

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 31, 2023

A meeting of Council took place on the above date with the following members in attendance: Mayor Brazil, Deputy Mayor Oliver, Councillor Jewer, Councillor Lundrigan, Councillor Ryan, Councillor Stamp, and Town Manager Tony Ryan. Visitors were John Drover and Dave Gosse. All residents are invited to watch via Spaniard's Bay Facebook page Live. Mayor Brazil called the meeting to order at 7:06 pm and welcomed everyone to the meeting. Mayor Brazil stated he would like to pass along condolences to the family of two past Council Members on their passing, former Mayor Tom Finn and Councillor Michael Brazil.

Motion to Adopt Agenda

The agenda for the meeting of January 31, 2023 was tabled.

Motion #23-32 It was moved by Councillor Jewer, seconded by Councillor Lundrigan, that the Agenda of January 31, 2023 be adopted as presented.

Carried

Adoption of the Minutes

The minutes of the meeting January 9, 2023 were tabled.

Motion #23-33 It was moved by Councillor Ryan, seconded by Councillor Lundrigan, that the minutes of the meeting of January 9, 2023 be adopted as presented.

Carried

Town Manager's Report

1. To the best of our knowledge there are three (4) leaks outstanding. One at Bishop's Cove Road, 2 at the Battery and one at Back Cove Road.
2. I need a motion to pay invoices in the amount of 13,921.39 representing invoices received since the agenda cut off on Friday.
3. Attached to my report is an application to operate a hair salon, Kim's Cuts, from their property at 8 Mint Cove Pond Road South. It is my understanding that this will be a 1 person salon and there is parking on site for 2, possibly 3 vehicles. This location is on the border of Residential, Commercial and Mixed Use zones.
4. I need a motion of Council accepting the proposal from Pat Curran and Associates for Developing Visitor Experiences in Spaniard's Bay and to grant approval to submit the application to ACOA seeking funding for the project.
5. We have 2 additional small office tenant rentals. Both of these tenants are primarily for satellite offices for their respective businesses. We are currently negotiating with another rental tenant for a small office. If successful, this rental will begin on March 1st, 2023.
6. All snow clearing equipment is in running order.

Motions arising from the Town Manager's Report

Motion #23-34 It was moved by Deputy Mayor Oliver, seconded by Councillor Jewer, to pay the invoices in the amount of \$13,921.39 that came in since the agenda was completed.

Carried

Motion #23-35 It was moved by Councillor Stamp, seconded by Councillor Ryan, to approved the application for a new hair salon at 8 Mint Cove Pond 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 #23-36 It was moved by Councillor Stamp, seconded by Deputy Mayor Oliver, to accept the proposal from Pat Curran and Associates for Developing Visitor Experiences in Spaniard's Bay and to grant approval to submit the application to ACOA seeking funding for the project

Carried

Committee Reports

Finance Committee

Accounts Payable

Accounts Payable list was tabled.

Motion #23-37 It was moved by Councillor Lundrigan, seconded by Deputy Mayor Oliver, that Accounts Payables in the amount of \$9322.14 be paid as presented.

Carried

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

Motion #23-38 It was moved by Councillor Ryan, seconded by Councillor Stamp, to approve the yearly renewal for Insurance for our Fire Fighters in the amount of \$2090.00.

Carried

Councillor Lundrigan stated that the Recreation Committee will be presenting a cheque in the amount of \$100.00 on behalf of Spaniard's Bay Recreation and Council.

Municipal Code of Conduct

Motion #23-39 It was moved by Councillor Lundrigan, seconded by Councillor Jewer, to adopt the Municipal Code of Conduct for Councillors as presented.

Carried

Motion #23-40 It was moved by Councillor Lundrigan, seconded by Deputy Mayor Oliver, to adopt the Municipal Code of Conduct for Municipal Officials as presented.

Carried

Town Manager Tony Ryan stated that once adopted the town has 90 days to complete training with all Council, employees and volunteers.

Vehicle GPS System Proposal

A proposal from Telus was presented to supply GPS system for town owned vehicles. This will allow the town to be able to keep track of snow clearing operations, sand and salt usage and many other options. The proposal offered two options, to buy the equipment out right or to pay it off over the years.

Motion #23-41 It was moved by Councillor Stamp, seconded by Councillor Ryan, to purchase the equipment and have it installed in all vehicles.

Carried

Water Supply Intake

The Town of Spaniard's Bay and the Town of Upper Island Cove met and agreed to approach the provincial government requesting emergency funding to get an engineering study completed regarding the blockage of our water supply intake. This is something that has happened multiple times over the years and the towns would like to rectify the issue.

