

***Town of Long Harbour - Mount Arlington Heights
Minutes of Regular Meeting
September 19, 2019***

In Attendance

Mayor Gary Keating

Councillor Patricia Burke

Deputy Mayor Isadore Gambin

Councillor Kevin McDonald

Councillor Kathleen Griffiths

Councillor John Turner

Absent: Councillor Merrill Norman

Also, in attendance: Juanita Gosse, Town Clerk/Manager

CALL TO ORDER

Mayor Keating called the regular meeting to order at 7:00 p.m.

ADOPTION OF AGENDA

MOTION 09-19-19-01 Adopt Agenda

Moved by Councillor Kevin McDonald, seconded by Councillor Kathleen Griffiths;

BE IT RESOLVED THAT the agenda be adopted as presented.

In Favor: Mayor Gary Keating
Deputy Mayor Isadore Gambin
Councillors: K. McDonald, P. Burke, K. Griffiths, J. Turner

MOTION CARRIED

ADOPTION OF MINUTES

MOTION 09-19-19-02 Adoption of Minutes of August 15, 2019

Moved by Councillor Patricia Burke seconded by Councillor Kevin McDonald;

BE IT RESOLVED THAT the minutes of August 15, 2019, Regular Meeting, be adopted as presented.

In Favor: Mayor Gary Keating
Deputy Mayor Isadore Gambin
Councillors: K. McDonald, P. Burke, K. Griffiths, J. Turner

MOTION CARRIED

BUSINESS FROM THE MINUTES

Load of crush stone was purchased for the government wharf.

A request for a meeting and a draft agenda was forwarded to Vale. Vale has suggested a meeting date, Thursday, September 26th at 2 p.m.

- To be confirmed

Municipal Capital Works Application -19191 – Waterline Replacement Phase II in the amount of \$1,406,541.00 was resubmitted.

Municipal Capital Works Application -19230 – Waterline Upgrade Phase III in the amount of \$605,104.00 was resubmitted.

Town Managers Report

Property Flooding at Newtown Road:

A report was received from SNC Lavalin today, pertaining to 12 Newtown Road. The report offers three options to redirect the discharge from the Water Treatment Plant.

- The Public Works - Water System Committee will review the report and bring a recommendation to Council. The Public Works-Water System Committee will meet with a representative of 12 Newtown Road to discuss the report.

JCP Project:

Project is completed. Our walking trail has never looked better and is certainly more user friendly with the additional boardwalk. Three sections of boardwalk were constructed, and one additional rest stop was constructed with the lumber left from the boardwalks. Some areas were ditched and culverted. Total project cost was \$21,479.36. The Department of Advanced Education & Skills funded \$5,500.00 of this cost, plus 100 % of labor cost.

Community Enhancement Employment Project:

Application has been submitted for a CEEP, Community Enhancement Employment Program. There has been no response to our application.

Trout Pond ATV Bridge Project:

A legal agreement is being drafted for the transfer of ownership of the Middle Pond Subdivision property to LHDC. Once complete, we will seek title transfer or a legal easement to the proposed ATV Bridge site. Once the property is transferred to the town we can move forward with the project.

DELEGATIONS - None

NEW BUSINESS

Eastern Health Community Consultations

The document was copied to all councillors.

Over the last two years, Eastern Health has been hosting community consultations to gain a greater sense of the strengths and challenges in our communities. As a part of this initiative, Eastern Health is requesting to meet with Council this coming fall to discuss what's happening in our community, and eventually form a Community Advisory Committee. Eastern Health is requesting Council schedule a meeting date.

MOTION 09-19-19-03 Meeting with Eastern Health

Moved by Councillor Kathleen Griffiths seconded by Councillor John Turner;

BE IT RESOLVED THAT Council will schedule a meeting with Eastern Health on October 24, 2019, at 7:00 pm.

In Favor: Mayor Gary Keating
Deputy Mayor Isadore Gambin
Councillors: K. McDonald, P. Burke, K. Griffiths, J. Turner

MOTION CARRIED

Request for Donation

Resident is requesting a donation to help with travel to Halifax for health care.

- It was established that these types of requests are not within Council's mandate.
- Other options were discussed including using our OneCall system to request donations from community residents, and councillors giving personal donations.

