

Regular Meeting #07 April 20, 2021

A Regular Meeting of Council convened at 7:05 p.m. in the presence of Mayor French, Councillors, Chief Administrative Officer, Brian Crawley, Town Clerk, Gail Pomroy, Director of Finance, Liz Davis, Director of Engineering and Public Works, Jennifer Norris, Director of Recreation and Leisure Services, Dave Tibbo, Director of Economic Development, Jennifer Lake, Fire Chief John Heffernan and Communications Manager, Carla Hodder.

1. ADOPTION OF AGENDAS AND MINUTES

a. Adoption of the Meeting Agenda for April 20, 2021

Resolution #21-136

Deputy Mayor Murphy/Councillor Bent

Be it so resolved that the agenda of the meeting of April 20, 2021 be adopted as presented.

- carried unanimously

b. Adoption of the Meeting Minutes of April 6, 2021

Resolution #21-137

Councillor Bursey/Councillor Butler

Be it so resolved that the minutes of the meeting of April 6, 2021 be adopted as presented.

- carried unanimously

2. BUSINESS ARISING FROM PREVIOUS MINUTES

Nil

3. VISITORS, PRESENTATIONS AND PETITIONS

a. Proclamation – Child Abuse Prevention Month

Mayor French proclaimed April 2021 as ***Child Abuse Prevention Month*** in the Town of Conception Bay South.

b. Proclamation – National Volunteer Week

Mayor French proclaimed the week of April 18 – 24, 2021 as National Volunteer Week in the Town of Conception Bay South.

4. NEW BUSINESS

Mayor French

expressed condolences to the families and friends of Norbert Murphy and Eric Taylor who recently passed away.

stated that many drivers are speeding on our roads. He requested everyone to please slow down and for those interested to fill out the appropriate form on the Town's website for a traffic calming assessment.

requested all residents to clean up their portion of the Town by picking up the garbage on their properties.

Mayor French vacated the meeting at 7:16 p.m. Deputy Mayor Murphy took the Chair.

Councillor Youden

expressed condolences to the families and friends of Norbert Murphy and Eric Taylor.

commented on Volunteer week. He stated that Conception Bay South was built on volunteerism, including many of our facilities. He stated that Conception Bay South is lucky to have the commitment of so many volunteers

stated that there has been road work done on Manuels Bridge and throughout Route 60 however, the area between Forest Road and Smith's Furniture in Upper Gullies is in deplorable condition. He requested a letter sent to the province to request repairs.

Stated that he would like the residents provided with an update on the installation of water and sewer services. What funding has been applied for and the progress made on the water and sewer priority list.

Councillor Tilley

expressed condolences to the families and friends of Norbert Murphy and Eric Taylor.

stated that the bulk waste program will commence in May. Information is posted on the Town's website.

Councillor Butler

expressed condolences to the families and friends of Norbert Murphy and Eric Taylor.
condolences

thanked volunteers for all they do.

Councillor Bursey

expressed condolences to the families and friends of Norbert Murphy and Eric Taylor.

Councillor Bent

expressed condolences to the families and friends of Norbert Murphy and Eric Taylor.

thanked the local volunteers.

commented on the poor condition of Topsail Road, East of the Manuels Bridge to the Paradise boundary. He requested this area added to the correspondence requested by Councillor Youden.

read the following statement:

I want to address an issue that has been a concern for many of our residents here in Conception Bay South and people in other areas as well over the past few weeks.

Recently there has been blasting operations going on here in CBS at the CBS Industrial Park at the top of Fowlers Road and in areas outside of CBS but have been clearly heard and felt here in our community.

I have spoken with a number of residents who have expressed great concern about the blasts. We have residents just a few hundred meters away from the site who live the Henrys Place/Delta Place area.

One lady, I spoke to, a senior was knocked to the ground with fear in her garden after one blast. It took place on Wednesday April 7th. She said the ground shook. You can imagine speaking to a senior frightened beyond belief in her own garden. I also spoke to her husband who was to say the least angry with this blast... AND WHY... no notice... they were taken completely off guard. He said he nearly fell from his chair inside his home when it happened. This blast also came as a surprise to residents on Fowlers Rd, not far away from the area.

Looking into the matter the companies involved have all the proper paperwork and did nothing wrong with regards to the operations. They gave the required notice in the area, they fired a blast that was within the regulated load. And as we all know blasting is necessary.

Deputy there in lies the problem. If someone in their home or in the garden can be rocked by these blasts without notice and to the degree residents have reported here in CBS, it seems to me there is something wrong with the regulations.

One resident told me his neighbour, in his 80's who was a young boy in England during WWII and traumatized by the air raids was again traumatized by this blast bringing back the fears from his childhood.

