager" throughout the policy.

(5) Section 3.2 that reads,

"A 'standard work week' for the Public Works Supervisor means 40 hours, Monday through Friday from 8:00 am to 5:00 pm excluding one (1) hour during the day for lunch."

is amended to read as follows:

"A 'standard work week' for the Public Works Supervisor means 40 hours, Monday through Friday, as per the hours of operation established by the Collective Agreement between the Town and CUPE Local 1349."

(6) Section 3.7 that reads,

"'On-call or stand-by' for the Public Works Supervisor includes that time he/she spends outside of the standard work week monitoring road conditions, scheduling employees, receiving and sending calls related to Town business, and other things of this nature."
is amended to read as follows:

"'On-call or stand-by' for the Public Works Supervisor includes that time he/she spends outside of the standard work week monitoring road conditions, removing snow and ice from

the steps of municipal buildings, scheduling employees, receiving and sending calls related to Town business, and other things of this nature."

(7) Section 4.1 (e) that reads as follows is deleted:

"Notwithstanding any other section in this policy, the Public Works Supervisor shall receive compensatory time-off at a rate of one (1) hour for every hour worked outside of his/her standard work week for the following activities:

i. Coordinating the Town's response to waterline breaks, sewage blocks, and other emergency situations of this nature.
ii. Repairing the municipality's equipment.
iii. Maintaining municipal buildings (i.e. salting the Town Hall Steps)

The Public Works Supervisor shall not be required to obtain prior approval from management or Council, as the case may be, before undertaking the activities under this section in order to receive compensatory time-off. Nonetheless, the Public Works Supervisor must report the time worked to the Town Manager within five (5) business days of earning the time."

Yeas: 6 – Mayor Hobbs, Deputy Mayor Tremblett, Councillor King, Councillor Saunders, Councillor McDonald, and Councillor Canning.
Nays: 0

Resolution Carried

8.6 CM: PALLET ACTIVITY AT 3 FIRST AVE

An ongoing matter involving pallet activity at 3 First Ave was discussed by Council. In April 2017, the Town received a complaint regarding pallet activity at 3 First Ave. The Town actioned the complaint and determined, upon investigation, that compliance with a Council decision dated February 16, 2010 (reference motion 34/2010) was lacking. The resident was subsequently sent a letter, and he/she responded by seeking approval for amended conditions. Council considered the resident's letter where he/she indicated the operation is now regarded as a "small business". Given this, the Town is left with no choice other than to require the resident to seek a business licence, in accordance with regulations, to conduct the pallet activity at 3 First Ave. The Clerk will advise the resident accordingly.

8.7 RESIDENTIAL LETTER REGARDING FIRST AVE

Council reviewed the correspondence. No action required.

8.8 DISPOSAL OF OLD STAGE

Given the Town will be acquiring a new stage of better quality, management was instructed to advertise the old wooden stage, currently located in the Fallsview Municipal Park, for sale. A notice will be posted to the Town's website and distributed throughout the community at conspicuous locations. The value of the stage is unknown, but it is not in good condition and needs to be removed from Town property.

8.9 CM: WWTP LOAN

Council's loan for the WWTP is presently capped at $2,637,876 by the Department of Municipal Affairs and Environment (reference COR/2015/00720). The municipality's share, however, when projects 26659

and 17-CWWF-17-00036 are combined, is $2,802,735. To ensure the municipality can honour its share of the project, Council considered seeking approval to increase the BMO loan to $2,802,735.

Resolution 54/2017 – Councillor King/Councillor Saunders

Whereas the Town's contribution to the wastewater treatment project, including projects 26659 and 17-CWWF-17-00036 and less applicable rebates, is $2,802,735; and whereas the Town is currently authorized to borrow up $2,637,876; and whereas this amount has been borrowed from the BMO to date; and whereas additional borrowing is required to meet the Town's financial obligations; therefore, be it resolved that Council shall seek approval to borrow up to $2,802,735 from the Minister of Municipal Affairs for projects 26659 and 17-CWWF-17-00036.

Yeas: 6 – Mayor Hobbs, Deputy Mayor Tremblett, Councillor King, Councillor Saunders, Councillor McDonald, and Councillor Canning.
Nays: 0

Resolution Carried

8.10 CM: TAX ACCOUNT MATTER

Substantial progress has been made regarding arrears associated with account KEARB001. In this context, and in the interest of showing continued cooperation, an amendment to resolution 49/2014 (adopted during a public meeting on March 18, 2014) was presented to Council for consideration. The amendment will see the adjustment date for interest moved from December 31, 2017 to June 30, 2017, and it will also introduce a schedule regarding arrears for 2008 and 2009.

