

Regular Meeting #10 June 12, 2018

A Regular Meeting of Council convened in the Council Chambers at 7:08 p.m. in the presence of Mayor French, Councillors (with the exception of Councillor Hillier), Chief Administrative Officer, Brian Crawley, Town Clerk, Gail Pomroy, Director of Finance, Liz Davis, Director of Planning and Development, Corrie Davis, Director of Communications and Economic Development, Jennifer Lake, and Communications Manager, Maggie Hynes.

1. ADOPTION OF AGENDAS AND MINUTES

a. Adoption of the Meeting Agenda for June 12, 2018

Resolution #18-193

Councillor Davis/Councillor Butler

Be it so resolved that the agenda of the meeting of June 12, 2018 be adopted as presented.

- carried unanimously

b. Adoption of the Meeting Minutes of May 15, 2018

Resolution #18-194

Deputy Mayor Murphy/Councillor Bursey

Be it so resolved that the minutes of the meeting of May 15, 2018 be adopted as amended.

- carried unanimously

2. BUSINESS ARISING FROM PREVIOUS MINUTES

Nil

3. VISITORS, PRESENTATIONS AND PETITIONS

a. Proclamation – Recreation Month

Mayor French will proclaim June as Recreation Month in the Town of Conception Bay South.

b. Mayor French acknowledged that June 21st is National Indigenous Peoples Day. According to the latest census data, in 2016 there were 910 Indigenous people living in our Town. June 21st is a day for us to recognize and celebrate the unique heritage, diverse cultures and outstanding contributions of our Indigenous people. Although these groups share many similarities, they each have their own distinct heritage, language, cultural practices and spiritual beliefs. June 21st was chosen for National Aboriginal Day, now known as National Indigenous Peoples Day, because for generations, many Indigenous communities have celebrated their heritage on, or near this day, due to the significance of the summer solstice as the longest day of the year.

c. Councillor Bent tabled a petition from residents of Cliffside Avenue who oppose an application to vary the minimum building lot area at 7-9 Cliffside Avenue. This will be forwarded to the Planning and Development Committee for consideration.

d. Councillor Bursey tabled a petition from residents of Easons Road to stop dumping and revoke permits for a development at the top of this road. This will be forwarded to the Planning and Development Committee for consideration.

4. RECOMMENDATIONS OF PLANNING AND DEVELOPMENT COMMITTEE (Chair, Councillor Cheryl Davis)

Presentation of recommendations of meeting held on June 4, 2018

1. Variance Application – 7-9 Cliffside Avenue, Manuels

Resolution #18-195 **Councillor Davis/Councillor Bent**

Be it so resolved that variances requested to lot area to accommodate proposed duplex development at 7-9 Cliffside be refused as the variances

would result in development that is inconsistent with the character of the neighbourhood which is primarily comprised of single story single dwellings.

- carried unanimously

2. Discretionary Use – Crown Land for Private Wharf Cemetery Road, Seal Cove

Resolution #18-196
Councillor Davis/Councillor Bursey

Be it so resolved that the application for development of Crown Land shoreline reserve at Cemetery Road, Seal Cove, for the purpose of a private wharf be refused as the water depth at the proposed location for a wharf is insufficient to accommodate dockage and the applicant is not the owner of the immediately adjacent upland.

AND FURTHER

Be it so resolved that the Town recommend to the Provincial Department of Fisheries and Land Resources that the Crown Land application for occupation of the Crown shoreline reservation at Cemetery Road, Crown Land Application #153060, be refused as the water depth at the proposed location for a wharf is insufficient to accommodate dockage and the applicant is not the owner of the immediately adjacent upland.

- carried unanimously

3. Sale of Town-Owned Land – 38 Indian Pond Road, Seal Cove

Resolution #18-197
Councillor Davis/Councillor Bent

Be it so resolved that the request to sell town owned land at 38 Indian Pond Road, Seal Cove, be refused as the land is not surplus to the Town's needs for future recreational open space, storm water management, and that the land is incapable of accommodating residential development compliant with the Town's Residential Low Density development standards.

