

**MINUTES OF THE REGULAR COUNCIL MEETING
HELD ON MARCH 19, 2019**

Present were: Mayor Sam Synard
Deputy Mayor Gary Myles
Councillor Andy Edwards
Councillor Keith Keating
Councillor Loretta Lewis
Councillor Nora Tremblett

Also present: Ben Letemplier, Director of Operations & Public Works
Alje Mitchell, Director of Planning & Development Control
Rob Warr, Director of Recreation & Community Services
Petrina Power, Executive Clerk

Also present: MCHS Clippers – Players, Coaches and Parents
Colin Farrell, The Southern Gazette

1. Call to Order

Mayor Synard called the meeting to order at 7:08 p.m. and welcomed everyone present.

Appointment of Town Clerk

Motion

MMC 2019 03 19/001R

Moved by Councillor Lewis, seconded by Councillor Edwards

“BE IT RESOLVED approval be given to appoint Petrina Power as Acting Town Clerk for the purpose of the March 19th Regular Meeting of Council only.”

Motion carried unanimously.

2. Adoption of Agenda

Motion

MMC 2019 03 19/002R

Moved by Councillor Lewis, seconded by Councillor Edwards

“BE IT RESOLVED the agenda be adopted.”

Motion carried unanimously.

3. Adoption of Minutes

Councillor Edwards advised that Motion MMC 2019 03 12/005R regarding the sale of lots within the Marine Industrial Park needed to be rescinded and a new motion tabled. Mayor Synard had been attending the meeting via cell phone and advised he was unable to hear the motion as it was tabled and therefore, unable to vote on it. As per section 201.2 of the *Municipalities Act, 1999*, Council may sell real property at less than estimated fair market value by 2/3 vote of the Councillors in office. In that regard, a minimum of five Councillors are required in order for a vote to carry. With Mayor Synard unable to hear the motion, only four Councillors voted.

Motion

MMC 2019 03 19/003R

Moved by Councillor Edwards, seconded by Councillor Tremblett

“BE IT RESOLVED the following motion be rescinded from the minutes of the Regular Council Meeting held on March 12, 2019:

Motion

MMC 2019 03 12/005R

Moved by Councillor Edwards, seconded by Councillor Keating

“BE IT RESOLVED approval be given to sell the following lots in the Marystown Marine Industrial Park as per a letter from the Minister of Municipal Affairs and Environment received March 12, 2019:

- Lot No. 1 – Wally Drake’s Trucking Ltd. – Lot Value \$136,852.00
- Lot No. 6 – Aqua Sol Enterprises Ltd. – Lot Value \$159,776.00
- Lot No. 12 – Brentequip Ltd. – Lot Value \$145,599.00
- Lot No. 14 – Harbour Grace Ocean Enterprises – Lot Value \$97,714.00
- Lot No. 16 - Aqua Sol Enterprises Ltd. – Lot Value \$145,309.00

with the understanding that the lots will be sold as per the following Terms and Conditions which must be accepted by the purchasers interested in developing the lots to supply and service the aquaculture industry:

1. 30% reduction in the market value of the lot which is included in the Market Value Appraisals for each lot.
2. 25% down payment on signing of an Offer to Purchase.
3. Remaining balance to be paid over a five-year period by way of a Purchase and Sale Agreement.
4. Business tax rate would be at the Other Commercial Tax Rate as outlined in the Town’s Public Tax Structure Notice, which is presently at 12.5 mils. If the Other Industrial Tax of 36.5 mils applies to the proposed development, it will be reduced to the Other Commercial Tax Rate of 12.5 mils by way of a Tax Agreement.
5. Purchaser is required to submit a Development Plan and a Business Plan. The Development Plan will outline how the property will be developed and the timelines. The Business Plan will outline the economic benefits to the Town. Both Plans will have to be acceptable to Council before an Offer is accepted.
6. A development timeline of 18 to 24 months after signing will be implemented.
7. The Town will be responsible for all blasting on the lots as per a Lot Development Plan prepared by CAP Management Services, subject to the approval of funding from the Atlantic Canada Opportunities Agency (ACOA) Fund and the Department of Tourism, Culture, Innovation and Industry (TCII) to carry out the blasting.”

Motion carried unanimously.”

Motion carried unanimously.

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Councillor Edwards advised he would bring forward a new recommendation during his Finance Committee report.

