

Regular Meeting #16 October 18, 2016

A Regular Meeting of Council convened in the Council Chambers at 7:00 p.m. in the presence of Mayor Steve Tessier, Councillors, Chief Administrative Officer, Dan Noseworthy, Town Clerk, Gail Pomroy, Director of Engineering and Public Works, Jennifer Norris, Director of Planning and Development, Elaine Mitchell, Director of Economic Development, Jennifer Lake, Director of Recreation and Leisure Services, Dave Tibbo, Fire Chief John Heffernan and Communications Coordinator, Kristina George.

1. ADOPTION OF AGENDAS AND MINUTES

a. Adoption of the Meeting Agenda for October 18, 2016

**Resolution #16-373
Councillor Rowe/Councillor Youden**

Be it so resolved that the agenda of the meeting of October 18, 2016 be adopted as presented.

- carried unanimously

b. Adoption of the Meeting Minutes of October 4, 2016

**Resolution #16-374
Councillor Tilley/Councillor Connors**

Be it so resolved that the minutes of the meeting of September 20, 2016 be adopted as presented.

- carried unanimously

2. BUSINESS ARISING FROM PREVIOUS MINUTES

Nil

3. VISITORS, PRESENTATIONS AND PETITIONS

a. Proclamation – Children’s Vision Month

Mayor Tessier proclaimed the month of October as Children’s Vision Month in the Town of Conception Bay South. Dr. Mark Smith, President, NLAO and Lisa Pike, Executive Director, NLAO were in attendance.

b. Young Adult Cancer Canada (YACC) – Shave for the Brave Recognition

Alicia Quann, Fund Development Manager with Young Adult Cancer Canada (YACC) presented the Town with a Shave for the Brave recognition plaque.

c. Fire Chief for A Day

Mayor Tessier made a presentation to 2016 Fire Chief for A Day, Benjamin Fifield.

Benjamin Fifield drew names from the colouring contest entries. The winners will be notified.

**4. RECOMMENDATIONS OF PLANNING AND DEVELOPMENT COMMITTEE
(Chair, Councillor Darrin Bent)**

No meeting held.

**5. RECOMMENDATIONS OF ENGINEERING AND PUBLIC WORKS COMMITTEE
(Chair, Councillor Paul Connors)**

Presentation of recommendations of meeting held on October 12, 2016

1. Residential Waste Collection

Resolution #16-375
Deputy Mayor George/Councillor Youden

Be it so resolved that the Residential Waste Regulations be adopted as presented.

AND FURTHER:

Be it so resolved that Resolution #16-271, Waste Disposal Regulations be rescinded.

- carried unanimously

RESIDENTIAL WASTE

REGULATIONS PUBLISHED BY

AUTHORITY

Pursuant to the powers conferred by Section 414 (pp) of the *Municipalities Act, 1999*, Chapter M-24, SN 1999, the Town of Conception Bay South has made the following Regulations.

STEVE TESSIER
MAYOR

**REGULATION
S**

**1. TITL
E**

These Regulations shall be cited as the "Town of Conception Bay South Residential Waste Regulations"

2. DEFINITIONS

In these Regulations:

- (a) "**Regulations**" shall mean the Town of Conception Bay South Residential Waste Regulations.
- (b) "**Act**" shall mean the *Municipalities Act, 1999*.
- (c) "**Bulk Items**" shall mean heavy or bulky items such as stoves, refrigerators, dishwashers, clothes washers and dryers, furnaces, boilers, bed springs, furniture, fencing, boxes, barrels and similar items.

