

Mayor Paul Brazil
Deputy Mayor – Tammy Oliver
Councillors –
Eric Jewer
Sheri Lundrigan
Paul Ryan
Darlene Stamp
Town Mgr - Tony Ryan

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The Municipality of Spaniard's Bay

January 9, 2023

A meeting of Council took place on the above date with the following members in attendance: Mayor Brazil, Councillor Jewer, Councillor Lundrigan, Councillor Ryan, Councillor Stamp, Town Manager Tony Ryan, and Deputy Mayor Oliver via teleconference. Visitors were John Drover and Robert B. Young . All residents are invited to watch via Spaniard's Bay Facebook page Live. Mayor Brazil called the meeting to order at 7:03 pm and welcomed everyone to the meeting. Mayor Brazil presented Councillor Jewer with a 16 years of service recognition certificate.

Motion to Adopt Agenda

The agenda for the meeting of January 9, 2023 was tabled.

Motion #23-01 It was moved by Councillor Ryan, seconded by Councillor Jewer, that the Agenda of January 9 2023 be adopted as presented.

Carried

Petitions/Visiting Groups – Resident of Conception Bay Highway

Resident was not in attendance.

Adoption of the Minutes

The minutes of the meeting December 12 ,2022 were tabled.

Motion #23-02 It was moved by Councillor Jewer, seconded by Councillor Stamp, that the minutes of the meeting of December 12 ,2022 be adopted as presented.

Carried

Notice of Motions

Notice of Motion - Facebook Live stream & comment permission

“to continue the live streaming on Facebook for Council Meetings and to allow comments” at the November 14, 2022 regular council meeting.

Motion #23-03 It was moved by Deputy Mayor Oliver, seconded by Councillor Jewer to rescind the motion made November 14, 2022 to continue streaming on Facebook Council meetings and to allow comments.

Carried

Motion #23-04 It was moved by Deputy Mayor Oliver, seconded by Councillor Jewer to continue live streaming of the Council Meetings on Facebook but to have the comment section removed/blocked.

Carried

Notice of Motion - Municipal Code of Conduct

“To contract JW Consulting & Associates to complete the Municipal Codes of Conduct for the Municipality of Spaniard's Bay for the amount of \$1700.00 plus HST” at the October 17, 2022 Council Meeting.

Motion #23-05 It was moved by Deputy Mayor Oliver, seconded by Councillor Ryan to rescind the motion made October 17, 2022 to contract JW consulting & Associated to complete the Municipal Code of Conduct for the Municipality of Spaniard's Bay for the amount of \$1700 plus HST.

Carried

Motion #23-06 It was moved by Deputy Mayor Oliver, seconded by Councillor Ryan to have the Town Manager and staff to complete the Municipal Code of Conduct using the provided template.

Carried

Town Managers Report

1. To the best of our knowledge there is one leak outstanding at the Battery. Exact location of the leak is unknown, but it currently does not seem to be adversely affecting any properties.
2. I need a motion to pay invoices in the amount of 17,941.61 representing invoices received since the agenda cut off Thursday past plus H&M Paving for last of cross cuts from December after Concord shut down for the season.
3. Attached to my report is an application to construct a shed at 86 Chipman's Road. I have reviewed the application and all appears to be in order. Shed size is 24 ft by 30 ft. (720 sq ft). This is well under the maximum 7% lot size for accessory buildings for the subject property
4. Attached to my report is a request from the Shearstown Brass Band seeking donation toward repair and/or replacement of instruments.
5. The sander of the pickup truck is out of commission yet again. I need a motion of Council to seek quotes for the replacement of this sander. Repairs on this piece of equipment has reached the point where I believe we must consider replacement of the unit.
6. I have been advised today that the JCB Backhoe is out of Service. Work on this unit will be done over the next few days. Until the plows are needed on the roads tomorrow, we will load the Dump Truck with the loader. Beyond that we will need to get assistance from local contractors.
7. Attached to my report is an Update on the Municipal Assessment Agency from Board Chair, Mayor Betty Moore.

Motions arising from the Town Manager's Report

Motion #23-07 It was moved by Councillor Stamp, seconded by Councillor Jewer, to pay the invoices in the amount of \$17,942.61 that came in since the agenda was completed.

Carried

Motion #23-08 It was moved by Councillor Jewer, seconded by Councillor Ryan, to approved the shed application at 8 Chipman's Road, Spaniard's Bay in accordance with the provisions of the Town of Spaniard's Bay Development Regulations and/or all other applicable Provincial and Federal Regulations.