Motion

MMC 2019 03 19/004R

Moved by Deputy Mayor Myles, seconded by Councillor Lewis

“BE IT RESOLVED the minutes of the Regular Council Meeting held on March 12, 2019, be adopted with the noted motion rescinded.”

Motion carried unanimously.

4. Business Arising from Regular Meeting

There was no Business Arising from the Regular Council Meeting of March 12, 2019, to bring forward.

5. Delegations

Mayor Synard welcomed players, coaches and parents from the MCHS Clippers hockey team. For the second year in a row, the team has brought home the Confederation Cup. Mayor Synard and Councillor Lewis congratulated the team on the win and Councillor Lewis thanked the coaches for helping to arrange tonight’s presentation. Coach Joe Strickland advised that the Confederation Cup High School Hockey Tournament was created twenty-one years ago in celebration of Newfoundland and Labrador becoming Canada’s tenth province in 1949. Councillor Lewis advised that it’s important to have events that involve youth and it’s important to recognize achievements. Mayor Synard and Council presented all players and their coaches with a certificate in recognition of their win and presented them with a Town flag to display in their school. Coach Strickland thanked Council for publicly recognizing the team on their achievement.

6. Committee Reports

Planning & Development Committee

In the absence of Councillor Brennan, Councillor Tremblett reviewed the minutes of the Planning & Development Committee meeting held on March 14, 2019.

Motion

MMC 2019 03 19/005R

Moved by Councillor Tremblett, seconded by Councillor Edwards

“BE IT RESOLVED that an application received from Brenton Investments Ltd. to operate a quarry exploration for sand and gravel on Northwest Property be approved.”

Motion carried unanimously.

Motion

MMC 2019 03 19/006R

Moved by Councillor Tremblett, seconded by Councillor Lewis

“BE IT RESOLVED that an application received from Comfort Home Care to relocate office space from 18-24 Queen Street to 3 Harris Drive Business Park be approved, subject to Government Service Centre and site inspection.”

Motion carried unanimously.

Motion

MMC 2019 03 19/007R

Moved by Councillor Tremblett, seconded by Councillor Keating

“BE IT RESOLVED that an application received from Ann Marie and Leonard Legge to operate a gas station/convenience store at 179-185 Ville Marie Drive be approved, subject to Government Service Centre and site inspection.”

Motion carried unanimously.

Motion

MMC 2019 03 19/008R

Moved by Councillor Tremblett, seconded by Councillor Edwards

“BE IT RESOLVED that an application received from a resident to construct an accessory building measuring 56’ x 80’ at 33-35 Markland Road be rejected as the development would exceed the maximum square meterage permitted under the Town’s Regulations.”

Motion carried unanimously.

Councillor Tremblett declared a conflict of interest for the next application as she is a member of the Board for St. Gabriel’s Hall Committee Inc. Councillor Tremblett removed herself from the Council Chambers and Councillor Edwards tabled the next application.

Motion

MMC 2019 03 19/009R

Moved by Councillor Edwards, seconded by Councillor Lewis

“BE IT RESOLVED that an application received from Mary Fitzpatrick to operate a café/catering business (The Vintage Tea Cup Café) at 254-262 Ville Marie Drive (St. Gabriel’s Hall) be approved, subject to Government Services Centre and site inspection.”

Motion carried without the vote of Councillor Tremblett who was in a declared conflict of interest.

Councillor Tremblett returned to the Council Chambers and concluded the report of the Planning & Development Committee.

Finance Committee

Before reviewing his report, Councillor Edwards tabled the following recommendations:

Motion

MMC 2019 03 19/010R

Moved by Councillor Edwards, seconded by Councillor Tremblett

“BE IT RESOLVED approval be given to sell the following lots in the Marystown Marine Industrial Park as per the approval of the Minister of Municipal Affairs and Environment:

- Lot No. 1 – Wally Drake’s Trucking Ltd. – Lot Value \$136,852.00
- Lot No. 6 – Aqua Sol Enterprises Ltd. – Lot Value \$159,776.00
- Lot No. 12 – Brentequip Ltd. – Lot Value \$145,599.00
- Lot No. 14 – Harbour Grace Ocean Enterprises – Lot Value \$97,714.00
- Lot No. 16 - Aqua Sol Enterprises Ltd. – Lot Value \$145,309.00

with the understanding that the lots will be sold as per the following Terms and Conditions which must be accepted by the purchasers interested in developing the lots to supply and service the aquaculture industry:

1. 30% reduction in the market value of the lot which is included in the Market Value Appraisals for each lot.
2. 25% down payment on signing of an Offer to Purchase.
3. Remaining balance to be paid over a five-year period by way of a Purchase and Sale Agreement.
4. Business tax rate would be at the Other Commercial Tax Rate as outlined in the Town’s Public Tax Structure Notice, which is presently at 12.5 mils. If the Other Industrial Tax of 36.5 mils applies to the proposed development, it will be reduced to the Other Commercial Tax Rate of 12.5 mils by way of a Tax Agreement.
5. Purchaser is required to submit a Development Plan and a Business Plan. The Development Plan will outline how the property will be developed and the timelines. The Business Plan will outline the economic benefits to the Town. Both Plans will have to be acceptable to Council before an Offer is accepted.
6. A development timeline of 18 to 24 months after signing will be implemented.
7. The Town will be responsible for all blasting on the lots as per a Lot Development Plan prepared by CAP Management Services, subject to the approval of funding from the Atlantic Canada Opportunities Agency (ACOA) Fund and the Department of Tourism, Culture, Innovation and Industry (TCII) to carry out the blasting.”

Discussion

It was noted that it will be important for developers to adhere to the 18-24 month development timeframe in order to ensure those businesses providing support and supply services up and running by the time the hatchery becomes operational.

Motion carried unanimously.

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Motion

MMC 2019 03 19/011R

Moved by Councillor Edwards, seconded by Councillor Keating

“BE IT RESOLVED approval be given approval be given for Mayor Synard and the Chief Administrative Officer to sign an extension of a lease agreement with Transport Canada for ‘permission to occupy space to use and maintain a concrete boat trailer launch six (6) meters wide by thirty nine (39) meters long for the purpose of recreational fishing and other uses, eleven (11) meters west of the wharf’ for a period of five years commencing on March 10, 2018 and expiring on March 9, 2023, at a cost of \$200.00 plus HST per annum.”

Motion carried unanimously.

Councillor Edwards reviewed the minutes of the Finance Committee meeting held on March 13, 2019.

Motion

MMC 2019 03 19/012R

Moved by Councillor Edwards, seconded by Deputy Mayor Myles

“BE IT RESOLVED approval be given to pay Order No. 307584 dated February 28, 2019, as received from Chartered Professional Accountants in the amount of \$1,213.25 including HST for Provincial Membership Dues and National Member Dues for the Director of Finance & Administration as per an agreement between the Town of Marystown and the Director of Finance & Administration.”

Motion carried unanimously.

Motion

MMC 2019 03 19/013R

Moved by Councillor Edwards, seconded by Councillor Tremblett

“BE IT RESOLVED approval be given to accept the Annual Expenditure Report for the 2018 Gas Tax Audit for the year ended December 31, 2018.”

Motion carried unanimously.

Motion

MMC 2019 03 19/014R

Moved by Councillor Edwards, seconded by Councillor Keating

“BE IT RESOLVED approval be given for Mayor Synard to sign the Annual Expenditure Report for the 2018 Gas Tax Audit for the year ended December 31, 2018.”

Motion carried unanimously.

Motion

MMC 2019 03 19/015R

Moved by Councillor Edwards, seconded by Councillor Tremblett

“BE IT RESOLVED Council ratify Tax Adjustment Ratification Listing No. 5-1 dated March 11, 2019, in the amount of \$19,857.56 as per policy.”

Motion carried unanimously.

Motion

MMC 2019 03 19/016R

Moved by Councillor Edwards, seconded by Councillor Tremblett

“BE IT RESOLVED Council approve Accounts Payable Listing No. 8-1 as of March 19, 2019, in the amount of \$81,080.95 as per policy.”

Motion carried unanimously.

Motion

MMC 2019 03 19/017R

Moved by Councillor Edwards, seconded by Councillor Keating

“BE IT RESOLVED Council ratify the purchase of one (1) additional ticket for the Burin Peninsula Chamber of Commerce Annual General Meeting which took place on March 6, 2019, at a cost of \$50.00 HST exempt.”

Motion carried unanimously.

Public Works Committee

Councillor Keating reviewed the minutes of the Public Works Committee meeting held on March 12, 2019.