- (d) "**Construction Waste**" shall mean any used building materials discarded during or after alterations or renovations.
- (e) "**Council**" shall mean the Town Council of the Town of Conception Bay South.
- (f) "**Garbage Bags**" shall mean bags in the form of polyethylene specifically manufactured for the purpose of collecting household garbage including regular, large and extra-large garbage bags provided that the filled garbage bag does not exceed 40 pounds in weight and will fit in the hopper of the collection truck.
- (g) "**Garbage Containers**" shall mean storage facilities for the purpose of storing garbage bags during periods between collections.
- (h) "**Garden Waste**" shall mean the waste materials from garden consisting of grass clippings, dead branches, bushes, weeds, plants, stones and other small materials.
- (i) "**Hazardous Material**" shall mean anything that includes harmful liquids, chemical waste, ammonia, acids, pharmaceutical products, paints, oils, and pesticides.
- (j) "**Nuisance**" shall mean anything or any condition of things which is or may become injurious or dangerous or presents an obstruction to pedestrians or vehicular traffic or anything or any condition of things that in the opinion of Council has an unpleasant effect on the senses or adversely affects the amenities of the surrounding property.
- (k) "**Household**" shall be defined as any single family residence with or without an apartment except for units that have been grandfathered in. The following shall not receive Town waste collection:
 - i. Condominium
 - ii. Apartment building
 - iii. Senior Complex
 - iv. Properties considered Commercial
- (l) "**Recycling Materials**" shall mean all fibre, metal and plastic products accepted by the Eastern Waste Management Facility. Some examples are but not limited to:
 - i. Most cardboard;
 - ii. All papers except with wax composition
 - iii. Most plastic containers

- iv. Tin cans
 - v. Other materials that the Town may specify.
- (m) **"Refuse"** shall mean all other miscellaneous waste materials not specifically defined as residential garbage.
- (n) **"Residential Garbage"** shall mean all household garbage suitable for acceptance by the Robin Hood Bay Waste Management Facility unless otherwise identified in these Regulations and does not include recycling, building or hazardous waste material.
- (o) **"Waste"** shall mean all residential garbage, recycling materials and garden waste.
- (p) **"Covering"** shall mean container, bag or net.
- (q) **"Town"** shall mean the Town of Conception Bay South.

3. APPLICATION

These Regulations shall apply within the boundaries of the Town.

4. COLLECTION OF RESIDENTIAL WASTE

- (a) No household shall dispose of any waste in the Town except in accordance with these Regulations.
- (b) All acceptable waste shall be placed at the curb or approximately 6.0 metres from the road center line in cases of absent curb. Residential garbage must be completely covered. Bulk garbage, garden waste contained in clear plastic bags and recycling does not require covering. Net coverings are to be weighted, nylon or polyester material with mesh size no larger than 25mm x 25mm.
- (c) Residential garbage may include garden waste and animal feces provided it is double bagged in smaller bags and then placed in a larger garbage bag.
- (d) Residential garbage and recycling shall not be placed at the curb for collection except on the day designated for collection as determined by the Town, no earlier than 6:00 am and no later than 7:30 am.

- (e) All waste placed for collection in a manner not provided by these Regulations shall not be collected. Uncollected waste shall be removed by the household from the front of the premises no later than 7:00 p.m. of the day that the waste was placed for collection. Containers and nets shall be removed by this time.

5. RESTRICTIONS

- (a) No household shall put out for collection more than ten (10) garbage bags, including garden waste, on any one (1) collection day.
- (b) Hazardous material shall not be deposited or placed in garbage containers or bags for collection.
- (c) No caustic substance such as bleach shall be poured or used on garbage containers or bags.
- (d) No household shall dispose of a hypodermic needle, syringes or other sharp objects except in a sealed and puncture proof container.
- (e) Soot and ashes shall be placed in a garbage bag and shall be securely tied and marked as "soot and ashes".
- (f) No liquids shall be deposited or placed in a garbage bag for collection.
- (g) If for any reason, the contents of a garbage bag has not been adequately drained of all liquids, or becomes wet, or is of a fluid consistency, it shall not be collected by the Town.
- (h) No household shall place the following materials out for collection:
 - i. Any metal objects which the Town does not consider to be residential garbage;
 - ii. Car wrecks, parts, frames, engines;
 - iii. Construction waste;
 - iv. Asphalt shingles;
 - v. Highly combustible materials such as sawdust, oil or gasoline soaked rags, gas, containers, ammunition or other explosive matter, chemicals, acids or their residues, derivatives or by-products;
 - vi. Tree limbs;
 - vii. Earthen material, rocks, bricks, soil, and similar material;

