

Minutes of Council Meeting

Town Hall Oct 24, 2017 7 p.m.

Present:	Mayor	Betty Clarke
	Deputy Mayor	Krista Freake
Councillors:		Stephen Hollett
		Brian Hooper
		Perry Pond
		Calvin Smart
		Kenneth Tucker
		Elaine Bursey
	Town Clerk/Treasurer	Corb Randell
	Supt. Works	Chris Watton
Regrets:	Dir. of Recreation/Tourism	Brian Peckford
	Town Manager	

1. Call to Order

Mayor Betty Clarke called the meeting to order at 7 p.m.

2. Agenda

17-196 Freake/Pond

Resolved to adopt the agenda as presented.

In favour: Mayor Clarke, Deputy Mayor Freake, Councillors Hooper, Hollett, Pond, Smart and Tucker.
None opposed. Motion carried.

3. Delegations - None.

4. Minutes

4.1 Council Meeting Sep 19, 2017

17-197 Hollett/Pond

Resolved to adopt minutes of the Sep 19, 2017 regular Council meeting as circulated.

In favour: Mayor Clarke, Deputy Mayor Freake, Councillors Hooper, Hollett, Pond, Smart and Tucker.
None opposed. Motion carried.

4.2 Council Meeting Oct 10, 2017

17-198 Pond/Tucker

Resolved to adopt minutes of the Oct 10, 2017 regular Council meeting as circulated.

In favour: Mayor Clarke, Deputy Mayor Freake, Councillors Hooper, Hollett, Pond, Smart and Tucker.
None opposed. Motion carried.

5. Action Sheet

All items ongoing, some to be discussed during committee reports.

6. Town Manager Report - None.

7. Recreation/Tourism - Meeting Oct 11, 2017

7.1 Lucas Fudge (Central IcePak AAA Member) / Donation Request

17-199 Smart/Hollett

Resolved to donate \$100 to Lucas Fudge, member of the Central IcePak AAA hockey team, to help offset costs associated with travel, ice time, equipment, etc.

In favour: Mayor Clarke, Deputy Mayor Freake, Councillors Hooper, Hollett, Pond, Smart and Tucker.
None opposed. Motion carried.

- Deputy Mayor Freake suggested there are many players in Lewisporte who do not try out for Triple A hockey because of the high cost; and the option of support should be afforded to all players.
- Councillor Smart indicated other requests will be considered on an individual basis.

7.2 Train Park / Music Video

- Local band, Cabbages and Kings, will be using the Train Park on Nov 11-12 to tape a music video.
- The Park will be closed to the public during this time.
- Committee felt this is a great opportunity to showcase the Train Park and the Town.

7.3 Haunted Hike

- The Haunted Hike (in collaboration with Central Health and various community groups) takes place Thursday Oct 26 from 5:30 – 7:30 p.m. at Woolfrey's Pond Park.
- Councillors encouraged to attend and help out.

7.4 Stewardship Association of Municipalities Inc. (SAM) Fall Meeting / Oct 20-21, 2017

- Attended by Councillor Smart and Recreation Director Watton.
- Meeting focused on beautification and enhancements for towns.
- Noted our own boardwalk, walking trails, community garden, shoreline, etc. could use enhancement.
- A good initiative to form a committee and get residents involved.
- The Recreation Committee has major plans for 2018 implementation.

7.5 Boardwalk

- Committee looking at five-year replacement plan for boardwalk.
- Recreation Director tasked with exploring all avenues of funding; and also, to keep a running list of funding applied for and results of the same.

8. Economic Development - Meeting Oct 23, 2017

8.1 Updates by Councillor Pond

- Mayor Clarke will endorse a letter to Minister Crocker, Transportation & Works, requesting a meeting to discuss port maintenance, future use of the port, etc.
- Relocating railbed (from Action Sheet): Options of relocation with minimal impact on businesses being pursued.
- Plan should be ready to present to Council within 3-4 weeks.