- 7 yeas
- 1 nay (Youden)
- motion carried

4. Confirm Order – 45 Cherry Lane (Accessory Building)

Resolution #18-198
Councillor Davis/Councillor Bursey

Be it so resolved that the Order dated May 24, 2018, to the property owner of 45 Cherry Lane, Manuels, under authority of the *Urban and Rural Planning Act, 2000*, the *Municipalities Act, 1999* and the Conception Bay South Development Regulations requiring that construction of an accessory building stop, that a permit be obtained, and that the encroachment onto the neighbouring property be removed, be confirmed.

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

Councillor Tilley declared a conflict of interest with this matter as he has family who live in the area. He vacated the Chamber at 7:11 p.m. and returned at 7:12 p.m.

5. Variance, 35 Indian Pond Estates, Seal Cove

Resolution #18-199
Councillor Davis/Councillor Bent

Be it so resolved that request for variances at 35 Indian Pond Estates, Seal Cove, of the minimum rear yard setbacks to 11.7m, building line setback to 9m, side yard to 1.35m, and flanking street side yard to 7.2m, to facilitate the development of a new building lot, be approved.

- carried unanimously

6. Planning and Development Committee Meeting Report

Resolution #18-200
Councillor Davis/Councillor Bursey

Be it so resolved that the recommendations/decisions made at the Planning and Development Committee Meeting of June 4, 2018, be accepted as presented.

- carried unanimously

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

Transferred from Committee of the Whole Meeting #8

1. 2018-2019 Street Upgrading and Paving – Approval to Engage Professional Services

Resolution #18-201
Councillor Tilley/Deputy Mayor Murphy

Be it so resolved that approval to be given engage exp Services Inc. for professional services required for the 2018-2019 Street Upgrading and Project, as per the terms of the proposal.

- carried unanimously

Presentation of recommendations of meeting held on June 5, 2018

1. Approval to Dispose of one (1) 2008 Dodge Truck

Resolution #18-202
Councillor Tilley/Deputy Mayor Murphy

Be it so resolved approval be given to place on auction the 2008 Dodge Truck, Unit 255.

- carried unanimously

2. Approval to Tender – Lawrence Pond Road and Legion Road Upgrades

Resolution #18-203
Councillor Tilley/Councillor Butler

Be it so resolved that approval be given to tender Legion Road Upgrade pending government approvals.

AND FURTHER

Be it so resolved that approval be given to tender Lawrence Pond Road Upgrade pending government approvals.

AND FURTHER

Be it so resolved that approval be given to award legal surveying services for the Legion Road and Lawrence Pond Road Upgrade projects at an approximate cost of \$20,000.00 including HST. Funds are available in the project accounts.

- carried unanimously

3. Approval to Enter Prime Consultant Agreement – 2018-2019 Street Upgrading and Paving

Resolution #18-204
Councillor Tilley/Councillor Davis

Be it so resolved that approval be given to enter into Prime Consultant Agreement with exp Services Inc. for the 2018-2019 Street Upgrading and Paving Project, 17-MYCW-18-00064, for the approximate cost of \$432,034.30, including HST, and pending government approvals. Funds are available in the project account.

- carried unanimously

4. Approval to Tender – 2018 Street Rehabilitation Program

Resolution #18-205
Councillor Tilley/Deputy Mayor Murphy

Be it so resolved that approval be given to tender the 2018 Street Rehabilitation Program.

- carried unanimously

5. Approve to Award – Tender 18-06 Supply, Assembly and Delivery of Household Waste Carts

Resolution #18-206
Councillor Tilley/Councillor Bent

Be it so resolved approval be given to award tender 18-06, Supply, Assembly and Delivery of Household Waste Carts, to IPL Inc at a cost of \$621,000.00 including HST.

