

Public Meeting of Council  
Town Hall  
November 14, 2017

Attending: Mayor Rene Estrada, Deputy Mayor Maureen Murphy, Councillors: Lucy Carew, Neil Stratton, Chris Brinston and Vince Swain

Absent: Councillor Fraser Paul

Recording: Geraldine Caul

Mayor Rene Estrada reminded the public that Council will not be taking questions or comments during the meeting. Anyone wishing to speak with Council may do so after adjournment.

1. Mayor Rene Estrada called the meeting to order at 7:30 p.m.
2. **2017-195** Councillor Chris Brinston/Deputy Mayor Maureen Murphy  
Be it resolved that Council adopt the Agenda of November 14, 2017.  
Motion carried unanimously.
3. **2017-196** Councillor Lucy Carew/Councillor Neil Stratton  
Be it resolved that Council adopt the minutes of **October 10, 2017** Public Meeting.  
Motion carried unanimously.  
  
**2017-197** Deputy Mayor Maureen Murphy/Councillor Lucy Carew  
Be it resolved that Council adopt the minutes of **October 17, 2017** Special Public Meeting.  
Motion carried unanimously  
  
**2017-198** Councillor Vince Swain/Councillor Neil Stratton  
Be it resolved that Council adopt the minutes of **October 22, 2017** Special Public Meeting.  
Motion carried unanimously.

4. Business Arising from Minutes:

- a. Chicken Coop on 5 Dunn's Lane

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- 2017-199** Councillor Lucy Carew/Councillor Chris Brinston  
Be it resolved that a Removal Order be issued immediately to the property owners on 5 Dunn's Lane.  
Motion carried unanimously.

- b. Drain on 20-22 Hillsway Drive – Councillor Chris Brinston reported that he did two site visits on this property. He said when it rained hard, he checked the drain going to the front of the house, and there was no water coming off it, so that means there was not a 2% grade. Because of that, the drain coming from the stairwell is where all the water is being forced to go, which is then forcing water onto the neighbour’s lot. For this reason, he said the drain has to be removed, and once that is done, any other issues related to the two properties will be a civil matter between them.

**2017-200** Councillor Chris Brinston/Deputy Mayor Maureen Murphy

Be it resolved that a Removal Order of a drain be issued immediately to the property owner on 20-22 Hillsway Drive.

Motion carried unanimously.

- c. Policies, Procedures and By-Laws – Deputy Mayor Maureen Murphy reported that at the October 22<sup>nd</sup> Special Public Meeting, a Notice of Motion was given to revisit the Policies, Procedures and By-Laws and she will now be making a motion on this item.

**2017-201** Deputy Mayor Maureen Murphy/Councillor Lucy Carew

Be it resolved that Council will be revisiting its Policies, Procedures and By-Laws Manual to ensure compliance with the Municipalities Act, including subordinate legislation, the Urban and Rural Planning Act and all other applicable legislation.

Motion carried unanimously.

5. Public Works & Infrastructure:

- a. Excavation on 217-276 Gull Pond Road

**2017-202** Councillor Vince Swain/Councillor Neil Stratton

Be it resolved that Council approve application to excavate land on 213-276 Gull Pond Road.

Motion carried unanimously.

- b. Excavation on 49 Harbour Road

**2017-203** Councillor Vince Swain/Councillor Chris Brinston

Be it resolved that Council approve application to excavate land on 49 Harbour Road.

Motion carried unanimously.

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- c. Residential dwelling on Dunn’s Lane

Councillor Vince Swain reported that the survey is not in the applicant’s name, and from his site visit, it looks as if there are 2 parcels of land and a public right-of-way, which is

incorporated into the square footage of the land. He recommended Council defer this until these issues were clarified.

**2017-204** Councillor Vince Swain/Lucy Carew

Be it resolved that Council defer this application pending further information.

Motion carried unanimously.