Operations are going well within the Department. There have been some complaints received from residents regarding potholes. Councillor Keating advised that there are 235km of road within Marystown and of that, 85km are owned by the Town; the majority of roads are Provincial rather than Municipal. The Public Works Department is doing its best to repair potholes but given the freeze-thaw cycle at this time of year and the build-up of salt in the cracks of the asphalt, potholes are inevitable. Councillor Keating asked that residents call the Town to advise of potholes and they will either be repaired by the Town or referred to the Department of Transportation of Works if it's a Provincial road. Mayor Synard agreed that there will be issues with roads heaving due to the freeze-thaw cycle and encouraged residents to call the Town rather than take the issues to social media.

The Town's equipment is in good condition. The winter season will soon come to an end and it wasn't a bad season with regards to snow clearing.

The Burin Peninsula Regional Service Board will resume bulk garbage collection on April 2nd. There will be a waste management meeting tomorrow evening; Councillor Keating will have an update for the next meeting.

The Town's contract with BioMaxx Environmental to monitor flows from the Town's outfalls is up for review. Councillor Keating advised that the Committee is hoping to meet with a representative of the company to determine where cost-saving measures can be implemented.

A request has been received for test reports for areas of water around the waste disposal site as there is some concern that water in the area may be flowing into a salmon river. This item will be addressed at a waste management meeting.

Recreation Committee

Councillor Lewis reviewed the minutes of the Recreation Committee meeting held on March 13, 2019.

Councillor Lewis advised that the Town has an Assistance to Affiliates Policy that provides funds or other forms of assistance in limited amounts, to individuals, athletics and community non-profit Minor Sports groups whose primary objective is to provide a service rather than to earn a profit. The budget is capped at \$2,000.00 per year. Councillor Lewis suggested this policy be posted on the Town's website.

Motion

MMC 2019 03 19/018R

Moved by Councillor Keating, seconded by Councillor Tremblett

"BE IT RESOLVED approval be given to support Kathy Senior who is travelling to Red Deer, Alberta, to participate in the Canada Winter Games in the amount of \$150.00 through the Assistance to Affiliates Program."

Motion carried unanimously.

Motion

MMC 2019 03 19/019R

Moved by Councillor Keating, seconded by Councillor Lewis

"BE IT RESOLVED approval be given to purchase a full page booklet ad at a cost of \$100.00 in support of the Marystown Minor Hockey Midget 2 All Star team which is hosting the Provincial Championships at the Kaetlyn Osmond Arena from April 22-24, 2019."

Motion carried unanimously.

Councillor Lewis commended the Mother Pucks on the great job they were doing running the canteen at the Kaetlyn Osmond Arena. With the new suppression system installed, the canteen is completely back up and running again and all renovations have been completed. It was noted that 10% of profits at the canteen are donated back to the hosting team.

Volunteer Appreciation Night will take place on April 10th at St. Gabriel's Hall. This year's theme is 'Lifting Communities' and upon invitation, organizations will be asked to submit two or

three pictures of volunteerism at work for a slideshow. Instead of providing a small token of appreciation this year, those funds will be spent on food and additional funds will be used for two or three prize draws. In previous years, organizations were invited to send one or two representatives to the event. This year, an open invitation has been advertised for a maximum of two hundred volunteers. Councillor Lewis advised that arrangements will be made to have a youth, adult and senior speaker at the event.

The Committee had some discussion on the splash pad proposed for the Town. Some funds were raised by a third party group and follow-up is necessary to confirm the exact amount that has been deposited to the Town's account. Further discussion is required on what will be done with those funds.

Deputy Mayor Myles invited the Recreation Committee to host an event or two during the Shining Seas Summer Festival. The Committee is very receptive to this and anticipates hosting events catering to all ages.

The Director of Recreation and Community Services attended meetings last week regarding arenas with Service NL. Mr. Dennis Eastman, Director of Engineering and Inspection Services with Service NL, and his staff have agreed to provide more training and education on ammonia systems. It was agreed at the meetings that there needs to be a more proactive approach to conducting inspections so that they occur in the off-season to allow issues to be addressed prior to the ice season.

Councillor Tremblett questioned whether volunteers registering for Volunteer Appreciation Night have to be associated with an organization in order to attend given the fact that not every volunteer is. The Director of Recreation and Community Services advised that the invitation is an open invitation to all volunteers which will allow for more people to register.