- carried unanimously

6. Approval to Expropriate Land – 18 and 20 Legion Road

Resolution #18-207
Councillor Tilley/Councillor Bursey

Be it so resolved that approval be given to proceed with expropriation of land required for the Legion Road Upgrade at civic 18 and 20 Legion Road.

- carried unanimously

7. Engineering and Public Works Committee Meeting

Resolution #18-208
Councillor Tilley/Councillor Youden

Be it so resolved that the recommendations/decisions made at the Engineering and Public Works Committee Meeting of June 5, 2018, be accepted as presented.

- carried unanimously

6. RECOMMENDATIONS OF RECREATION AND LEISURE SERVICES COMMITTEE (Chair, Councillor Christine Butler)

Councillor Butler read the following statement:

Summer Day Camp Online Registration

The Department recently went forward with In Person registration for the Summer Day Camp Program on Saturday, June 9. At this time, all people looking to register were able to get the weeks they were looking for. Registration is ongoing, in person, during regular business hours, at the Town Hall for remaining spots for weeks of the program.

Special Olympics Law Enforcement Torch Run

The 2018 Law Enforcement Torch Run kick off event will take place on June 15 in Conception Bay South. The kick off event will feature games, food and refreshments involving the organizing group of the Torch Run and Special Olympians. The event will start at 9:00 a.m. at Remembrance Square with an Opening Ceremonies and a two-hour event to follow.

Presentation of recommendations of meeting held on June 6, 2018

1. Conception Bay South Arena Roofing Alterations

Resolution #18-209
Councillor Butler/Councillor Bursey

Be it so resolved that the Town engage the services of Crane Services Ltd. to complete roof alterations at the Conception bay South Arena, at a cost of \$34,038.00 plus HST. Monies for this expense are available in Capital Out of Revenue.

- carried unanimously

2. Recreation and Leisure Services Committee

Resolution #18-210
Councillor Butler/Councillor Bursey

Be it so resolved that the recommendations/decisions made at the Recreation and Leisure Services Meeting of June 6, 2018 be accepted as presented.

- carried unanimously

7. RECOMMENDATIONS OF FINANCIAL AND ADMINISTRATIVE SERVICES COMMITTEE (Chair, Councillor Kirk Youden)

Transferred from Committee of the Whole Meeting #10

**1. 2017-2020 Multi Year Capital Works Funding
Re-allocation of Funds**

**Resolution #18-211
Councillor Youden/Councillor Tilley**

Be it so resolved that approval is given to reallocate \$1,500,000 (70/30) from the 2017-2020 MYCW funding, #17-MYCW-18-00063 to Street Upgrading and Paving #17-MYCW-18-00064 for a total additional cost of \$100,000 (50/50) and the remainder to Legion Road Upgrade (50/50), #17-SCF-17-00026.

- carried unanimously

2. 2017 Audited Financial Statements

**Resolution #18-212
Councillor Youden/Councillor Davis**

Be it so resolved that the Town accept and present the Audit Report as completed by Grant Thornton, Chartered Accountants. This document is hereby tabled for public review and a copy shall be forwarded to the Minister of the Department of Municipal Affairs and Environment indicating the completion of our audited statement for the fiscal year 2017.

- carried unanimously

**3. Small Communities Fund
Water and Sewer Upgrades, Project No. 17-SCF-19-00149**

**Resolution #18-213
Councillor Youden/Councillor Tilley**

Be it so resolved that approval be given to enter into the Small Communities Fund (SCF) Ultimate Recipient Agreement, Project #17-SCF-19-00149 in the amount of \$642,858 (\$582,966 after GST/PST rebate calculation).

- carried unanimously

3. 15 Lears Road

**Resolution #18-214
Councillor Youden/Deputy Mayor Murphy**

Be it so resolved that the Order issued February 1, 2017, under the Municipalities Act, 1999; The Urban and Rural Planning Act 2000, and the Occupancy and Maintenance Regulations ordering the repair or demolition of the building located at 15 Lears Road, Conception Bay South be rescinded.