- viii. Discarded vehicle oil;
 - ix. Partially filled paint cans;
 - x. Hazardous material;
 - xi. Furniture and appliances;
 - xii. Items weighing more than forty (40) pounds;
 - xiii. Used propane containers;
 - xiv. Broken glass;
 - xv. Any item, refuse or material which the Town considers to be a hazard to the Waste Collection Equipment Operators or the environment;
 - xvi. Any item that the Town does not consider to be a normal component of residential garbage; or
 - xvii. Loose animal feces or litter.
- (i) No person or persons shall permit any animal owned by him or under his control to pick over, interfere, disturb, remove or scatter any residential garbage, refuse or material placed out for collection.

- (j) Covers cannot include tarps, blankets, etc.

6. STORAGE AND DISPOSAL

- (a) Each owner or operator of a building containing four (4) or more dwelling units shall be responsible for removal of residential garbage and refuse from their premises on a weekly basis to a provincially recognized waste management facility.
- (b) Each owner or operator of a business within the Town shall be responsible for the removal of refuse or other materials from their premises on a weekly basis to a provincially recognized waste management facility.
- (c) The household, builder or contractor shall be responsible for the removal of construction waste, refuse or other materials from any construction site to a provincially recognized waste disposal facility in a timely fashion.
- (d) Every household shall be responsible for the removal and the disposal of material other than residential garbage.
- (e) No household shall store garbage in a container other than as specified in these Regulations unless the container is located at the rear of the residential building.

7. BULK ITEMS

- (a) Collection of bulk garbage shall be by special collection only. The household shall book and pay for a bulk garbage appointment.
- (b) Bulk items to be collected as bulk garbage shall not be placed at the curb earlier than 48 hours prior to the scheduled collection.
- (c) No occupant shall place the following items out for bulk garbage collection:
 - i. Car wrecks, parts, frames and engines;
 - ii. Construction debris;
 - iii. Asphalt shingles;
 - iv. Tree limbs unless cut and bound into bundles weighing no more than 50 pounds with a maximum length of 4 feet;
 - v. Earthen material, rocks, brick, concrete, soil or similar materials;
 - vi. Discarded vehicle oil;
 - vii. Partially filled paint cans;
 - viii. Automotive batteries;

- ix. Tires;
- x. Propane tanks;
- xi. Hazardous materials;
- xii. Items weighing greater than 300 pounds;
- xiii. Animal feces or kitty litter; or
- xiv. Animal carcasses or parts.

8. VEHICLES CARRYING WASTE

- (a) No person, firm or corporation shall transport waste of any kind on any street within the Town, unless such waste is transported in an enclosed truck or container or is otherwise secured so that it shall not fall from the vehicle or other means of transportation onto the street.
- (b) All vehicles and containers used for the transportation of waste, shall be kept in a sanitary condition at all times.

9. ENFORCEMENT

- (a) The Town has a right to refuse to collect waste from a household:
 - i. who use inappropriate containers to hold waste;
 - ii. who do not keep garbage containers in a neat and tidy condition;
 - iii. whose garbage container is in a state of disrepair; and/or
 - iv. whose garbage container is infested with rodents or insects.
- (b) The household shall immediately clean up any residential waste or refuse picked over, interfered with, disturbed, removed or scattered by animals.
- (c) Notwithstanding anything contained in these Regulations, the Town may, at any time, order the household to clean up and remove any accumulation of waste or refuse outside any building or buildings, on any other private property within the Town, or on Town streets.
- (d) If the household neglects or refuses when ordered by the Town to clean up and remove any accumulation of waste or refuse from the premises or which has extended onto adjacent private properties or Town streets, the Town may cause the clean-up and removal of such accumulation at the expense of the owner and charge to the household as a civil debt.
- (e) These Regulations may be enforced by the Director of Engineering and Public Works, Public Works Superintendent, Public Works Supervisors, Municipal Enforcement Manager or Officer, Royal Newfoundland Constabulary, Peace Officer or any person appointed by Council.