8.2 Strategic Plan

17-200 Pond/Tucker

Whereas the Strategic Plan currently doesn't fall under a specific committee, it is resolved the Economic Development Committee take ownership of the Plan and pursue some of its initiatives.

In favour: Mayor Clarke, Deputy Mayor Freake, Councillors Hooper, Hollett, Pond, Smart and Tucker.
None opposed. Motion carried.

8.3 Home Based Business Application / Corryn Hodder (COR Beauty), 20 Layte's Avenue

17-201 Pond/Tucker

Resolved to approve the Home Based Business Application from Corryn Hodder (COR Beauty), to operate from 20 Layte's Avenue.

In favour: Mayor Clarke, Deputy Mayor Freake, Councillors Hooper, Hollett, Pond, Smart and Tucker.
None opposed. Motion carried.

8.4 Vendor Permit Application / JPJC Holdings Inc. (Mister T's Fireworks)

17-202 Pond/Tucker

Resolved to approve the Vendor Permit Application from JPJC Holdings Inc. (Mister T's Fireworks) to operate from 415-423 Main Street from Dec 15, 2017 through Jan 1, 2018.

In favour: Mayor Clarke, Deputy Mayor Freake, Councillors Hooper, Hollett, Pond, Smart and Tucker.
None opposed. Motion carried.

9. Lands – Meeting Oct 16, 2017

9.1 Updates by Deputy Mayor Freake

- Committee was given a presentation of the overall Public Works Department, focusing on Lands.
- Committee responded to an inquiry regarding the ownership of Snow's Cove, advising it's owned by the Federal Government; however, the Town is in the process of acquiring.

9.2 Permit Application No. 17-134 / 11-13 Main Street

17-203 Freake/Hooper

Whereas the construction of an accessory building in front of a boundary line is not permitted under the Town of Lewisporte Development Regulations, and

Whereas the Town has Discretionary Powers of Authority under article 10 of the Town of Lewisporte Development Regulations, it is

Resolved that after site inspection and review to approve permit application no. 17-134 to allow for such construction at 11-13 Main Street.

In favour: Mayor Clarke, Deputy Mayor Freake, Councillors Hooper, Hollett, Pond, Smart and Tucker.
None opposed. Motion carried.

9.3 Permit Application No. 17-130 / 9A Council Road

17-204 Freake/Hooper

Resolved to deny permit application no. 17-130 for a shed as the location is on top of a sewer line.

In favour: Mayor Clarke, Deputy Mayor Freake, Councillors Hooper, Hollett, Pond, Smart and Tucker.
None opposed. Motion carried.

9.4 Industrial Park / Southside Excavating

Deputy Mayor Freake relayed from Committee meeting:

- Previous Council had reviewed proposal from Southside Excavating to move through 3-4 phases of land development at Industrial Park. (Apr 16, 2015)
- The Supt. of Works (SOW) was to prepare a cost estimate of road, water and sewer, and was added to the action sheet. (Apr 16, 2015 and Mar 23, 2015)
- Water study necessary for further development, Public Works to access funding for water line looping and Town Manager was to advise Southside Excavating there was a delay due to arsenic levels. (Apr 13, 2015)
- Council questioned development of the Industrial Park – Councillor J. Snow indicated it was a verbal agreement and recommended the Town Manager update Council. (Jun 29, 2017)
- The Deputy Mayor further relayed that she was given information from a private meeting of which there are no minutes or audio recording, that the only approval by the Town was there would be a road and water and sewer put in place to the area that a building for Kittiwake Water is going to be constructed on and there would be no further development.
- A dispute at the recent Lands Committee meeting – it was communicated that once the previous Council approved it, it meant all phases of the Industrial Park.
- Mayor Clarke spoke and said, “We cannot go with verbal agreements in nothing.”