- carried unanimously

Presentation of recommendations of meeting held on June 5, 2018

1. Accounts Payable Cheque Register

**Resolution #18-215
Councillor Youden/Councillor Davis**

Be it so resolved that approval is given to pay cheques totaling \$165,255.89 as per the Accounts Payable Cheque Register Report.

- carried unanimously

2. Ratification of Manual Cheques Previously Released

Resolution #18-216
Councillor Youden/Councillor Bursey

Be it so resolved that approval is given to ratify the payment of manual cheques previously released totaling \$609,500.97.

- carried unanimously

3. Capital Invoices

Resolution #18-217
Councillor Youden/Councillor Butler

Be it so resolved that approval be given to pay capital cheques totaling \$202,102.44 as listed in the Financial Services Minutes of June 5, 2018.

- carried unanimously

4. Tax and Other Receivables Adjustments

Resolution #18-218
Councillor Youden/Councillor Davis

Be it so resolved that the Town adjust tax and other receivables accounts as follows:

REIDR013	\$394.11
IDEAL001	\$373.97
MOONL001	\$1,358.42
BAGGR001	\$521.67
GRIMP001	Request Denied
PYNNW003	Request Denied
SHELC002	\$1,675.80

- carried unanimously

5. **Procurement Policy**

Resolution #18-219
Councillor Youden/Councillor Tilley

Be it so resolved that the Procurement Policy be adopted as presented.

PURPOSE:

- To ensure that goods and services that are acquired by the Town of Conception Bay South are done so in the most efficient and cost effective manner while ensuring the best value.
- To outline the expenditure control and approval processes required by Council, the Chief Administrative Officer, Department Heads, Managers, and other employees.
- To establish internal controls over the authorization of expenses.

SCOPE:

This policy applies to all individuals making purchases on behalf of the Town.

RESPONSIBILITY:

All operating departments are responsible for ensuring that expenditures made on behalf of the Town represent best value and provide a benefit to the Town.

The Finance Department is responsible for ensuring that no payments are made without appropriate authorization.

DEFINITIONS:

“Petty cash” means a small amount of cash kept on hand at a work site to be used for necessary minor purchases.

“Cheque requisition” means a form requesting a cheque be prepared for payment of a Town expense.

“**Budget**” means a financial plan outlining expected revenues, expenses and expenditures for fixed assets that is formally reviewed and approved by Council.

AUTHORITY:

- *Municipalities Act, 1999*
- *Public Procurement Act*
- *Public Procurement Regulations*
- *Public Procurement Policies*
- Council Discretion

PROCEDURE:

Open Call for Bids Required

The *Public Procurement Act* of the Province of Newfoundland and Labrador shall be followed and an open call for bids required for:

1. Goods with an estimated value of \$10,000 or greater;
2. Services with an estimated value of \$50,000 or greater;
3. Engineering services and architectural services with an estimated value of \$100,000 or greater;
4. Public works with an estimated value of \$100,000 or greater; and
5. Leases of space with an estimated value of \$100,000 or greater.

All thresholds are exclusive of harmonized sales tax.

Open Call for Bids Not Required

The Town may, in its discretion, issue an open call for bids for commodities and services where the estimated value of those commodities is below the thresholds referred to above.

For goods and services or public works that do not require an open call for bids and cost less than the thresholds noted above, the Town may request quotes from three legitimate suppliers be obtained with the best value to the Town be accepted. The Town may choose to formally request standing offer pricing for a fiscal year.

Goods or Services less than \$100

Goods or services costing less than **\$100** required in the normal course of business may be paid for from petty cash.

All withdrawals from petty cash and all expenditures using petty cash must be authorized by the employee's supervisor or the supervisor's delegate.

Goods or Services greater than \$100

For individual goods or services costing more than **\$100** required in the normal course of business, either the purchase order process or a procurement card must be used, except in the case of regular predictable expenses such as rent or utilities.