Tourism & Special Events Committee

Deputy Mayor Myles advised that the Tourism & Special Events Committee hasn't met since the last Regular Council Meeting of March 12, 2019.

Deputy Mayor Myles thanked Councillor Lewis and the Recreation Committee for agreeing to participate in this year's Shining Seas Summer Festival to help improve on some of the events to ensure there is something for everyone.

The Committee has not met for a while due to issues with weather and other meeting commitments. Despite that, the Committee has been busy with planning upcoming events such as Canada Day, Relay for Life and the Shining Seas Summer Festival.

Earlier today, members of the Committee met at Sacred Heart Academy to present the school with a cheque in the amount of \$1,254.15 to assist with the Breakfast Program. Those funds were raised during the Variety Show that took place during the Lions Winter Carnival.

Deputy Mayor Myles advised the Committee will be meeting next week.

Protection to Persons & Property Committee

Councillor Tremblett reviewed the minutes of the Protection to Persons & Property Committee meeting held on March 14, 2019.

The Marystown Volunteer Fire Department was called out to the YMCA on February 18th after an alarm was activated. The alarm was a false alarm caused by a faulty sensor. That part is pending replacement.

The discussion regarding taxi services is ongoing. This item will be further discussed by Council.

Motion

MMC 2019 03 19/020R

Moved by Councillor Tremblett, seconded by Councillor Keating

“BE IT RESOLVED approval be given to submit an application to the Department of Municipal Affairs and Environment to request funding for the replacement of the 1990 Chevy Cube Rescue Vehicle van for the Marystown Volunteer Fire Department through the Fire Protection Vehicle Program.”

Motion carried unanimously.

There are no major issues with animal control; the Animal Control Officer is dealing with an issue regarding cats.

7. Correspondence

There was no Correspondence to bring forward.

8. Approvals to Purchase

Councillor Edwards declared a conflict of interest for the next recommendation as a relative has an interest in attending the conference in question. Councillor Edwards removed himself from the Council Chambers.

Motion

MMC 2019 03 19/021R

Moved by Councillor Keating, seconded by Councillor Tremblett

“BE IT RESOLVED approval be given to the Safety Committee to register two employees to attend an annual safety conference hosted by the NL Occupational Health and Safety Association taking place May 15-17/19 in Gander at a cost of \$747.50 including HST.”

Motion carried without the vote of Councillor Edwards who was in a declared conflict of interest.

Councillor Edward returned to the Council Chambers.

9. Regulations

There were no Regulations to bring forward.

10. Other Business

Councillor Keating spoke on the traffic lights at the intersection of McGettigan Boulevard/Columbia Drive/Penney Street to advise that the part is in transit. There have been

delays due to weather but the part is currently in New Brunswick. Once it arrives in St. John's, the part will be programmed, sent to Marystown, installed and monitored for 24 hours by FYB Holdings Ltd.

The Acting Town Clerk advised Councillor Edwards that there were two additional recommendations to be brought forward as they could not be tabled at the last Regular Council Meeting of March 12, 2019, due to the lack of a quorum for tax-related issues (2/3 of Council in Office or 5 Councillors).

Motion

MMC 2019 03 19/022R

Moved by Councillor Edwards, seconded by Councillor Keating

“BE IT RESOLVED approval be given to adjust 2018 and 2019 Mobile Business Tax for Account No. WARRE011 in the amount of \$400.00 plus applicable interest as the business ceased operations in December, 2017.”

Motion carried unanimously.

Motion

MMC 2019 03 19/023R

Moved by Councillor Edwards, seconded by Councillor Tremblett

“BE IT RESOLVED that, as a tenant who was operating on property located at 209-213 Ville Marie Drive had ceased operations in May 2018, approval be given to adjust 2018 Water and Sewer Tax in the amount of \$343.00 and 2019 Water and Sewer Tax in the amount of \$588.00 for Account No. DOBER007 in a total amount of \$931.00.”

Motion carried unanimously.

11. Notices of Motion

There were no Notice of Motions during the meeting.

12. Adjournment

Motion

MMC 2019 03 19/024R

Moved by Councillor Keating, seconded by Councillor Tremblett

“BE IT RESOLVED the meeting was adjourned at 7:58 p.m.”

Motion carried unanimously.

Sam Synard
Mayor

Petrina Power
A/Town Clerk

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