One resident raised the concern with all the quarries that have been applied for within St. John's along our border get operational they fear the blasting is going to get more common and will go on for decades to come. Councillor Hillier raised this issue a few meetings ago.

Deputy, then a week ago Monday another blast. This one was felt over a great deal of the northeast Avalon, here in Conception Bay South from east to west and other municipalities. It had some wondering if there had been an earthquake with the loudness and the vibrations felt. This blast happened a few kilometers east of CBS near the TCH. One of our residents took matters into his own hands and went to the province's OHS who I am told are looking into this but there is no indication anything was done wrong.

After this incident Meteorologist Eddie Sheer posted on social media a description of how sound travels under the atmospheric conditions that occurred that night. Almost a perfect storm scenario to amplify sound called 'temperature inversion atmospheric conditions' a blast that night under those conditions amplified and distributed the affects over a large area more than in clearer warmer conditions.

So, Deputy I understand another blast will take place at the Top of Fowler's Road likely next week and then we do not expect any more for quite some time. One of the companies involved, after being approached by the senior I mentioned earlier has agreed to lower the charge of the blasting and give him notice of the next time one will occur. Hopefully we can share that info with residents when the time comes.

To wrap this up Deputy it seems to me it is time the regulations got a good review and hopefully revised with expert, industry, and public input.

There are 3 things that I feel as well as those I have spoken to feel should be reviewed.

1. It is time the area of notice is expanded so that nearby residents if any are notified. There are lots of modern ways to let people know so they are not taken off guard.
2. It is time the maximum charge regulations get looked at. Do they need to be so high as to have the affect we have heard about lately.
3. There needs to be consideration of atmospheric conditions at the time of the blast in the regulations, that a meteorologist should be consulted to ensure minimum impact.

Deputy we all know of the concerns regarding fireworks and how they affect animals, it is possibly worse in these scenarios.

Deputy I have brought this to the chambers tonight and will also bring to Committee but I would like to see this council support the review of the guidelines by sending the concerns to the province's OHS dept which has some control over this type of activity and the federal licencing agent that allows for certification of the blasters. As well raise the issue at Municipalities Newfoundland and Labrador to see if they will support a review of these rules.

Deputy I know Town staff have done some work on this matter and hats off for their efforts, but as well a couple residents right here in CBS have taken this to the regulators and I salute their efforts in this matter as well.

To finish, as we get closer to possibly seeing more quarries near our borders and more blasting within CBS I think the time is now to have the rules for blasting reviewed.

Councillor Davis

stated that on a monthly basis, we report on the Trailway Usage and I am thrilled to advise that within the month of March, we have recorded 26,815 counts along our 5 counters on the Trailway from Spruce Hill Road to Heritage Road. That brings our total, since November 21, 2020 to 98,089. Please remember to not park your vehicles where it will block access to the Trailway, always scoop when enjoying the trails with your four legged friends, do not litter, practice social distancing and walk on the right side of the trail.

Deputy Mayor Murphy

thanked everyone on behalf of the Taylor family for the condolences.

commented on ATV usage on Town roads and stated that the RNC will be doing extra patrols. He noted that there is a meeting scheduled with the RNC to review this matter.

stated that the Town is currently reviewing all outstanding tax accounts and beginning the collection process. 2020 and 2021 have been difficult years. While we recognize that resident's incomes have been affected by the pandemic, the town has also realized a negative impact on its cash flow. The town needs these funds to continue to provide the high level of services that residents expect. Residents are reminded that there is tax and interest relief available for qualifying individuals and seniors under its Low Income and Seniors Tax Incentive policies. If you think that you may qualify, please contact finance staff to make application. The town is currently owed over \$4.4 million dollars in taxes that have been outstanding for more than one year. This is not acceptable and the town will be undertaking the necessary steps to collect these outstanding amounts. The town will utilize all means necessary to collect these outstanding balances. This includes the disconnection of water services, collection agency services, legal action and power of sale.

If you find yourself in a position where you have not contacted the town to discuss your account or set up a payment plan, now is the time to do so. The town is committed to working with residents and businesses to collect taxes in a way that does not cause hardship. Statements with outstanding balances were sent out to applicable residents at the end of March and collection letters will be sent out by the end of this week.

residents are reminded to keep their contact information up-to-date by contacting our finance department. I would, once again like to remind residents that, if they find themselves in arrears, to please contact our finance department staff to set up a payment plan.