Kids Eat Smart

The Kids Eat Smart Radiothon is scheduled for Wednesday, November 6, 2019. Every \$1 raised will give a child breakfast. Kids Eat Smart are seeking Council's support with a donation. Donations can support a specific Kids Eat Smart School.

Previous donation to Kids Eat Smart was in the amount of \$700.00 made October 23, 2018.

MOTION 09-19-19-04 Donation – Kids Eat Smart

Moved by Councillor Patricia Burke seconded by Councillor Kathleen Griffiths;

BE IT RESOLVED THAT Council will donate \$700.00 to Holy Family, Chapel Arm School, Kids Eat Smart program.

In Favor: Mayor Gary Keating
Deputy Mayor Isadore Gambin
Councillors: K. McDonald, P. Burke, K. Griffiths, J. Turner

MOTION CARRIED

JW Consulting – Training Opportunity

Email from John Walsh was copied to everyone. J. W. Consulting is offering to provide a training opportunity during the week of September 30th to October 3rd. The session is entitled Above and Beyond - Setting Yourself Apart as a Municipality. The target audience is municipal employees and members of council.

Topics covered include:

- Reminder of the wide array of municipal services provided
- What outstanding municipal services look like and feel like
- “Service” vs. “local government”
- Working as one team – understanding your role
- The “keys” to building a successful municipality
- Importance of celebrating community – identifying what makes you unique
- Polar opposites – public works to community services
- Dealing with difficult public – “do’s and don’ts”
- Establishing and maintaining boundaries
- Practical hints and tips
- Empathy is not agreement
- Questions/comments

J.W. Consulting can accommodate with however many presentations you need. Obviously, employee presentations are done during the workday to avoid costly overtime. If members of council are able to attend the daytime presentation, there is only need for one presentation. If some members of council are working and/or not available for the daytime session, an evening session can be scheduled.

Cost: A daytime presentation - \$1,250.00 plus HST.

If you wish to do a second presentation in the evening to accommodate council – add additional \$500.00 plus HST, for total cost of \$1,750.00 plus HST.

- It was noted that Council has completed several seminars such as the Respectful Workplace Seminar with Lisa Birmingham. There are many education seminars offered through government agencies.

- Council did not approve this training opportunity through J.W. Consultants.

I.J. Smith Trinity Placentia Junior Flyers

The Flyers Organization would like to thank Council for their continued support. The Flyers Hockey Association is now entering its 11th season and once again they require assistance from business and organizations to help with the cost to ice a team. There are three levels of Sponsorship/Advertisement:

Gold - \$500.00
Silver - \$250.00
Bronze - \$100.00

MOTION 09-19-19-05 Sponsor Trinity Placentia Junior Flyers

Moved by Councillor Kevin McDonald seconded by Councillor Patricia Burke;

BE IT RESOLVED THAT Council will sponsor the Trinity Placentia Junior Flyers under the Silver Sponsorship.

In Favor: Mayor Gary Keating
Deputy Mayor Isadore Gambin
Councillors: K. McDonald, P. Burke, K. Griffiths, J. Turner

MOTION CARRIED

Trinity Placentia Stadium - Financial Support

The Stadium Commission is seeking financial support from all councils, local service districts and businesses within the catchment area of the Stadium. The financial loss for the 2018-19 season was \$41,870.00. In the previous year they had to replace the entrance doors and install LED light fixtures and components which cost \$34,753.00. They suffered an emergency breakdown of an ice system which cost \$12,839.00. As well, before the start of this season, they are required to update their Carbon Monoxide system at a cost of \$4,000.00.

Without the support of our communities the Stadium Commission will not be able to open their doors this year which means none of their programs will be able to run.

MOTION 09-19-19-06 Donation to the Stadium Commission

Moved by Mayor Gary Keating; seconded by Councillor Kevin McDonald;

BE IT RESOLVED THAT Council will support the Stadium Commission with a donation of \$ 1,000.00.