Deputy Mayor Freake, seconded by Councillor Hooper, moved to allow Southside Excavating to put water and sewer and a road to that piece of property which is owned by them, where Kittiwake Water building is going, so it does not delay construction of that building and loose business.

Discussion:

- Councillor Hooper was not comfortable moving ahead with the development plan as it currently sits, suggesting the plan needs to be re-visited and the day of verbal agreements is over.
- Deputy Mayor Freake indicated the Committee would like to review and ensure compliancy with the Municipalities Act.
- The SOW informed the Town is responsible to bring water and sewer to this land through a verbal agreement; the developer was then going to take it and move up towards the Industrial Access.
- He advised it would take a couple of weeks work to push water and sewer, and storm up to that piece of property;

and noted there is a bigger plan for the Industrial Park. The SOW also advised of issues in front of Pritchett's and shared concerns of placing extra capacity there. The estimate to move to first piece of land is ~\$40K.

- Deputy Mayor Freake questioned approval for the Kittiwake Water building in the absence of budget funds.
- Councillor Tucker commented:
 - A contentious issue with previous Council (verbal agreement).
 - A development agreement was presented but never sanctioned formally by Council.
 - A private meeting was held after last Council meeting of previous Council – Councillor Tucker and the Town Manager have a difference of opinion of what was said and agreed upon.
 - Councillor Tucker said he understood that Council verbally agreed to accommodate that business and developer to gain access to the site and provide water and sewer as the SOW described and there was no discussion on continuing on to the Industrial Park or any other land.
- Deputy Mayor Freake amended her motion to:

17-205 Freake/Pond

Resolved the Supt. of Works provide a cost estimate of putting water and sewer to that property to get that business moving and that all other aspects of this business development in Industrial Park be brought back to Council for discussion and the Town Manager must communicate with Southside Excavating to inform them that no other plans are to go forward until sanctioned and agreements are signed properly by Council.

In favour: Mayor Clarke, Deputy Mayor Freake, Councillors Hooper, Hollett, Pond, Smart and Tucker.
None opposed. Motion carried.

Concurrence was to be comfortable only with following the Municipalities Act.

9.5 20 Carson Place / Sub-Divide

17-206 Freake/Hooper

At the request of the property owner, it is resolved to sub-divide 20 Carson Place into two pieces of property.

In favour: Mayor Clarke, Deputy Mayor Freake, Councillors Hooper, Hollett, Pond, Smart and Tucker.
None opposed. Motion carried.

10. Public Works – Meeting Oct 12, 2017

10.1 Updates

Councillor Hollett asked the Supt. Works to update on the Lockmoor Street project and Water Resources Permit:

- The engineering firm through a video inspection has discovered deficiencies.
- This is being addressed, five days are given for corrective action.
- Asphalt is expected by Nov 15.
- The Permit to Operate the Town's Water System was renewed today.
- An audit was performed – looks positive and written report to follow.

10.2 Water System Operator

- Discussion ensued regarding the Water System Operator position, currently part-time position in which the pumphouse is checked daily for readings (chlorine, pH levels, water usage, etc.); and twice weekly for chlorine residuals.
- Water System Operator training is available through Municipal Affairs – very intense with a high level of

responsibility.

- The Town's water system requires a Level II operator – Level I certification is obtained after one year is spent with an operator, then an exam is taken. Then another year before becoming Level II certified.
- The Town's senior public works employee is Level I certified who fills in when needed.
- Training of current public works employees has often been discussed and will remain on the Public Works agenda.

11. Protective Services – Meeting Oct 17, 2017

11.1 Updates by Councillor Tucker

- A meeting of the Regional Fire Department is tentatively scheduled for Monday Oct 30, 2017.
- The source of interference with the pager system has been located and the situation resolved.
- A secondary road has been discussed as it relates to the Emergency Plan, further updates to follow.
- Plans are underway to establish a Health Care Advisory Committee, a public advertisement will be made.
- A meeting is scheduled Nov 23, 2017 @ 10 a.m. with the LMAA to discuss the marina as it relates to Fire Protection.