**5. RECOMMENDATIONS OF PLANNING AND DEVELOPMENT COMMITTEE
(Chair, Councillor Rex Hillier)**

Presentation of recommendations of meeting held on April 13, 2021

1. 32 Fogerty Avenue – Proposed Home-Based Business

**Resolution #21-138
Councillor Hillier/Councillor Burse**

Be it so resolved that application No. COM-21-021 received on January 25, 2021 for a personal service use as a home-based business at 32 Fogerty Avenue be approved in accordance with Council's discretionary authority at Section 10.7 on condition that the off-street parking at the subject property is increased to accommodate a minimum of four vehicles to accommodate both the residential and home-based business uses required by Section 6.7.1(a)(iii) of the Town's Development Regulations.

- carried unanimously

2. **Accessory Building – 9 Cassandra Place**

Resolution #21-139
Councillor Hillier/Councillor Bursey

Be it so resolved that, Application No. ACC-21-041 submitted on March 30, 2021 seeking approval of a 1.5m x 3m accessory building at 9 Cassandra Place be approved on the condition that the shed must be located in accordance with Sections 5.3.1 of the Town's Development Regulations.

- carried unanimously

3. **Municipal Planning Area Boundary Change Proposal**

Resolution #21-140
Councillor Hillier/Councillor Tilley

Whereas the Eastern Newfoundland Regional Appeal Board has ordered that the Town of Conception Bay South does not have authority to regulate development within Long Pond Harbour, and by extension, beyond the marine shoreline within the community;

And Whereas, in accordance with Section 46 of the *Urban and Rural Planning Act, 2000*, the Town of Conception Bay South has appealed the decision of the Eastern Newfoundland Regional Appeal Board to the Supreme Court of Newfoundland and Labrador;

And Whereas, a decision from the Supreme Court of Newfoundland and Labrador in that matter is not expected in the short term;

And Whereas, for greater certainty and without prejudicing the Town's application to the Supreme Court of Newfoundland and Labrador, the Town wishes to clarify its authority to regulate development that would attach to the marine shoreline within the Town;

Therefore, Be it so Resolved that in accordance with Section 10 and 25 of the *Urban and Rural Planning Act, 2000*, the Town initiate an amendment to the Municipal Plan and Development Regulations to implement Municipal Plan policies, future land use designations, and zoning within and adjacent to Long Pond Harbour and also request that the Minister of Municipal and Provincial Affairs amend the *Conception Bay South Municipal Planning Area Order*, (CNLR 835/96) so that the Town's authority to control and regulate development within and adjacent to Long Pond Harbour is afforded greater certainty.

- carried unanimously

4. Planning and Development Committee Meeting Report

Resolution #21-141
Councillor Hillier/Councillor Bursey

Be it so resolved that the decisions and recommendations made at the Planning and Development Committee meeting on April 13, 2021, be accepted as presented.

- 7 yeas
- 1 abstention (Tilley)
- motion carried

Councillor Tilley declared a conflict of interest with this item as it includes a business proposal next to his sister's residence. He vacated the meeting at 7:48 p.m. and returned at 7:49 p.m.

7. RECOMMENDATIONS OF RECREATION AND LEISURE SERVICES COMMITTEE (Chair, Councillor Junior Bursey)

Presentation of recommendations of meeting held on April 13, 2021

1. Approval to Tender: LAV III Monument Project

Resolution #21-142
Councillor Bursey/Councillor Davis

Be it so resolved that approval be given to call tender for the installation and completion of the LAV 111 Monument Project. Funds are available under the COVID-19 Stimulus Program Funding on a 90/10 - Provincial/Town cost shared basis.

- carried unanimously

2. **Approval to Tender: Fully Inclusive Service Agreement for the Refrigeration Systems for the Conception Bay South Arena and the Robert French Memorial Stadium**

Resolution #21-143
Councillor Bursey/Councillor Tilley

Be it so resolved that approval be given to call tender for the Fully Inclusive Service Agreement for the Refrigeration Systems for the Conception Bay South Arena and the Robert French Memorial Stadium. Funds are available in the Departments operating budget.

- carried unanimously

3. **Approval for Limited Call for Bids: Roof Upgrades Robert French Memorial Stadium**

Resolution #21-144
Councillor Bursey/Councillor Butler

Be it so resolved that approval be given to prepare a Limited Call for Bids for Roof Upgrades for the Robert French Memorial Stadium. Funds are available in the Recreation and Community Development project account # 02-000-0100-1610.

- carried unanimously

4. **Approval to Tender – Playground Equipment**

Resolution #21-145
Councillor Bursey/Councillor Davis

Be it so resolved that approval be given to call tender for the supply and delivery of playground equipment for future open space development and various upgrades throughout the Town. Monies in trust for open space development will be used for this purchase.