10. PENALTIES

Every person who is guilty of an offense under these Regulations or who acts in contravention of or fails to comply with any provision thereof, or neglects or refuses to do so:

- (a) Shall be liable to penalties as stipulated in accordance with section 420 of the *Municipalities Act*, 1999; or
- (b) Shall be subject to an order under section 404 (1) (l) of the *Municipalities Act*, 1999; or
- (c) Shall be subject to a violation notice issued under section 421.1(1) of the *Municipalities Act*, 1999; or
- (d) Shall be issued to a ticket under the *Provincial Offences Act* in accordance with section 421.2 of the *Municipalities Act*, 1999.

11. COMPLIANCE WITH OTHER ACTS

Nothing in these Regulations serves to exempt any person from obtaining any license, permission, permit, authority or approval required by any other Regulation of the Town or any Statute or Regulation of the Province of Newfoundland and Labrador, and in such cases where more than one Regulation or Statute applied the more restrictive Regulation or Statute shall apply.

12. EFFECTIVE DATE

These Regulations shall come into force on the 19th day of October, 2016.

2. Street Name Change – Country Path Road

Resolution #16-376

Deputy Mayor George/Councillor Connors

Be it so resolved that Country Path Road portion west of Minerals Road be named Mountain View Road.

- carried unanimously

3. Engineering and Public Works Committee Meeting

Resolution #16-377

Deputy Mayor George/Councillor Connors

Be it so resolved that the recommendations/decisions made at the Engineering and Public Works Committee Meetings of October 12, 2016, be accepted as presented.

- carried unanimously

The Engineering and Public Works Committee Meeting of October 12, 2016, included the following recommendations:

1. Ratification for PO# 2016-3859 and PO# 2016-3860 – Watermain Repairs

Recommendation:

Be it so resolved that approval be given to ratify PO# 2016-3859 in the amount of \$9,000.00 plus HST and PO# 2016-3860 in the amount of \$15,000.00 plus HST for watermain repairs. Funds to be taken from account #01-302-1000-5905.

2. 3102 Flygt Pump Repair Estimates – McDonald's Lift Station

Recommendation:

Be it so resolved that approval be given to purchase a new pump for the McDonalds lift station from Xylem in the amount of \$10,100.00 plus HST. Funds to be taken from account #01-401-1000-7405.

6. RECOMMENDATIONS OF RECREATION AND LEISURE SERVICES COMMITTEE (Chair, Councillor Gerard Tilley)

Presentation of recommendations of meeting held on October 12, 2016

1. Tender 16-11 Supply and Installation of One (1) Electric Desiccant Dehumidifier for the Robert French Memorial Stadium

Resolution #16-378
Councillor Tilley/Councillor Bursey

Be it so resolved that approval be given to award Tender 16-11 for Supply and Installation of One (1) Electric Desiccant Dehumidifier for the Robert French Memorial Stadium to CIMCO of St. John's, Newfoundland and Labrador at a cost of \$37,503.65 plus HST. Monies are available in Capital Out of Revenue.

- carried unanimously

2. Tender 16-14 Purchase and Delivery of Two (2) Aquatic Accessibility Lifts – Recreation Complex

Resolution #16-379
Councillor Tilley/Councillor Bursey

Be it so resolved that approval be given to award Tender 16-14 for Purchase and Delivery of Two (2) Aquatic Accessibility Lifts – Recreation Complex to Water and Ice North America Inc. of Guelph, Ontario at a cost of \$11,925.00 plus HST. Monies are available in Capital Out of Revenue.

- carried unanimously

3. Recreation and Leisure Services Committee

Resolution #16-380
Councillor Tilley/Councillor

Be it so resolved that the recommendations/decisions made at the Recreation and Leisure Services Meeting of October 12, 2016 be accepted as presented.

- carried unanimously

Councillor Tilley advised that the Town of Conception Bay South will be hosting the Annual Christmas Tree Lighting Ceremony at 4:00 p.m. on Saturday, November 26, 2016 at the new Town Hall. There will be a musical performance, hot chocolate, and of course a visit from Santa Claus. At this event, the Town will also honor another veteran of the community as part of the Veteran and Family Community Covenant.