In Favor: Mayor Gary Keating
Deputy Mayor Isadore Gambin
Councillors: K. McDonald, P. Burke, K. Griffiths, J. Turner

MOTION CARRIED

Municipalities Newfoundland & Labrador Convention & Trade Show

The MNL Annual Convention and Trade Show will take place at the St. John's Convention Centre Thursday, November 14 to Saturday, November 16, 2019. MNL has arranged a block of rooms at various hotels with a special rate for MNL delegates. Registration for the MNL Convention is \$475.00 per person plus \$225.00 for a partner pass. We can register only two voting delegates per Council.

MOTION 09-19-19-07 MNL Annual Convention and Trade Show

Moved by Councillor Kevin McDonald; seconded by Deputy Mayor Isadore Gambin;

BE IT RESOLVED THAT Council approves all councillors to attend the MNL Convention in St. John's; Mayor Gary Keating and Councillor Patricia Burke will be registered as the voting delegates.

In Favor: Mayor Gary Keating
Deputy Mayor Isadore Gambin
Councillors: K. McDonald, P. Burke, K. Griffiths, J. Turner

MOTION CARRIED

DEVELOPMENT

Proposed Medical Marijuana Production Site – 1-23 Church Road

Letter was copied to all Councillors and is in response to Council's letter to the developer dated August 14, 2019, whereby the developer was requested to:

1. Provide a detailed plan of how she proposes to manage odor. Include the type of air filter system.
2. Provide a detailed plan of how she proposes to dispose of wastewater.
3. Submit a development plan for the proposed business.

While the developer is willing to work with the council in Long Harbour, questions about odor and air filtering systems plus wastewater are reviewed under the environmental assessment. The developer is working towards entering an environmental assessment for provincial review and release. The environmental assessment cannot be submitted until the rezoning is complete. The environmental assessment is the next step after rezoning.

Letter indicates that her development plan was submitted in April where she proposed to have a cannabis production site in a light industrial warehouse at 1-23 Church Road already in existence on site. She received a letter from Council dated April 25, 2019 advising her of what she needed to do to move her commercial development application for Medical Cannabis Production, forward. The letter also stated the appeal process under Section 42 of the Urban and Rural Planning Act 2000.

Developer is requesting Council pass and adopt the amendment for rezoning to special industry and forward it to Municipal Affairs for the next step.

Council discussed the development and considered their request for additional information. The minutes of the previous meeting were read.

- It was agreed that as the developer did not submit the requested information, therefore council will attempt to obtain the information from other sources. It was suggested to contact the owner of the cannabis production site in Fairhaven. It was also suggested we request the information from other government agencies.

Office of the Minister - Department of Municipal Affairs and Environment

Re: Long Harbour Access Road Industrial Composting Facility

Letter to the developer, Newfoundland Industrial Composting Limited, states that the proposal has been reviewed by an interdepartmental screening committee and an opportunity to comment has been provided to the public as required by the *Newfoundland and Labrador Environmental Protection Act, SNL 2002*, cE-14.2. Upon consideration of the comments received, it was concluded that an Environmental Impact Statement (EIS) is required.

The EIS should include:

- Site location and setback distances;
- Construction and operational details;
- Biosecurity/hygiene policies; and
- A program of public information to address public concerns and improve public acceptability of the undertaking.

The document noted the project activities may not proceed until the proposal is released from the environmental assessment process.

FINANCE

Cheque List

The cheque list was presented for the period from August 16, 2019 – September 19, 2019, in the amount of \$52,072.03.

MOTION 09-19-19-08 Cheque List

Moved by Councillor Kathleen Griffiths; seconded by Councillor Patricia Burke;

BE IT RESOLVED THAT the cheque log for period of August 16, 2019 to September 19, 2019, in the amount of \$52,072.03 has been approved as presented.

In Favor: Mayor Gary Keating
Deputy Mayor Gambin
Councillors: K. McDonald, P. Burke, K. Griffiths, J. Turner

MOTION CARRIED

Cash Analysis

Cash analysis was distributed to all councillors.

CORRESPONDENCE

Stewart McKelvey – New Occupational Health & Safety Legislation

On January 1, 2020, changes to the Newfoundland and Labrador *Occupational Health and Safety Regulations, 2012* will take effect. These changes will affect employers in a variety of ways, most notable requiring employers to:

- Develop written harassment prevention plans
- Conduct risk assessments
- Protect workers from potential family violence in the workplace
- Provide training regarding harassment prevention and the harassment prevention plan

Harassment Prevention Plan – Employers will be required to develop, implement, and maintain a written harassment prevention plan as part of their Workplace Health & Safety Program.