Purchase order authorizations are as follows:

1. All expenditures shall be approved by Council through approval of the cheque registers.
2. The Chief Administrative Officer (or Council approved designate) may approve expenditures up to \$20,000 without the approval of Council and expenditures in excess of \$20,000 with the prior approval of Council.
3. In the event of an emergency, the Chief Administrative Officer (or Council approved designate) may approve any amount with the approval of Council and shall report such expenditures to Council at its next meeting.
4. Any proposed expenditure in excess of \$20,000 shall not be presented for Council approval without the recommendation of the Chief Administrative Officer (or Council approved designate).
5. Department Heads as listed below may approve expenditures up to \$10,000.

This is applicable to normal operational items; however, any discretionary items including all travel advances or claims or items that may have potential political implications requires the approval of the Chief Administrative Officer, who will in turn determine the applicability of Council approval.

Director of Engineering and Public Works
Director of Planning and Development
Director of Recreation and Leisure Services
Fire Chief
Director of Finance
Director of Economic Development
Town Clerk
Deputy Clerk

6. Purchase orders less than \$5,000 may be approved by the following individuals:

Public Works Superintendent
Facility Operations and Maintenance Manager
Engineering Manager

7. Purchase order less than \$2,000 may be approved by the following individuals:

Public Work Supervisor
Assistant Town Engineer
Facilities Manager
Aquatics Manager
Aquatics Supervisor Program Supervisor
Fire Captain
Occupational Health and Safety Coordinator
Executive Secretary
Administrative Assistant
Enforcement Manager
Network Manager
Senior Capital Assets Accountant
Communications Manager
Human Resources Coordinator
Economic Development Coordinator
Manager of Stadium Operations and Events

8. Authorization for any activity, unless specified otherwise in another policy, shall be made by Council.

9. All purchases in excess of \$20,000, following approval by the Chief Administrative Officer, shall be submitted to Council for approval during the regular Public Council Meeting. This process will not be applicable to invoices for which a motion of Council has already

been approved or for routine expenditures involving payroll, telephone or hydro charges, standing orders, contracts, assessment services, insurance and other similar purchases.

Purchases Initiated by Management

All purchases made on behalf of the Town must have an authorizing signature other than that of the initiator of the purchase. Where a manager or Department Head initiates a purchase, the authorization must be from another manager and will be in accordance with the authorization levels above, or the individual's direct supervisor, whichever level is higher. This applies to purchases made by purchase order or procurement card.

HST/GST

In this policy, for the purpose of determining authorization and approval levels, the amount of a purchase ("gross value") excludes HST/GST and QST, but includes any other taxes or charges.

Authorization by Council

Council authorizes the annual expenses of the Town by approving the annual budget.

Managers are authorized to purchase items within the budget without prior approval provided the purchase adheres to this policy.

For major purchases not reflected in the budget, Council approval is required.

This policy rescinds all previous policies pertaining to this subject matter.

- carried unanimously

6. Tax Recovery Plan

Resolution #18-220 **Councillor Youden/Councillor Davis**

Be it so resolved that approval be given to adopt the Tax Recovery Plan as presented.

- carried unanimously

7. Personnel – Chief Administrative Officer

Resolution #18-221
Councillor Youden/Councillor Bent

Be it so resolved that approval be given to confirm Brian Crawley in the position of Chief Administrative Officer as per the terms and conditions outlined in the employment contract of December 7, 2017.

- carried unanimously

8. Donation Request – CBA Chamber of Commerce 16th Annual Golf Tournament

Resolution #18-222
Councillor Youden/Councillor Tilley

Be it so resolved that approval be given for a donation to the Conception Bay Area Chamber of Commerce in support of the Bob French Memorial Golf Tournament in the amount of \$360.00. Funds are available in account 01-101-1000-7705.

- 7 Yeas
- 1 abstention
(French)
- motion carried

Mayor French declared a conflict of interest with this item as the golf tournament is named after his late father. Deputy Mayor Murphy took the Chair. He vacated the Chamber at 7:38 p.m. and returned at 7:39 p.m.