Carried

Motion #23-09 It was moved by Councillor Jewer, seconded by Councillor Ryan to defer the request for a donation to the Shearstown Brass Band to the finance committee for review and recommendation back to Council.

Carried

Motion #23-10 It was moved by Councillor Jewer, seconded by Councillor Ryan to seek quotes for the replacement of the sander.

Carried

Committee Reports

Finance Committee

Accounts Payable

Accounts Payable list was tabled.

Motion #23-11 It was moved by Deputy Mayor Oliver, seconded by Councillor Jewer, that Accounts Payables in the amount of \$59,500.72 be paid as presented.

Carried

Cash Position, Quick Stats, Income Expense Statement and Cheque Register were tabled for Council's information.

Carried

2023 Budget Presentation

2023 Tax and Fee Rates

Deputy Mayor Oliver presented the Annual Operating Budget for 2023. All rates and fees for 2023 are as follows for the upcoming fiscal year.

Motion #23-12 It was moved by Deputy Mayor Oliver, seconded by Councillor Ryan, that Council adopt the following Basic Fee Structure setting tax rates and fees for service for the 2023 fiscal year.

2023 Annual Budget

Basic Fee Structure

Item	2023
Water/Sewer	360.00
Water/sewer Vacant Rate	180.00
Water Only	180.00
Water Only Vacant	90.00
Commercial Water/Sewer	360.00
Commercial Water Only	180.00
Veterans Commercial Park W/S	2.3 mils
Veterans Commercial Park W/S	Minimum 600.00
Water/Sewer School - Per Student/Staff Member	15.00
Mil Rate	6.5 mils
Minimum Property Tax	480.00
Commercial Property Tax	6.5 mils
Commercial Property Tax Minimum	480.00
Basic Business Tax	10.5 mils
Minimum Business Tax	300.00
Utility Tax	2.5 %
Business Tax Aggregate Site	100 mils
Business Tax Bingo Operation	15.5 mils
Drug Store/Medical Clinic	12.5 mils
New Car Dealership	25.5 mils
Beauty Salon/Barber Shop	20.5 mils
Tax Certificates	100.00
Compliance Letter	100.00
Building Permit	150.00

Commercial Permit	\$9.00 per Thousand/ Min \$200.00
Addition / Shed	50.00
General Repairs	20.00
Water Turn on Arrears	50.00
NSF Charge	25.00
Water on/off After Hours	50.00 (Not applicable for emergencies)
Connection Fees Pavement	2000.00 ***

***Minimum Charge of \$2,000.00 for connection plus the cost of asphalt repair if required. Fee must be paid before work commences. Connection Fees on main thoroughfares shall be priced according to each job.

Connection Fees on main thoroughfares shall be priced according to each job.

** Unless quoted otherwise, water and/or sewer rates are based on 'per unit'. **

Carried

2023 Balanced Operating Budget

Deputy Mayor Oliver summarized the balanced operating budget for 2023 with revenues and expenses and fielded questions from Council.

Motion #23-13 It was moved by Deputy Mayor Oliver, seconded by Councillor Jewer, to adopt the Balanced Operating Budget for 2023 with Revenues and Expenses totalling \$ 2,619,497.12.

Carried

Motion for Town of Spaniard's Bay Scotia Business Visa Card

Motion #23-14 It was moved by Deputy Mayor Oliver, seconded by Councillor Jewer, that the Town borrow the sum of up to Twenty Thousand Dollars (\$20,000.00) from the Bank of Nova Scotia and that said funds are to be used for the Town of Spaniard's Bay Scotia Business Visa Card.

Carried

Motion for Town of Spaniard's Bay Operating Line of Credit

Motion #23-15 It was moved by Deputy Mayor Oliver, seconded Councillor Jewer, that the Town borrow the sum of One hundred Thousand (\$100,000) from the Bank of Nova Scotia and that said funds shall be for the Town's Operating Line of Credit.

Carried

5 Year Municipal Capital Works Plan

The Following are a list of items to make up the priority list for the Town's 5-year Municipal Capital Works Plan.

Items approved and completed in 2022 include Paving and Road Reconstruction at Pondsideroad and to install a backup generator system at the Town's Chlorination Plant. Further to this, we have applied to complete Paving and Road Reconstruction at Rectory Avenue/Casey's Lane and are awaiting approval for this project. Financing involved with these projects are already included in the 2023 Operating Budget.