Risk Assessment – The regulation adds the requirements that employers conduct a risk assessment. A risk assessment must include consideration of a variety of factors, including workplace demographics and previous experiences in the workplace and in similar workplaces, and sets out the confidentiality requirements for the information collected during the risk assessment. Once the employer has conducted the risk assessment, Section 23 mandates that employers address any identified risks of injury to workers from violence by establishing procedures, policies and work environment arrangements to eliminate or minimize those risks.

Family violence – Section 23 (2) requires employers to take every precaution reasonable in the circumstance to protect workers from family violence of which the employer is, or ought to be, aware could expose a worker to physical injury in the workplace.

Failure to comply with the New Regulations could have serious consequences for an employer, as well as the employer's directors, officers and agents. Therefore, it is crucial that employers keep proper records of their compliance, or else they could face difficulty defending against a claim for breach of the Regulations, and new case law indicates directors may also be held personally liable for failing to comply with the Regulations.

Liability of employer, directors, officers and agents - If employers fail to comply with the Regulations, they may be charged with an offence under the *Occupational Health and Safety Act*. If found guilty, the corporation may be fined up to \$250,000, as well as up to \$25,000 per day for each day the offence continues. It is important to note, where a corporation has been convicted for an offence, an officer, director, or agent of the corporation who directed, authorized, consented to, or participated in committing the offence is also guilty of an offence.

Personal Liability – Beyond liability under the *Occupational Health and Safety Act*, if employers breach the Regulations and a worker is hurt, the directors of the corporation may be held personally liable in a subrogated action by Workers Compensation.

The Harris Centre – 2019 Sustainable Communities Conference

The Harris Centre is hosting the 2019 Sustainable Communities Conference in St. John's October 1st to the 5th. Program Details were copied to all councillors. Registration fee is \$350.00.

Fall 2019 Operator Education Seminars

The training schedule was copied to all councillors.

The Water Treatment Level 1&2 Certification Training will be offered, October 22nd to October 25th in Corner Brook. Employee Glen Power has requested approval to take the level 1 training and certification exam.

Seeking approval for one of the outside staff to take the level 1 training and certification exam offered in Corner Brook.

MOTION 09-19-19-09 Water Treatment Level 1 Certification

Moved by Councillor Kevin McDonald; seconded by Deputy Mayor Isadore Gambin;

BE IT RESOLVED THAT Council approves one employee from outside staff for the above noted training.

In Favor: Mayor Gary Keating
Deputy Mayor Isadore Gambin
Councillors: K. McDonald, P. Burke, K. Griffiths, J. Turner

MOTION CARRIED

MMSB 2019-20 Community Waste Diversion Fund

The MMSB 2019-20 Community Waste Diversion Fund Guide and Terms of Reference was copied to all councillors.

MMSB is accepting proposals for \$10,000 in funding for waste diversion projects – projects that will reduce, reuse or recycle more waste. Submission deadline date is Monday October 21, 2019 at 4:30 p.m.

- It was agreed to draft a mailout to all residents promoting community recycling. Reiterate what can be recycled and how recyclables should be prepared. Promote recycling for the school.

Meeting with Regional Mayors

Email from Jeff Dwyer's office was copied to all councillors. Mayor Keating is invited to a meeting at the Community Centre in Southern Harbour, September 27th at 7:00 p.m. The main focus of the meeting is to discuss Liberal Governments lack of decision for the Bull Arm site and to rally behind those who are willing to fight for needed progress in near future development opportunities for our local workforce.

If the mayor is unable to attend, please sent a council representative.

- Mayor Keating will attend the meeting. If for any reason Mayor Keating is not able to attend, Deputy Mayor Gambin will attend.

Municipal Information Circular Re: 2020 Budget and Municipal Taxation

This Circular serves as a notice that municipalities are required to implement taxation in accordance with the *Municipalities Act, 1999*. Councils are reminded that unsupported taxation and failure to link taxes, fees, or adjustments with the necessary legislative authority under the *Municipalities Act 1999*, may expose council to unnecessary litigation and/or financial liability.