9. Donation Request – Newfoundland and Labrador Down Syndrome Society

Resolution #18-223
Councillor Youden/Councillor Butler

Be it so resolved that approval be given for a \$305 in kind donation to the Newfoundland and Labrador Down Syndrome Society for the use of Sgt. Ned Nugents Field on June 22 – 24, 2018. Funds are available in account #01-101-1000-7705.

- carried unanimously

10. Donation Request – Zachary Tobin Memorial Softball Tournament

Resolution #18-224
Councillor Youden/Councillor Bent

Be it so resolved that approval be given to ratify a \$305 in-kind donation to Zachary Tobin Memorial Softball Tournament for the use of Parsons Field on June 1 – 3, 2018. Funds are available in account #01-101-1000-7705.

- carried unanimously

11. Donation Request – Susan Fagan and Donna Rideout

Resolution #18-225
Councillor Youden/Councillor Tilley

Be it so resolved that approval be given for a \$305 in-kind donation to the Matthew Fagan Memorial Softball Tournament on August 24 – 26, 2018. Funds are available in account 01 -101-1000-7705.

- carried unanimously

12. Donation Request – Warriors Canada

Resolution #18-226
Councillor Youden/Councillor Bursey

Be it so resolved that approval be given for a \$600 donation to Wounded Warriors Canada in support of the 5th Annual Wounded Warrior Canada Charity Golf Tournament to be held on August 3, 2018. Funds are available in account #01-101-1000-7705.

- carried unanimously

13. **UPDATE - Permit for Open Air Fires**

Resolution #18-227
Councillor Youden/Councillor Bent

Be it so resolved that the Open Air Fire Regulations be amended as presented.

OPEN AIR FIRE REGULATIONS

PUBLISHED BY AUTHORITY

Pursuant to the powers conferred by Section 414 (2)(ee) of the *Municipalities Act, 1999*, the Town of Conception Bay South has made the following Regulations.

REGULATIONS

1. TITLE

These Regulations may be cited as the "Town of Conception Bay South Open Air Fire Regulations".

2. DEFINITIONS

"Chief" shall mean the Fire Chief of the Conception Bay South Fire Department or other person designated by the Chief in and for the fire protection of the Town.

"Fire Department" shall mean the Conception Bay South Fire Department.

"Open Air Fire" shall mean any fire that is caused, set, lit or otherwise ignited outside the confines of any building. For the purposes of these Regulations, it does not include any fire that is caused, set, lit or otherwise ignited in open-air fireplaces, grills, or barbecues or barrels.

"Permit" shall mean a permit for Open Air Fire.

"Regulations" shall mean the Town of Conception Bay South Open Air Fire Regulations.

“Suitably Equipped” shall mean being in possession of tools or equipment, including without limitation, brooms, rakes, back tanks, shovels, hoses and an adequate water supply, which shall be used to contain and/or prevent the spread of a fire ignited in the open air.

“Town” shall mean the Town of Conception Bay South as defined by the Act.

3. APPLICATION OF REGULATIONS

These Regulations shall apply to all areas of the Town and during the entire year.

4. PERMIT

- (a) No person or persons shall cause, set, light or otherwise ignite an open-air fire within the boundaries of the Town without first applying for and obtaining a permit from the Chief.
- (b) Notwithstanding Section 4(a), no permit is necessary to burn in a barrel, provided:
 - (i) The barrel is covered with a screen with a mesh no larger than $\frac{1}{2}$ inch and completely contains the fire;
 - (ii) The barrel is located on private property and kept at least 15 metres from the nearest woods, brush, or flammable material;
 - (iii) The unit rests on legs or supports and is placed on mineral soil or non-combustible material having a surface area of a minimum of 1.5 square metres;
 - (iv) The barrel is made entirely of non-combustible materials, is in good condition and an attendant is on the site if the fire weather index is extreme or high; and
 - (v) The barrel ash is totally extinguished before being discarded on mineral soil at least 15 metres from any woods, brush, or flammable material.