Resolution 55/2017 – Councillor McDonald/Councillor Canning

Whereas substantial progress has been made to retire property and water tax arrears for account KEARB001 since March 2014 by the account holder; and whereas resolution 49/2014, adopted during public meeting 1341 on March 18, 2014, outlined certain terms that would result in $8,451.12 being removed from account KEARB001; and whereas the terms have been substantially fulfilled; and whereas Council desires to amend resolution 49/2014 to reflect its willingness to cooperate with the account holder who has taken substantial steps to pay the arrears; therefore, be it resolved that Council shall amend resolution 49/2014 as follows:

(a) Condition one that reads,

The current account holder maintains the existing monthly payment arrangements until such time as the principle of $4,336.69 is paid in full. Once the principle is paid in full, interest totaling $8,451.12 shall be waived but this shall not take effect until December 31, 2017

is deleted and replaced with the following:

The current account holder maintains the existing $100 monthly payment arrangement until such time as the arrears for 2008 and 2009, totaling $1,036.69 as of June 13, 2017, are paid in full. The latter shall occur on or before March 31, 2018. The interest on account KEAB001 shall be written-off as of June 30, 2017; however, in the event the account holder fails to abide by these conditions, the interest shall be reinstated.

(b) Condition two that reads as follows is deleted:

In the event the property is sold before December 31, 2017 the arrears, including interest, shall be recovered in full at that time.

Yeas: 6 – Mayor Hobbs, Deputy Mayor Tremblett, Councillor King, Councillor Saunders, Councillor McDonald, and Councillor Canning.
Nays: 0

Resolution Carried

8.11 2017 SNOW CLEARING DAMAGES CLAIM

Motion 56/2017 – Deputy Mayor Tremblett/Councillor Saunders

That Council shall approve the snow clearing damages claims as circulated.

Yeas: 6 – Mayor Hobbs, Deputy Mayor Tremblett, Councillor King, Councillor Saunders, Councillor McDonald, and Councillor Canning.
Nays: 0

Motion Carried

8.12 FIRE DEPARTMENT LETTER REGARDING PROPERTY ON MARKET ROAD

A letter from the Fire Chief regarding the old feed building on Market Road was presented to Council. The Fire Chief outlined several concerns with the building, and the Fire Department "…requests that this serious issue be addressed as quickly as possible so as not to cause any potential harm to our residents and possible hazards to firefighters if a fire should be started in the property." Council, in response to the Fire Chief's letter, instructed the Town Manager/Clerk to initiate a process under the *Occupancy and Maintenance Regulations* or another application by-law.

8.13 BOOSTER STATION REPORT

The Town Manager/Clerk recently asked DMG Consulting Ltd. to look at the feasibility of installing a chlorine booster in the east end of town to help maintain the appropriate chlorine residuals. Two systems were analyzed, ranging from $104,000 - $114,000, and the engineers recommended that the Town install the duplex metering pump system. This is a substantial project that will require support from the provincial government. Given there is no immediate need to install the chlorine booster, Council decided to defer the matter for consideration during the 2018-2019 MCW application process.

8.14 LEO BROTHERS SOFTBALL TOURNAMENT

Motion 57/2017 – Councillor McDonald/Deputy Mayor Tremblett

That Council shall approve a request to utilize the softball field, free of charge, on July 28, 29, and 30, 2017 for the purpose of hosting the Annual Leo Brothers Memorial Softball Tournament.

Yeas: 6 – Mayor Hobbs, Deputy Mayor Tremblett, Councillor King, Councillor Saunders, Councillor McDonald, and Councillor Canning.
Nays: 0

Motion Carried

8.15 REQUEST TO RELAX EASEMENT (JUNE 16, 2017)

Resolution 58/2017 – Councillor Canning/Councillor King

Be it resolved that Council shall approve a development permit application for 15 King Roads and shall, as requested, relax the easement requirement as prescribed by sections 5 (c) or 5 (d), as the case may be, of the *Permits and Licences Processing Regulations*.

Yeas: 6 – Mayor Hobbs, Deputy Mayor Tremblett, Councillor King, Councillor Saunders, Councillor McDonald, and Councillor Canning.
Nays: 0

Resolution Carried

8.16 REQUEST TO PURCHASE LAND (LOWER AVE)

Resolution 59/2017 – Councillor Canning/Councillor King

Be it resolved that Council shall, in accordance with s. 201.2 of the *Municipalities Act, 1999*, offer for sale a section of land behind 26 Lower Avenue measuring approximately 73' x 25' as requested by a resident; be it further resolved that the resident who requested the sale shall be required to pay for the Town's advertising fees as required by s. 201.2 of the *Municipalities Act, 1999*.