11.2 Fire Hall Extension

17-207 Tucker/Freake

Resolved to redirect allocated funds from MYCW-16-00111, New Fire Hall, to MYCW-15-00011, Fire Hall Extension.

In favour: Mayor Clarke, Deputy Mayor Freake, Councillors Hooper, Hollett, Pond, Smart and Tucker.
None opposed. Motion carried.

12. Finance – Meeting Oct 19, 2017

12.1.1 Cheque Register

17-208 Hooper/Pond

Resolved to approve cheques 36496 to 36598 with the exception of cheques 36499, 36523, 36535, 36547, 36558, 36574, 36583 and 36585.

In favour: Mayor Clarke, Deputy Mayor Freake, Councillors Hooper, Hollett, Pond, Smart and Tucker.
None opposed. Motion carried.

12.1.2 Cheques 36499, 36523, 36535, 36547 and 36574

Councillor Pond declared a conflict of interest and left the meeting.

17-209 Hooper/Tucker

Resolved to approve cheques 36499, 36523, 36535, 36547 and 36574.

In favour: Mayor Clarke, Deputy Mayor Freake, Councillors Hooper, Hollett, Smart and Tucker.
None opposed. Motion carried.

Councillor Pond returned to the meeting.

12.1.3 Cheques 36558 and 36585

Councillor Tucker declared a conflict of interest and left the meeting.

17-210 Hooper/Pond

Resolved to approve cheques 36558 and 36585.

In favour: Mayor Clarke, Deputy Mayor Freake, Councillors Hooper, Hollett, Pond and Smart.
None opposed. Motion carried.

Councillor Tucker returned to the meeting.

12.1.4 Cheque 36583

Councillor Hooper declared a conflict of interest and left the meeting.

17-211 Pond/Smart

Resolved to approve cheque 36583.

In favour: Mayor Clarke, Deputy Mayor Freake, Councillors Hollett, Pond, Smart and Tucker.
None opposed. Motion carried.

Councillor Hooper returned to the meeting.

12.2 Vehicle Policy

17-212 Hooper/Pond

Resolved to adopt the following Vehicle Policy:

Policy Subject: Use of Town Light Vehicles / Operating Policy

Policy Statement:

Town Light vehicles are defined as any motorized vehicle such as a passenger car, van, SUV, pick-up or crew cab owned by the Corporation of the Town of Lewisporte, and includes any light vehicle rented or leased by the Town of Lewisporte. It is recognized that certain employees require vehicles in order to carry out departmental duties during regular working hours. Also, the use of Town vehicles may be required after regular working hours which include weekends or holidays to respond to emergencies and other occurrences (such as monitoring street conditions, responding to complaints, water or sewer breaks, flooding, etc.).

Purpose:

1. To ensure all users of Town light vehicles are aware of standards and procedures pertaining to the use of these vehicles.
2. The light vehicle fleet is maintained at the highest level of availability to provide safe and reliable transportation.
3. A management process is in place to manage the fleet, minimize damages to the fleet, and to report any damages that occur.
4. To ensure Town vehicles are used in a safe and responsible manner by employees requiring vehicles to fulfill their job requirements, and are not to be used for personal reasons.

General Guidelines:

1. Operators of Town light vehicles must comply with all applicable standards and procedures for the use of light

vehicles.