For instance, with respect to the water tax: Section 130 of the *Municipalities Act, 1999*, states:

A council of a municipality served by a water system shall impose upon the owner of real property located inside or outside the municipality that is connected or is capable of being serviced by that system, a tax, to be known as the water tax.

Therefore, as indicated, if municipalities are served by a water system, municipalities are required to charge the water tax to the owners of real property that are connected or capable of being serviced by that system. (If the waterlines run along the road, all legal sized building lots, vacant or not, are capable of being serviced).

To ensure compliance, during the 2020 budget review, municipalities may be asked to provide additional information to confirm they are correctly billing and reporting budget revenue.

In our 2020 budget we will have to include the water fee of \$168.00 per year to all property owners capable of being serviced, and invoice them for tax year 2020.

- It was agreed to mail out this information to residents.

Municipal Affairs Circular – 2020 Budget Form

The Circular and 2020 Budget Form was copied for all councillors.

Pursuant to section 77 of the *Municipalities Act, 1999*, all municipalities must adopt a budget for the upcoming year. Budgets should be adopted by December 1, 2019, and should be submitted to the Regional Office, along with the Municipal Tax Structure, by December 31, 2019.

Please note, the accountability measures for funding under the Municipal Operating Grant and Provincial Gas Tax Sharing programs include the requirement for municipalities to have maintained their own source revenues, on a per capita basis (as per the 2016 census), in their municipal budgets (over their own source revenue levels in their 2015 municipal budget).

Municipal Affairs – Fall Training Schedule

The Fall Training Topics and Objectives as well as the Training Schedule was copied to all councillors.

Vale – Permit Approval

Vale is requesting approval from Council to work within the Rattling Brook Fishway. In the past, Vale would apply to the province only, to carry out miscellaneous works in a Freshwater Body, however, now the province has indicated that approval is also required from the Municipality to ensure the work conforms with the municipal zoning.

MOTION 09-19-19-10 Permit Approval

Moved by Councillor Kevin McDonald; seconded by Councillor Patricia Burke;

BE IT RESOLVED THAT Council approves a permit for Vale to work within Rattling Brook, specifically to replace damaged boards in the fishway boxes, subject to the approval from Municipal Affairs and Environment and any other government agency having jurisdiction.

In Favor: Mayor Gary Keating
Deputy Mayor Isadore Gambin
Councillors: K. McDonald, P. Burke, K. Griffiths, J. Turner

MOTION CARRIED

Vale will normally have 10 – 20 permits per year depending on the work being done. If the province is demanding that they have an individual letter from the town for each permit, a process should be put in place, so they don't have to wait until the next regular council meeting for municipal approval.

Moved by Councillor Kevin McDonald; seconded by Councillor John Turner;

MOTION 09-19-19-11 Future Requests for Permit Approval

BE IT RESOLVED THAT all future request from Vale should be approved subject to the approval from Municipal Affairs and Environment and any other government agency having jurisdiction.

In Favor: Mayor Gary Keating
Deputy Mayor Isadore Gambin
Councillors: K. McDonald, P. Burke, K. Griffiths, J. Turner

MOTION CARRIED

Long Harbour Development Corporation – Middle Pond Subdivision

LHDC has been negotiating with the developer of the Middle Pond Subdivision property for some time to regain clear title and control of the site.

It is LHDC's intention to prepare the subdivision for re-sale on a lot by lot basis under a development strategy that is more favorable for current market conditions.

LHDC is working with its legal team to close the agreement of purchase and sale by the end of next week. To facilitate that process LHDC lawyers has asked that the Town sign the enclosed release document relieving RJG of its existing Development Agreement with the Town to be executed at the time of transfer. (the closing).

Once LHDC has clear title to the property they will work with Council's legal team to provide a formal easement to the Town allowing clear title to access the proposed ATV bridge site.

- A copy of the letter from LHDC, the Release Discharge from LHDC's legal team, and the Development Agreement was copied to all councillors for review.

Council had several questions about the purchase and sale agreement between LHDC and RJG. They also questioned the future plans for the Middle Pond Subdivision.

Mayor Keating declared a conflict of interest.

RESOLUTION-09-19-19-12 Release and Discharge R.J.G. Development Inc. from the Middle Pond Development Agreement dated the 29th day of January 2013.