- carried unanimously

5. Recreation and Leisure Services Committee

Resolution #21-146
Councillor Bursey/Councillor Davis

Be it so resolved that the recommendations/decisions made at the Recreation and Leisure Services Meeting of April 13, 2021 be accepted as presented.

- carried unanimously

6. RECOMMENDATIONS OF ENGINEERING AND PUBLIC WORKS COMMITTEE
(Chair, Councillor Gerard Tilley)

Presentation of recommendations of meeting held on April 13, 2021

1. Engineering and Public Works Committee Meeting

Resolution #21-147
Councillor Tilley/Councillor Hillier

Be it so resolved that the recommendations/decisions made at the Engineering and Public Works Committee Meeting of April 13, 2021, be accepted as presented.

- carried unanimously

8. RECOMMENDATIONS OF FINANCIAL AND ADMINISTRATIVE SERVICES COMMITTEE (Chair, Deputy Mayor Richard Murphy)

Presentation of recommendations of meeting held on April 13, 2021

1. Accounts Payable Cheque Register

Resolution #21-148
Councillor Bent/Councillor Bursey

Be it so resolved that approval be given to pay Accounts Payable Cheques totaling \$150,025.01.

- carried unanimously

2. Ratification of Manual Cheques Previously Released

Resolution #21-149
Councillor Bent/Councillor Hillier

Be it so resolved that approval be given to ratify the payment of manual cheques previously released totaling \$113,048.55.

- carried unanimously

3. Capital Invoices

Resolution #21-150
Councillor Bent/Councillor Hillier

Be it so resolved that approval be given to pay capital invoices totaling \$584,440.54 as follows:

Project	Vendor	Invoice Details	Amount
Library	RCS Construction	Progress Claim #2	\$6,468.75
Community Park	Mills & Wright	Invoice #20-49-CBS-03	\$58,386.08
WWTP Air Vent	Cahill	J030150	\$44,822.75
Barachois Repair	RJG Construction	LPD21-0090-PC02	\$448,569.00
Lift Station Upgrades	Stantec	Invoice #1574455	\$1,759.91
Maintenance Assurance Manuals	CBCL	Invoice #469908	\$5,285.40
Phase 47 – Asphalt Investigation	Stantec	Invoice #1566873	\$19,148.65
Total Capital Invoices:			\$584,440.54

- carried unanimously

4. 2021 Tax Collections - Water Disconnection

Resolution #21-151
Councillor Bent/Councillor Tilley

Be it so resolved that approval be given to initiate the water disconnection process on accounts identified.

- carried unanimously

5. 2021 Tax Collections - Third Party Collections

Resolution #21-152
Councillor Bent/Councillor Butler

Be it so resolved that approval be given to initiate the third-party collection process on accounts identified.

- carried unanimously

6. Order – 121 Scotts Road South

Resolution #21-153
Councillor Bent/Councillor Bursey

Be it so resolved that the Order issued on February 5, 2021 under the Municipalities Act, 1999 and the Waste Disposal and Property Regulation ordering the property owners to remove all dismantled, unused vehicles and debris situated on 121 Scotts Road South, Conception Bay South be rescinded.

- carried unanimously

7. Financial and Administrative Services Committee Report

Resolution #21-154
Councillor Bent/Councillor Tilley

Be it so resolved that the recommendations/decisions made at the Financial and Administrative Services Committee Meeting of April 13, 2021 be accepted as presented.

- carried unanimously

**9. RECOMMENDATIONS OF ECONOMIC DEVELOPMENT AND TOURISM
(Chair, Councillor Cheryl Davis)**

Presentation of recommendations of meeting held on April 13, 2021

1. Regional Wayfinding Signage Project

**Resolution #21-155
Councillor Davis/Councillor Bursey**

Be it so resolved that approval be given to enter into a Contribution Agreement with ACOA for the Regional Wayfinding Signage Project for funding of \$38,325 which constitutes 50% of anticipated project costs.

AND FURTHER

Be it so resolved that approval be given to release a Request for Proposals for the completion of the Regional Wayfinding Signage Project.

- carried unanimously

2. Economic Development and Tourism Committee Meeting Report

**Resolution #21-156
Councillor Davis/Councillor Butler**

Be it so resolved that the recommendations/decisions made at the Economic Development and Tourism Committee meeting of April 13, 2021 be accepted as presented.

- carried unanimously

10. OTHER COMMITTEE REPORTS

Nil

11. ADJOURNMENT

The meeting adjourned at 8:06 p.m.

Resolution #21-157
Councillor Hillier/Councillor Bent

Be it so resolved that the meeting adjourn.

- carried unanimously

Terry French
Mayor

Gail Pomroy
Town Clerk