Councillor Tilley advised that registration for Fall Set 2 of Swimming Lessons is currently underway and that registration for Fall Set 2 of the Shallow Water Fitness program will run from October 24 – 28, 2016.

Councillor Tilley stated that on Sunday, October 23, the Giv'er on the River race will be taking place at Manuels River and will start at 8:30 am at the Town Hall. This year's event will feature a 3KM and 5KM run as well as a new 10KM route. This is a fun run in support of the ongoing improvements to the Manuels River trail system.

Councillor Tilley advised that the Town will host a Halloween Seniors Social on Thursday, October 27 from 12:00 – 3:00 pm. This event is free to the public and will include musical entertainment and a prize for the best costume! He also advised that on Sunday, Oct 30, the annual Halloween Skate will take place at the Conception Bay South Arena. Admission is free and there will be costume prizes awarded! Treat bags will be given away to all in attendance.

Councillor Tilley advised that Community Bonfire Night is scheduled to take place on Saturday, November 5, 2016. This event will take place at Sgt. Ned Nugent's Park at 7:00 p.m. This year's event will include several small fire pits where residents can roast marshmallows and hot dogs. The Youth Advisory Council will be at the event providing hot chocolate for all. This event promises to be a great night out for families.

7. RECOMMENDATIONS OF FINANCIAL AND ADMINISTRATIVE SERVICES COMMITTEE (Chair, Deputy Mayor George)

Presentation of recommendations of meeting held on October 12, 2016

1. Accounts Payable Cheque Register

Resolution #16-381
Deputy Mayor George/Councillor Connors

Be it so resolved that approval be given to pay cheques totaling \$353,186.92 as per the attached Accounts Payable Cheque Register Report.

- carried unanimously

2. Ratification of Manual Cheques Previously Released

Resolution #16-382
Deputy Mayor George/Councillor Rowe

Be it so resolved that approval be given to ratify the payment of manual cheques previously released totaling \$365,773.95 as per the attached report.

- carried unanimously

3. Capital Invoices

Resolution #16-383
Deputy Mayor George/Councillor Rowe

Be it so resolved that approval be given to pay capital invoices totaling \$1,219,782.92 as listed in the Financial Services Minutes of October 12, 2016.

- carried unanimously

4. Tax and Other Receivables Adjustments

Resolution #16-384
Deputy Mayor George/Councillor Rowe

Be it so resolved that approval be given to adjust tax and other receivables accounts as follows:

HANDY001	\$1,563.42
----------	------------

- carried unanimously

5. Award Tender for Folder/Insertor

Resolution #16-385
Deputy Mayor George/Councillor Connors

Be it so resolved that approval be given to award Tender 16-17 for one folder/insertor to Modern Business Equipment Limited in the amount of \$11,351.81 all taxes included. Funds are available in Capital Out of Revenue.

- carried unanimously

6. Donation Request – Sue and Carl Fagan and Donna Rideout

Resolution #16-386
Deputy Mayor George/Councillor Bent

Be it so resolved that approval be given for a \$305 in-kind donation to the Matthew Fagan Memorial Softball Tournament. Funds are available in account 01-101-1000-7705.

- carried unanimously

7. Donation Request – 1st Hopewell Sparks

Resolution #16-387
Deputy Mayor George/Councillor Connors

Be it so resolved that approval be given for a \$153 in-kind donation to the 1st Hopewell Sparks. Funds are available in account 01-101-1000-7705.

- carried unanimously

8. Financial and Administrative Services Committee Report

Resolution #16-388
Deputy Mayor George/Councillor Bursey

Be it so resolved that the recommendations/decisions made at the Financial and Administrative Services Committee Meeting of October 12, 2016 be accepted as presented.

- carried unanimously

8. RECOMMENDATIONS OF ECONOMIC DEVELOPMENT AND TOURISM COMMITTEE (Chair, Councillor Kirk Youden)

Presentation of recommendations of meeting held on October 11, 2016

1. Business Tax Incentive for New and Expanding Business Application – Noble Miniatures and Collectable Card Games

Resolution #16-389
Councillor Youden/Councillor Bursey

Be it so resolved that Noble Miniatures and Collectable Card Games be accepted into the Business Tax Incentive for New and Expanding Businesses Program.