- (c) Notwithstanding Section 4(a), no permit is necessary to burn in an outdoor wood burning unit provided:
- (i) The unit is made entirely of non-combustible material;
 - (ii) The unit completely contains the fire;
 - (iii) The unit is screened to prevent the escape of sparks or other burning material;
 - (iv) The unit rests on legs or supports and is placed on minerals soil or non-combustible materials having a surface area of a minimum of 1.5 square metres, and
 - (v) The unit is located a minimum of 3.5 metres from the nearest woods, brush or other flammable material.
- (d) Where a permit is not required under sections 4.2 and 4.3, this shall not relieve a person from the requirements set out in Section 5 of these Regulations as if they were a permit holder.
- (e) A permit may be issued by a member of the Conception Bay South Fire Department, on behalf of the Fire Chief from Station 1 in Kelligrews or Station 2 in Topsail, 7 days a week from 8:00 a.m. to 8:00 p.m.
- (f) In making a determination under Section (a), the Chief may take into consideration the following:
- The number of permits issued on a particular day;
 - The velocity of the wind;
 - The general weather conditions prevalent;
 - Whether or not the applicant is suitably equipped to ensure the fire is maintained under control;
 - The proposed manner and method of burning;
 - Whether the applicant owns or is the occupant of the land upon which the burning is intended to occur, or has the written consent, produced prior to the issuance of the permit, of the owner of the land, which the burning will occur;

- Whether the applicant is 19 years of age or older and ensures that at least one other person, of 19 years of age or older, suitably equipped to control the fire, will be present while the fire is burning or smoldering;
 - Any other manner the Chief determines relevant to safety.
- (g) Where the Chief determines that the proposed burning would be a hazard to safety or where there is a failure to meet the requirements of these Regulations, the Chief shall refuse to issue a permit. Furthermore, where a hazard to safety has been created, the Fire Department may extinguish the fire and anything else that is necessary to eliminate the hazard, the costs of which may be recovered from the person responsible for creating the hazard, as a civil debt.
- (h) The Chief may specify on the permit the hours of the day and the number of days during which the permit shall be valid, and in so doing, may distinguish between permits issued for commercial or other uses.
- (i) If the person attempting to obtain a permit is not the owner of the land on which the burning is intended to occur, then written consent of the owner of the land must be obtained before any permit is approved.
- (j) The Chief may include in a permit those items and conditions that he or she considers appropriate for the permit being sought.
- (k) A permit may, by oral or written notice be cancelled or suspended at any time by the Chief or his/her designate, and upon receiving notice of a cancellation or suspension, the permit holder shall immediately extinguish any fire caused, set, lit, or otherwise ignited under the permit.

5. DUTIES OF PERMIT HOLDER

- (a) The holder of the permit who causes, sets, lights, otherwise ignites an open air fire shall not leave the fire unattended and shall take every reasonable and reasonably foreseeable precaution to prevent the fire from spreading and shall not leave the fire unattended until it is completely extinguished.

- (b) A permit holder shall not burn more than one pile of material at any given time.
- (c) A permit holder shall not ignite any fire when the wind is blowing of sufficient velocity such that it may jeopardize the permit holder's ability to control the fire.
- (d) The permit holder shall ensure that the method of burning and material burned is consistent with the information provided by the Chief when the permit was issued.
- (e) The Fire Department shall be immediately notified if the fire is or appears to be getting out of control.
- (f) No person or permit holder shall light, ignite, or start or allow or cause to be lighted, ignited or started, a fire of any kind whatsoever in the open air without being suitably equipped to contain or extinguish the fire.
- (g) The holder of the permit will not be permitted to burn any petroleum-based product, such as oil, rubber tires, plastic, shingles, electrical wire etc.
- (h) A person must not light any fire that will cause smoke from said fire to cause irritation to neighbouring properties.
- (i) The possession of a permit does not discharge the person to whom it is issued from responsibility for damage resulting from the open-air fire.
- (j) A person to whom the permit is issued shall keep a copy of the permit on site where the burning is taking place.