Yeas: 6 – Mayor Hobbs, Deputy Mayor Tremblett, Councillor King, Councillor Saunders, Councillor McDonald, and Councillor Canning.
Nays: 0

Resolution Carried

8.17 *DOG AND CAT REGULATIONS* AMENDMENT DISCUSSION DOCUMENT

As directed during public meeting 1393, the Town Manager/Clerk prepared several amendments to the *Dog and Cat Regulations* to capture the issue raised by Councillor King. He presented the following proposed amendments to Council for preliminary discussion:

- An additional section would be added to read as follows: "*Notwithstanding any other section, an animal found at large in the Town contrary to these regulations shall be forthwith humanely destroyed by the Impounder if the animal has been impounded at least three times over a six-month period."*

- Section 22 would be amended to include an escalating impounding fee ranging from $50 for the first impoundment to $200 for the third and subsequent impoundments.

Council discuss the amendments and was generally satisfied with the proposal. The Town Manager/Clerk will submit the amendments to legal counsel for analysis. Once that process is concluded, the official policy document will be prepared for Council's consideration.

8.18 NL HYDRO/NALCOR DAM OPERATIONS AND SALMON

Councillor King raised an issue involving the hydro facility in Bishop's Falls. Recently, the facility destroyed hundreds of smolt and Councillor King believes the Town should seek an explanation and ask what, if anything, is being done to prevent a reoccurrence. The Town is starting to promote the exceptional salmon fishing that is offered by the Exploits River, and it ought to take an advocacy role in this matter to ensure such things are prevented. Council agreed and instructed the Clerk to submit a letter to NL Hydro or Nalcor, as the case may be, outlining the Town's concerns and questions.

8.19 ASPHALT

Councillor McDonald asked if any progress was made relating to the suggestion by Minister Joyce to use the TCH contractor to get a better price for the Town's Main Street project. The Mayor and Councillor Saunders indicated several attempts were made to speak to the contractor, but there has been no success.

8.20 RIVERFEST

Councillor Saunders provided an update regarding the RiverFest that is taking place from July 6-10, 2017. Planning for the events is going smoothly. Councillor Saunders outlined some of the key events including the dance, fireworks, bike parade, etc.

8.21 WEST END GARBAGE COMPLAINT

Deputy Mayor Tremblett brought forward a complaint she received from a resident living in the west end. Throughout town people are not covering their garbage, and this is resulting in birds scavenging the bags and causing waste to scatter. The resident suggested people should be required to use a container for garbage to prevent scavenging. Council believed the suggestion was valid, but it also acknowledged there would be complications with the policy change (i.e. enforcement). Nevertheless, the Town Manager/Clerk was instructed to review the regulations to see what could be done under the existing by-law to address the issue.

8.22 MEETING WITH MINISTER

Mayor Hobbs reported that a meeting with Minister Coady is arranged for 2:30 pm on June 22, 2017 in St. John's. The meeting will focus on the outstanding water and sewer taxes for the hydro facility, and the Mayor will be strong in the sense that a resolution must be found in the very near future – otherwise, the municipality will be taking legal action. His Worship indicated that efforts were made to meet with Minister Joyce and the Premier; however, this was not possible at the present time for scheduling reasons.

Item 9: Privileged Session

Motion 60/2017 – Councillor Canning/Councillor McDonald

That Council shall recess the public meeting and dissolve into a privileged session.

Yeas: 6 – Mayor Hobbs, Deputy Mayor Tremblett, Councillor King, Councillor Saunders, Councillor McDonald, and Councillor Canning.
Nays: 0

Motion Carried

The privileged session commenced at 8:28 pm

Motion 61/2017 – Councillor McDonald/Councillor Canning

That Council shall conclude the privileged session and resume the public meeting.

Yeas: 6 – Mayor Hobbs, Deputy Mayor Tremblett, Councillor King, Councillor Saunders, Councillor McDonald, and Councillor Canning.
Nays: 0

Motion Carried

The public meeting resumed at 8:40 pm

Item 10: Adjournment

Motion 62/2017 – Councillor Saunders/Councillor King

That Council shall adjourn public meeting 1394.

Yeas: 6 – Mayor Hobbs, Deputy Mayor Tremblett, Councillor King, Councillor Saunders, Councillor McDonald, and Councillor Canning.
Nays: 0

Motion Carried

The meeting adjourned at 8:40 pm.

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Randy Drover, Town Manager/Clerk