- carried unanimously

2. Economic Development and Tourism Committee Report

Resolution #16-390
Councillor Youden/Councillor Tilley

Be it so resolved that the recommendations/decisions made at the Economic Development and Tourism Committee Meeting of October 11, 2016 be accepted as presented.

- carried unanimously

Councillor Youden advised that the Bright Business Awards will be presented at luncheon on Thursday and encouraged members of Council to attend.

9. RECOMMENDATIONS OF FIRE, ENFORCEMENT AND PUBLIC SAFETY COMMITTEE (Chair, Councillor Richard Murphy)

Presentation of recommendations of meeting held on October 12, 2016

1. Fire, Enforcement and Public Safety Committee Report

Resolution #16-391
Councillor Murphy/Councillor Rowe

Be it so resolved that the recommendations/decisions made at the Fire, Enforcement and Public Safety Committee Meeting of October 12, 2016 be accepted as presented.

- carried unanimously

Councillor Murphy commented on all the activities held during Fire Prevention Week.

10. OTHER COMMITTEE REPORTS

Nil

11. NEW BUSINESS

Deputy Mayor George

stated that the Town of Conception Bay South will soon be posting applications for a Seniors' Advisory Committee.

stated that the online program, Citizen Budget will be available again this year and will be on the Town's website soon.

advised that a budget consultation will be held for the public. He stated details will be advertised in the near future.

Councillor Youden

expressed congratulations and appreciation to the RNC for enforcing the traffic, especially within school zones.

stated that it is good to see the feedback being received as a result of the traffic calming public consultation.

Councillor Murphy

stated that today he had the privilege of representing the Town with the military reserves. He stated that he had toured facilities in Gander and rode a helicopter around Notre Dame Bay. The Town of Conception Bay South fully supports the reserves and support our staff who are involved.

attended the grand opening of the Remax Infinity building on Conception Bay Highway. Remax had thanked the Town for all the support given to get set up and opened in the Town.

Councillor Bursey

played in the Matthew Fagan Memorial Softball tournament. Great dedication amongst those involved. Thank you to the Town and staff for making sure the field was ready and available.

Councillor Bent

stated that he is thankful that residents are still submitting the traffic calming submission forms and noted they will be accepted until October 20. He stated that there is a common theme in the messages being received from residents of Earlston Avenue and Kirkston Avenue in that that they do not want access from Paradise.

stated that he is pleased with the formation of the Seniors' Advisory Committee. He added that these residents have a lot of information and input to share and he looks forward to working with them going forward.

commented on the national championships held at the Topsail Soccer Field.

stated that notification was sent out to residents in August to advise of changes to the waste regulations. He stated that he feels that the non-

compliant garbage should not be left uncollected and requested further review.

expressed congratulations to Jim Burton on the official opening of Remax Infinity.

Councillor Tilley

asked residents to remain patient while road construction ongoing.

Councillor Rowe

stated that she had attended the International Craft and Food Expo held last weekend.

stated that she is very pleased with the amount of volunteer action at Chamberlains Park. She commented on several groups who have scheduled to volunteer.

Mayor Tessier

expressed condolences to the Dawe family on the passing of a town employee, Dave Porter. Dave worked with the Town of Conception Bay South for 27 years and will greatly be missed.

stated that he will be attending the Bright Business luncheon scheduled for October 20, 2016.

stated that he, the Chief Administrative Officer and the Town Clerk met with the Chief and Deputy Chief of the RNC last week. He noted that discussed included ATVs, crime stats and traffic. He advised that a meeting has been scheduled for November 2 for the RNC to meet with all municipalities on the Northeast Avalon where they have jurisdiction.

12. ADJOURNMENT

The meeting adjourned at 7:51 p.m.

Resolution #16-392
Councillor Tilley/Councillor Rowe

Be it so resolved that the meeting adjourn.

- carried unanimously

Steve Tessier
Mayor

Gail Pomroy
Town Clerk