2. All operators driving a Town owned, rented or leased vehicle must have a valid driver's license and ensure compliance with all provincial regulations governing the use of vehicles on public roads and highways.
3. All department managers/supervisors are responsible for overseeing the use of vehicles in their respective departments and must report any incidents or non-compliance to the Town Manager immediately.
4. Town light vehicles are to be used for municipal business only. Special trips, personal use of vehicles or unauthorized passengers shall not be permitted.
5. In accordance with this Policy the following employees are permitted to take an assigned Town light vehicle home outside of regular working hours, holidays and weekends:
 - An employee who is scheduled to be on call after regular working hours, weekends or holidays to respond to emergencies or urgent matters etc.**NOTE** – The requirement for any employee to take assigned vehicles home after regular working hours, weekends and holidays must be determined and approved by Council.
6. No person except an employee or member of council for the Town of Lewisporte is permitted to be a passenger or operate a Town light vehicle for municipal business unless prior consent has been authorized by the Town Manager.
7. All Town light vehicles except those approved to be taken home are to be parked at a location approved by Council (Town Depot or Town Office) after regular working hours, weekends and holidays.
8. Any use of a Town light vehicle outside of regular working hours, holidays or weekends is to be recorded in the Vehicle Log Book by the operator of the vehicle.
9. When an employee who is permitted to take an assigned Town light vehicle home is on any type of leave for more than two consecutive days, the vehicle is to be left at an approved facility of the Town (Town Depot or Town Office) until the employee returns to work.
10. Any person operating a Town light vehicle that is involved with an accident resulting in damage to any vehicle or personal injury is to advise their manager/supervisor immediately.
11. Any person operating a Town light vehicle shall report to their supervisor any incidents of traffic violations they may be involved with.
12. Employees using Town light vehicles are to report any vehicle mechanical problems or vehicle malfunctions to their supervisor immediately.
13. Employees who use Town light vehicles are responsible to ensure vehicles are kept clean, i.e. no garbage left inside.
14. Smoking is not permitted in Town light vehicles.

In favour: Mayor Clarke, Deputy Mayor Freake, Councillors Hooper, Hollett, Pond, Smart and Tucker.
None opposed. Motion carried.

12.3 Lewisporte Collegiate Scholarship Committee / Gala and Donation Request

17-213 Hooper/Pond

As the Town of Lewisporte annually sponsors two scholarships to high school graduates, it is resolved to deny the request from the Lewisporte Collegiate Scholarship Committee for a donation.

In favour: Mayor Clarke, Deputy Mayor Freake, Councillors Hooper, Hollett, Pond, Smart and Tucker.
None opposed. Motion carried.

12.4 Die Trac Loan Guarantee

- Campus Administrator, Mike Pearce, will be tasked with dealing with RBC and the release of its general security agreements.

- Following that, it's recommended to approve the letter from CIBC agreeing the Town will not seek repayment of any monies owed by either Die Trac Technical Institute Inc or Lewisporte Community College Inc until such time the loan owing to CIBC by Lewisporte Community College Inc has been fully repaid.

12.5 Mussel Bed Soiree

17-214 Hooper/Pond

Based on extensive review since 2011, it is Resolved to approve a preliminary budget of \$340K for Mussel Bed Soiree 2018.

In favour: Mayor Clarke, Deputy Mayor Freake, Councillors Hooper, Hollett, Pond, Smart and Tucker.
None opposed. Motion carried.

- It was noted the change in budget should only affect the Concert in the Park, and no other event is to suffer because of this.
- The Mussel Bed Soiree Committee was recognized and commended for tremendous work done and Council committed to working together in the future.
- Deputy Mayor Freake is the Council Liaison with the Mussel Bed Soiree Committee.

12.6 Southside Excavating Invoice C-900014

12-215 Hooper/Pond

Whereas Council agreed on Sep 19/17 to pay Southside Excavating \$75K of invoice C-900014 (original amount \$139,725, HST incl.) for the installation of a water line to Old Briton Crescent, and water hookup to four properties; and Whereas the \$75K was paid; however, was broken down as \$65,217.39 and 9,782.61 HST in absence of revised invoice; and

Whereas Southside Excavating issued a revised invoice for \$75K plus \$11,250 HST after the cheque was sent; and Whereas the Finance Committee concurs this was likely the original intent of Council; it is Resolved to pay the additional \$11,250.