6. PENALTIES

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

Shall be liable to penalties as stipulated in accordance with section 420 of the *Municipalities Act, 1999*; or

Shall be subject to an Order under section 404(1)(j) of the *Municipalities Act, 1999*; or

Shall be subject to a Violation Notice issued under section 421.1(1) of the *Municipalities Act, 1999*; or

Shall be issued a ticket under the *Provincial Offences Act* in accordance with section 421.2 of the *Municipalities Act, 1999*.

7. REPEAL OF PREVIOUS REGULATIONS AND AMENDMENTS

All previous Town of Conception Bay South Open Air Fire Regulations and amendments are repealed.

8. 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 applies the more restrictive Regulation or Statute shall apply.

9. EFFECTIVE DATE

These Regulations shall come into force on the 13^h day of June, 2018.

- carried unanimously

14. Order – 2685 Topsail Road

Resolution #18-228
Councillor Youden/Councillor Davis

Be it so resolved that the Order issued on May 31, 2018, under the Urban and Rural Planning Act, 2000; the Municipalities Act, 1999; the Waste Disposal and Property Regulations; and the Occupancy and Maintenance Regulations, ordering the property owner to either repair or demolish the two greenhouses and the shed, as well as remove all loose debris on the property located at 2685 Topsail Road be confirmed.

- carried unanimously

15. Program Supervisor

Resolution #18-229
Councillor Youden/Councillor Tilley

Be it so resolved that approval be given to appoint Brad Pitcher to the position of Program Supervisor as per the terms and conditions of the employment contract.

- carried unanimously

16. Financial and Administrative Services Committee Report

Resolution #18-230
Councillor Youden/Councillor Butler

Be it so resolved that the recommendations/decisions made at the Financial and Administrative Services Committee Meeting of June 5, 2018 be accepted as presented.

- carried unanimously

8. RECOMMENDATIONS OF COMMUNICATIONS AND ECONOMIC DEVELOPMENT (Chair, Councillor Darrin Bent)

Transferred from Committee of the Whole Meeting #10

1. Appointment of Chair(s) for ATV Project Committee

Resolution #18-231
Deputy Mayor Murphy/Councillor Bent

Be it so resolved that Paul Connors be appointed as Chair and Mitch Somers and Gerard Clarke be appointed as Vice Chairs of the ATV Project Committee.

- carried unanimously

Presentation of recommendations of meeting held on June 4, 2018

1. Communications and Economic Development Committee Meeting Report

**Resolution #18-232
Councillor Bent/Councillor Youden**

Be it so resolved that the recommendations/decisions made at the Communications and Economic Development Committee Meeting of June 4, 2018, be accepted as presented.

- carried unanimously

9. OTHER COMMITTEE REPORTS

Nil

10. NEW BUSINESS

Councillor Bursey

referenced the condition of Easons Road and the frustrations residents are experiencing as a result of development in the area.

Councillor Bent

advised that in 2015 the Town started a project and had 8 traffic control boxes painted throughout Town. Since then, new boxes have been installed and others replaced. He stated he is very pleased that local artist, Jill Moores will once again paint traffic control boxes throughout Conception Bay South. Ms. Moore will paint nine traffic control boxes at an approximate cost of \$1,500.

Councillor Butler

stated that this years Motorcycle Ride for Dad will be taking place this Saturday June 16 at the Robert French Memorial Stadium.

stated that the Youth Advisory Council, in their continued efforts, are planning to offer Mental

Health First Aid to residents in the very near future. The Youth Advisory Council have been looking at ways to increase public awareness surrounding Mental Health and have identified this two-day course as a key factor in raising awareness. This course will take place on June 23, and 24.

11. ADJOURNMENT

The meeting adjourned at 7:52 p.m.

Resolution #18-233
Councillor Bent/Councillor Butler

Be it so resolved that the meeting adjourn.

- carried unanimously

Terry French
Mayor

Gail Pomroy
Town Clerk