5 Year Municipal Capital Works Program (2023-2027)

The Following is a list of priorities recommended as a guide for Applying for Funding for Municipal Capital Works. Priorities are in order as listed.

1. **Rectory Avenue-Casey's Lane, Annie's Lane** – Road Reconstruction and paving. The area is commonly referred to as the loop.
2. **Road Reconstruction and Paving at Rocky Pond Road.**

3. **Chipman's Road** – Road Reconstruction and paving. Emphasis placed on Water runoff along upper section of Road as well as paving for the entire roadway.
4. **Wastewater Treatment** - This project may shift along the priority list depending on availability of provincial and/or federal funding. We are unable to provide an estimate at this time. Transition Agreements are currently in progress, and we have learned that our Town is to be completed by the year 2040. This will allow for ample time to plan this project.

Councillor Lundrigan declared a conflict of interest on Rectory Avenue-Casey's Lane, Annie's Lane in accordance with section 207(1)(a) of the Municipalities Act as she resides on this road. She left the meeting 7:43pm

Motion #23-16 It was moved by Councillor Jewer, seconded by Deputy Mayor Oliver that Rectory Avenue, Casey's Lane, Annie's Lane be first on the priority list for the 5 Year Plan and that the application be submitted under the Municipal Capital Works Program during the upcoming Submission time period.

Carried

Councillor Lundrigan Returned 7:44pm.

Motion #23-17 It was moved by Deputy Mayor Oliver, seconded by Councillor Jewer that Road Reconstruction and Paving at Rocky Pond Road and the Wastewater Treatment be second and fourth respectively on the priority list for the 5 year plan.

Carried

Councillor Jewer declared a conflict of interest on Chipman's Road in accordance with section 207(1)(a) of the Municipalities Act as he resides on this road. He left the meeting 7:49pm

Motion #23-18 It was moved by Deputy Mayor Oliver, seconded by Councillor Lundrigan that Chipman's Road be third on the priority list for the 5 Year Plan.

Carried

Councillor Jewer returned 7:51pm

Gas Tax Eligible Projects

The following is a list of projects recommended to be applied for under the Gas Tax Program or have been approved and not yet completed.

- I. **Paving at Fitzgerald's Road**
- II. **Town Share of New Fire Pumper Truck**
- III. **Paving at Back Cove Road North**
- IV. **Ridge Road Grading and Road Reconstruction** 4 areas along this road requires a change to the existing grade of Road with repaving of each section.

Motion #23-19 It was moved by Councillor Stamp, seconded by Councillor Jewer that Paving Fitzgerald's Road, Town Share of New Fire Pumper Truck and Paving Back Cove Road North be first, second and third on the priority list for applying for Gas Tax Funding.

Carried

It was generally agreed upon to defer number 4 to a future meeting until a quorum was present.

Planning Committee

Stop Work Order – Valley Road

Motion #23-20 It was moved by Deputy Mayor Oliver, seconded by Councillor Ryan to issue a stop order to LGM Properties for future development for Phase 2 on Valley Road until the town receives drainage plans.

Carried

Stop Work Order – 181 CB Highway

Motion #23-21 It was moved by Deputy Mayor Oliver, seconded by Councillor Ryan to issue stop order to 181 Conception Bay Highway.

Carried

2023 Municipal Byelection

Town Manager Ryan presented references to the upcoming municipal byelection, there are Four items that Council needs to consider and may or may not wish to make changes to. All other items are the responsibility of the Returning Officer and that position is decided by the section 13 of the Municipal Elections Act.

1. **Appointment of Alternate Returning Officer.** Motion must be made for each Municipal Election appointing this individual. The senior office clerk was appointed in each of the last 6 elections. I need a motion to appoint Vanessa Butler as the Alternate Returning Officer.
2. **Election Day.** Municipal elections are typically held on Tuesdays. Council has the right to choose the date recommended of February 28, 2023 or has the option of setting another date of its choosing. In any event, Section 6(2) of the Municipal Elections act requires that we have a byelection within 3 months of the vacancy.
3. **Nomination Period.** Council has the option of having one day for nominations or more than 1 day. In the event that there is one day it must be 21 days before the election date so in this case will be Tuesday February 07, 2023, from 8am to 8pm. If more than 1 day is chosen it must be between 9 am and 4 pm each selected day and shall not include weekend days. The current practice is for 1 day. I require a motion to set the Nomination Day/Period.
4. **Advance Poll.** Council has the option of having an advance poll or not. If it decides to have advance poll it must also decide when and where. If more than 1 advance poll date then at least one of them has to be on Saturday, February 25, 2023. Current practice is to have just 1 Advance Poll and that the poll date is the Saturday before election day (February 25, 2023, as proposed in this case) and was held at the Municipal Centre during the last few elections.