In favour: Mayor Clarke, Deputy Mayor Freake, Councillors Hooper, Hollett, Pond, Smart and Tucker.
None opposed. Motion carried.

12.7 Borrowing Resolution / Water & Sewer Upgrading (Lockmoor Street)

17-216 Hooper/Pond

Resolved the Town of Lewisporte enter into an agreement under the New Building Canada Fund, Small Communities Fund, Project No. 17-SCF-17-00009, Water & Sewer Upgrading (Lockmoor Street); and to borrow from CIBC the sum of \$195,929 for a ten-year term and a ten-year amortization to finance the same, with annual principal payments of \$19,592.90.

In favour: Mayor Clarke, Deputy Mayor Freake, Councillors Hooper, Hollett, Pond, Smart and Tucker.
None opposed. Motion carried.

12.8 Borrowing Resolution / Trackless Tractor

17-217 Hooper/Pond

Resolved the Town of Lewisporte borrow from CIBC the sum of \$188,837 for a ten-year term and a ten-year amortization, with annual principal payments of \$18,883.70, to finance a Trackless Tractor.

In favour: Mayor Clarke, Deputy Mayor Freake, Councillors Hooper, Hollett, Pond, Smart and Tucker.
None opposed. Motion carried.

12.9 Borrowing Resolution / 2017 Recreation Projects (Bowling Alley Pinsetters and Playground Equipment)

17-218 Hooper/Pond

Resolved the Town of Lewisporte borrow from CIBC the sum of \$135,000 for a ten-year term and a ten-year amortization, with annual principal payments of \$13,500 to finance 2017 Recreation Projects (Bowling Alley Pinsetters and Playground Equipment).

In favour: Mayor Clarke, Deputy Mayor Freake, Councillors Hooper, Hollett, Pond, Smart and Tucker.
None opposed. Motion carried.

12.10 Borrowing Resolution / Main Street Pipes and Rushann Street

17-219 Hooper/Pond

Resolved the Town of Lewisporte borrow from CIBC the sum of \$183,734 for a ten-year term and a ten-year amortization, with annual principal payments of \$18,373.40 to finance project 17-MYCW-15-00004(B) (Main Street Pipes and Russhann Street).

In favour: Mayor Clarke, Deputy Mayor Freake, Councillors Hooper, Hollett, Pond, Smart and Tucker.
None opposed. Motion carried.

12.11 Borrowing Resolution / Sewer System Upgrades - Consolidation of Sewer Outfalls #1 through #7

17-220 Hooper/Pond

Resolved the Town of Lewisporte borrow from CIBC the sum of \$544,101 for a ten-year term and a ten-year amortization, with annual principal payments of \$54,410.10 to finance project 17-CWWF-17-00085 (Sewer System Upgrades – Consolidation of Sewer Outfalls #1 through #7).

In favour: Mayor Clarke, Deputy Mayor Freake, Councillors Hooper, Hollett, Pond, Smart and Tucker.
None opposed. Motion carried.

Noted the preceding five borrowing resolutions reflect 2016 Council approval and subsequent 2017 Budget and long term debt forecast.

12.12 Municipal Budget Training

Councillors Hooper and Smart attended the Municipal Budget Training session this past week and both reported a very worthwhile and informative session.

13. Other Committees

13.1 Municipal Assessment Agency / Central Directors Nomination

No action was taken.

13.2 Municipal Assessment Agency / 2016-17 Annual Report

Tabled for information.

14. Other Business & Correspondence

14.1 Govt of NL / BizPal Service Overview

Tabled for information.

15. Adjournment

17-221 Hollett/Smart

Resolved the meeting adjourn.

In favour: Mayor Clarke, Deputy Mayor Freake, Councillors Hooper, Hollett, Pond, Smart and Tucker.
None opposed. Motion carried.

Time: 9 p.m.

Betty Clarke, Mayor

Elaine Bursey, Town Clerk/Treasurer