- d. Residential dwelling on 19 Irishtown Road

**2017-205** Councillor Vince Swain/Deputy Mayor Maureen Murphy

Be it resolved that Council approve in principle application to build residential dwelling on 19 Irishtown Road under the Discretionary Use of Council for Infill Development per Town Plan, subject to approval from Services NL and any other government agencies having jurisdiction.

Motion carried unanimously. **Rescinded Dec.12/17 & replaced by Motion 2017-228**

- e. Residential dwelling on John C's Grove Road

**2017-206** Councillor Vince Swain/Deputy Mayor Maureen Murphy

Be it resolved that Council approve in principle application to build residential dwelling on John C's Grove Road, subject to approval from Services NL and any other government agencies having jurisdiction.

Motion carried unanimously.

- f. Residential dwelling on 166-168 Southside Track

**2017-207** Councillor Vince Swain/Councillor Chris Brinston

Be it resolved that Council approve in principle application to build residential dwelling on 166-168 Southside Track, subject to approval from Services NL and any other government agencies having jurisdiction.

Motion carried unanimously.

- g. Fence on 4 Aspen Place

**2017-208** Councillor Vince Swain/Councillor Lucy Carew

Be it resolved that Council approve application to construct a fence on 4 Aspen Place.

Motion carried unanimously.

- h. Fence on 3 Tuff's Road

**2017-209** Councillor Vince Swain/Councillor Neil Stratton

Be it resolved that Council approve application to construct a fence on 3 Tuff's Road.

Motion carried unanimously.

- i. Town Road Turnarounds – Deputy Mayor Maureen Murphy asked that Council determine if she is in a conflict of interest on this item due to her brother having property in the area of one of the roads being discussed. Deputy Mayor Murphy left the Council Chamber at 7:40 p.m.

**2017-210** Councillor Vince Swain/Councillor Neil Stratton

Be it resolved that Deputy Mayor Murphy is not in a conflict of interest on the Town Road Turnarounds because it is a discussion related to general turnarounds.

For the motion: Mayor Rene Estrada, Councillors Chris Brinston, Neil Stratton, Vince Swain and Lucy Carew.

Abstained: Deputy Mayor Maureen Murphy [abstained due to question of whether she was in a conflict of interest – she was voted not to be].

Motion carried.

Deputy Mayor Murphy returned to the Council Chamber at 7:41 p.m.

Councillor Swain reported that there are a couple of areas where there are no turnarounds for snow clearing or fire trucks and at the end of these roads there is crown lands available.

**2017-211** Councillor Vince Swain/Councillor Neil Stratton

Be it resolved that Council apply for Crown Lands on the end of Irishtown Road and just past 4 Mallowney's Lane.

Motion carried unanimously.

- j. Upgrading gravel roads –

**2017-212** Councillor Vince Swain/Deputy Mayor Maureen Murphy

Be it resolved that the Town put out calls to contractors to get price of Class A and grading on Butler's Road, Harrigan's Lane, and the end of Pond Path.

Motion carried unanimously.

- k. Development on 10-12 Carey's Road (not consistent with what was submitted and approved by Council)

**2017-213** Councillor Chris Brinston/Councillor Neil Stratton

Be it resolved that a Stop Work Order be issued on 10-12 Carey's Road until such a time that clarification is received on the development.

- l. 54 Gallows Cove Road – Councillor Swain reported that he previously met with one contractor at the site, and the Town will follow up on the plan that was agreed on, and to get contractors in for a site visit to see if this can be done before winter.

6. Finance & Economic Development

- a. Payables – Information purpose only.
- b. Bathroom/Storage building for ballfield on Southside Track – Deputy Mayor Murphy reported that Council met with Kinsmen and discussed this. The total of the storage building for the ball field is \$23,800, and Council will be discussing this at the upcoming budget meeting.
- c. Request for compensation for vehicle damage related to road condition

**2017-214** Councillor Neil Stratton/Councillor Chris Brinston

Be it resolved that Council deny the request for compensation because the individual can take this issue up with his insurance company.