Motion #23-22 It was moved by Councillor Ryan, seconded by Councillor Jewer to appoint Vanessa Butler the Alternate Returning Officer.

Carried

Motion #23-23 It was moved By Councillor Jewer, seconded by Councillor Lundrigan to set the Election day at February 28, 2023 from 8am to 8pm as presented.

Carried

Motion #23-24 It was moved by Councillor Jewer, seconded by Councillor Ryan to set Nomination Day to February 7th 2023 from 9am to 4pm.

Carried

Motion #23-25 It was moved by Councillor Jewer, seconded by Councillor Ryan to have an advanced poll on February 25th, 2023 at the Municipal Centre for 8am to 8pm as presented.

Carried

Set day for regular Council Meetings

Deputy Mayor Oliver tabled to move regular scheduled Council meetings from Mondays to Tuesdays to allow Councillors more time to prepare for meetings.

Motion #23-26 It was moved by Deputy Mayor Oliver, seconded by Councillor Jewer to move regular Council meetings from Monday s to Tuesdays.

Carried

Letters

Resident of Spaniard's Bay

A letter was tabled from a resident of Spaniard's Bay requesting use of the Recreation Centre for young dances.

Motion #23-27 It was moved by Councillor Ryan, seconded by Councillor Lundrigan to refer to the Chairperson of the Recreation Committee for review and recommendation back to Council.

There was a discussion on the request and who should be responsible for the decision.

Mayor Brazil, Deputy Mayor Oliver, Councillors Jewer, Lundrigan, Stamp and Ryan voted against the motion.

Motion Defeated

Motion #23-28 It was moved by Councillor Stamp, seconded by Councillor Ryan to have town office contact the originator of the letter to see what they are proposing, the scheduling, who the beneficiary of the funds and where the funds go, same as any business proposal sent to the town. This to ensure the town can make an informed decision. Also, for the resident to answer any other questions put forward from the town.

Carried

Avalon IT services- discontinuing webhosting

Town manager informed that Dexter from Avalon IT has assisted in the transition and that will need a new webhost in the near future.

Holy Redeemer Green Team

Mayor Brazil thanked Mrs. Drover and her class for the email and encouraged them to continue the great job they are doing

Resident of New Harbour Road – Street Light Concerns.

A letter was tabled concerning the placement of a new streetlight on New Harbour Rd.

The site was visited by Public Works.

Motion #23-29 It was moved by Councillor Jewer, seconded by Councillor Stamp to request Newfoundland Power to move the light to the adjacent pole on the other side of the road.

Carried

Permits

Application for Crownlands – Swile Pond

An application for Crownland on Swile Pond was tabled

Motion #23-30 It was moved by Deputy Mayor Oliver, seconded by Councillor Jewer to support the permit for the crown land application at Swile Pond, Spaniard's Bay as requested in accordance with the provisions of the Town of Spaniard's Bay Development Regulations and/or all other applicable Provincial and Federal Regulations.

Carried

Other Business

Councillor Stamp wanted to wish all potential candidates' good luck in the upcoming byelection.

Councillor Lundrigan stated tomorrow is first major snow fall and for everyone to drive safe.

Councillor Ryan wanted to thank all the volunteers over the Christmas Holidays.

Councillor Jewer wished residents a very Happy New Year.

Deputy Mayor Oliver encouraged people to run for council in the byelection. She also discussed the continued illegal dumping on roads such as Seymour's Road and that it is being closely monitored. Councillor Ryan said dumping becoming an issue on Ridge Road and others as well. Residents and motorist need to be more respectful of the illegal dumping.

Mayor Brazil congratulated Councillor Jewer again on his 16 years of service on Council. Wished all residents a Happy New Year. He stated that Covid is still around and for everyone to stay safe.

Adjournment

Mayor Brazil stated that the next meeting of Council will be Tuesday January 31st , 2023 at 7:00 pm.

Motion #23-31 It was moved by Councillor Stamp, seconded by Councillor Lundrigan, and carried that the meeting adjourn at 8:36pm.

Carried

Recorder
Andrea Sheppard

Mayor, Paul Brazil