Moved by Councillor Kevin McDonald; seconded by Deputy Mayor Gambin;

WHEREAS: R.J.G. Development Inc. ("**RJG**") acquired property located in the community of Long Harbour Mount Arlington Heights (the "Property") pursuant to a Deed of Conveyance registered at the Registry of Deeds for Newfoundland and Labrador (the "Registry") as Registration No. 486449;

AND WHEREAS RJG entered into a Development Agreement (the "Development Agreement") with the Town of Long Harbour Mount Arlington Heights ("the Town") in respect of the development of the Property;

AND WHEREAS RJG has agreed to sell the Property to Long Harbour Development Corporation:

AND WHEREAS the Town has agreed to release RJG of all commitments and obligations under any agreement between the Town and RJG pertaining to the Property, including but not limited to the Development Agreement (and the security deposit paid pursuant thereto) (collectively, the "**Agreements**");

KNOW ALL PERSONS BY THESE PRESENTS THAT the undersigned ("**the Releasor**"), in consideration of the payment of \$1.00 and other good and valuable consideration, the receipt of which is hereby acknowledged, does hereby remise, release and forever discharge RJG, together with its heirs, executors, administrators, affiliates, successors, assigns, directors, and officers (collectively the "**Releasees**"), of and from all manner of actions, caused of action, debt, accounts, covenants, contracts,

claims and demands which the Releasor ever had, now has or may have, against the Releasees, pursuant to or related to the agreements.

In Favor: Councillor Kevin McDonald

Opposed: Deputy Mayor Isadore Gambin
Councillors: P. Burke, K. Griffiths, J. Turner

MOTION FAILED

Council requires additional information on the negotiations between LHDC and RJG.

NOTICE OF MOTION - None

COMMITTEE REPORTS

Councillor Kevin McDonald:

Vale – There is a community liaison meeting on the 26th of September so if there is anything pressing that someone would like to be discussed Vale is welcoming agenda items. We still have the meeting scheduled for September 23rd at 1:30 p.m.

Fire Department –

ERSB – Attended a Governance meeting on September 17th and we believe we are still working on the cabin owners' issues. Also have our monthly meeting on September 26th.

HR – Nothing to report

Audit/Finance & Economic Development – As per what was previously discussed

Public Works/Roads – Nothing to report

Strategic Planning – Nothing further to report

Community Affairs/Recreation – It has been discussed that there will be Halloween dance so will follow up with that as well as the kids Halloween party. They have reached out to Scott Barret about providing the music.

Councillor Patricia Burke:

Seniors are planning a Kitchen Party, Saturday, October 12, 2019. Planning to serve soup and sandwiches. All are invited to participate.

On September 29th from 2:00 to 4:00 pm, the 50+ Club will host a Grief Counseling Session for anyone who would like to participate.

Councillor Merrill Norman: *Absent*

Deputy Mayor Isadore Gambin: HR is good.

Will meet with Councillor McDonald and the representative of 12 Newtown Road to discuss SNC Lavalin's engineering report pertaining to 12 Newtown Road.

Councillor Kathleen Griffiths: Nothing to report

Councillor John Turner: Nothing to report

Mayor Gary Keating: Nothing to report

DATE FOR NEXT MEETING – October 17, 2019

ADJOURNMENT

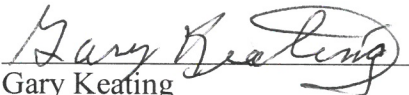
MOTION 09-19-19-13 Adjournment

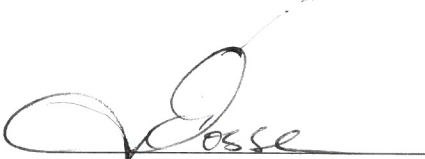
Moved by Councillor Patricia Burke, seconded by Councillor Kevin McDonald;

BE IT RESOLVED THAT the meeting be adjourned at 9:15 p.m.

In Favor: Mayor Keating
Deputy Mayor Isadore Gambin
Councillors: K. McDonald, P. Burke, K. Griffiths, J. Turner

MOTION CARRIED


Gary Keating
Mayor


Juanita Gosse
Town Clerk/Manager