Motion carried unanimously.

- d. Knights of Columbus request for donation for Christmas Hampers

**2017-215** Deputy Mayor Maureen Murphy/Councillor Neil Stratton

Be it resolved that the Town donate \$250.00 to the Knights of Columbus for Christmas Hampers.

Motion carried unanimously.

- e. Preparation of survey for deficiency on Southside Track related to Track Road Phase II Project, and payment of invoice (\$1150.00 total).

**2017-216** Councillor Lucy Carew/Councillor Chris Brinston

Be it resolved that Council have a survey prepared by Vallis for deficiencies related to Southside Track Phase II, and pay said invoice.

Motion carried unanimously.

- f. Invoice for roads related to Paving Local Roads Project, \$99,383 and additional roads, \$23,920 (grand total of \$123,303) related to Gas Tax.

**2017-217** Councillor Chris Brinston/Councillor Vince Swain

Be it resolved that Council pay the total amount of \$123,303.

Motion carried unanimously.

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- g. Invoice from WSP related to Council approved design of Playground Project

**2017-218** Deputy Mayor Maureen Murphy/Councillor Neil Stratton

Be it resolved that Council pay WSP \$2,875 for Recreational Park Upgrades Southside Track Land Architecture Services.

Motion carried unanimously.

h. Invoice from WSP related to General Engineering

**2017-219** Councillor Chris Brinston/Councillor Lucy Carew

Be it resolved that Council pay WSP for general engineering fees for \$718.75.

Motion carried unanimously.

- i. Request for payment from Dexter - Councillor Swain reported that the Town had to survey a section of a road that still remains to be a problem after Dexter finished Phase II Project, and the grades are not right. There has, and continues to be negative impact on private properties because of the incomplete work. Council agreed that a copy of the new survey is to be forwarded to Dexter to show him the work was not done according to the Contract, and that until the road is brought up to the standards of the contract, Council will not be releasing the holdback payment.

- j. Request for compensation for legal fees relating to property damage on 98 Southside Track Phase II.

**2017-220** Councillor Neil Stratton/Councillor Vince Swain

Be it resolved that Council pay the request for compensation relating to Southside Track property damage.

Motion carried unanimously.

- k. Cost recovery related to legal fees for current Statements of Claim – Deputy Mayor Maureen Murphy asked that Council determine if she is in a conflict of interest on this item because her brother is one of the individuals named in the Statements of Claim, along with others, including the Town. Deputy Mayor Murphy left the Council Chamber at 7:50 p.m.

**2017-221** Councillor Chris Brinston/Council Neil Stratton

Be it resolved that Deputy Mayor Murphy is not in a conflict of interest on this item because it does not deal with one specific cost recovery, but all claims in general.

For the motion: Mayor Rene Estrada, Councillors Chris Brinston, Neil Stratton, Vince Swain and Lucy Carew.

Abstained: Deputy Mayor Maureen Murphy [abstained due to question of whether she was in a conflict of interest – she was voted not to be].

Motion carried.

Deputy Mayor Murphy returned to the Council Chamber at 7:51 p.m.

**2017-222** Councillor Chris Brinston/Councillor Lucy

Be it resolved that Council seek cost recovery for legal fees relating to Statements of Claims.

Motion carried unanimously.

I. BBAA – Regional Director’s Salary

**2017-223** Deputy Mayor Maureen Murphy/Councillor Lucy Carew

Be it resolved that Council continue the funding for the BBAA Regional Director’s Salary for 2018.

Motion carried unanimously.

7. Other Miscellaneous Business:

a. Northeast Avalon ACAP – Request to do a presentation on Environment & wet lands. Geraldine to contact the organization and set up a meeting for them to do their presentation.

b. Municipal Assessment Agency Annual report (Information purpose).

8. **2017-224** Deputy Mayor Maureen Murphy/Councillor Chris Brinston

Be it resolved that Council adjourn the public meeting at 8:00 p.m.

Motion carried unanimously.