The Towns requested quotes from 3 businesses. They received back 2 quotes. The quotes were as follows:

1. WSP E&I Canada Ltd. – \$11,926.17 plus HST
2. Progressive Engineering - \$19,151.50 plus HST

Motion #23-42 It was moved by Councillor Jewer, seconded by Deputy Mayor Oliver, that the Town of Spaniard's Bay proceed with the quote from WSP E&I Canada Ltd in the amount of \$11,926.17 plus HST and make application to the Department of Municipal and Provincial Affairs seeking a Special Assistance Grant to complete this phase of the project.

Carried

Call for Bids – Salt & Sand Spreader

Town Manager Tony Ryan made a request for quotes for the supply and installation of a 1.8 cubic yard salt/sand spreader. He received 3 quotes:

1. Drive Products - \$10295 plus HST
2. Parts for Trucks - \$11551 plus HST
3. Western Hydraulic \$8000 plus HST

Western Hydraulics recommended that the Town consider buying a 2.5 cubic yard as a chain drive instead as it would provide better usability and give better coverage in bringing material from the hopper to the spreader. They gave a quote of \$10400.00 plus HST for this piece of equipment. I would recommend that we purchase this piece of equipment instead from Western Hydraulics.

Motion #23-43 It was moved by Councillor Jewer, seconded by Councillor Stamp, that that the town purchase the 2 ½ cubic yard sand/salt spreader from Western Hydraulic for the price of \$8000.00 plus HST.

Carried

Letters

Resident of Anthony's Road – Culvert Request

A request for a new culvert on Anthony's Road due to water issues was tabled.

Motion #23-44 It was moved by Councillor Jewer, seconded by Councillor Lundrigan, to refer this request to Public Works for review and recommendation back to Council.

Carried

Farrell's – Business Tax & Property Tax Inquiry

A letter was tabled from a business requesting to be exempt from property and business tax as they are only leasing land from Crown Land.

Town Manager Tony Ryan stated that in accordance to the following sections of the Municipalities Act (1999)

Tenant of tax exempt property

116. (1) Where real property is exempt from the real property tax, a tenant who pays valuable consideration to rent that real property shall pay a tax equivalent to the real property tax that would have been payable by the owner of the real property if that property were subject to that tax.

(2) Notwithstanding subsection (1), where the owner of real property pays to the council a grant-in-lieu of taxes, a tenant who pays valuable consideration to rent that real property is not liable for a real property tax that would have been payable by the owner if that property were subject to a real property tax.

In this instance, Farrell's are occupying Crown Land. If the property is owned by the crown and unused, is considered tax exempt property. Once the Crown uses said property, then a process is put in place for grant-in lieu. Once a tenant of the property pays valuable consideration for the use of the property, in this case royalties to the crown of \$0.75 per cubic metre and \$120.00 rental per hectare, the property becomes taxable.

Business tax

120. (1) A council **shall** impose an annual tax, to be known as "the business tax", on all businesses carrying on business in the municipality.

Variation of rate

124. A council **may** vary the rate of business tax between different classes of businesses.

In this case, aggregate site business mil rate has been 100 mils in excess of 25 years. This is an item that Council has the opportunity to review at budget time as rates are adopted annually during the budget process. This mil rate may be an issue as of lately as land values have increased compared to 10 plus years ago.

Motion #23-45 It was moved by Councillor Ryan, seconded by Deputy Mayor Oliver, to write a letter to Farrells Excavation conveying the information presented.

Carried

Holy Redeemer Green Team

The Green Team at Holy Redeemer followed up with Council regarding suggestions they have to help keep the playground and the town more clean. Mayor Brazil stated that the town has reviewed their suggestion and they have agreed to have the recreation director on for longer this year, they have security cameras installed, add some more garbage bins and make sure they are changed on a regular basis and at any time the green team would like supplies they can contact the office and we can supply garbage bags and gloves for the clean up.

Resident of Northern Cove Pond Road – Easement

A letter was tabled from a resident of Northern Cove Pond road requesting an easement for a piece of town owned property which a well is located that services a house on the next property. The well has been located on this land for over 30 years and in order to sell the property they will need an easement from the town.

Motion #23-46 It was moved by Councillor Stamp, seconded by Deputy Mayor Oliver, to provide an easement for the well located on town owned property.

Carried

Resident of Anthony's Road – Snow Clearing Damage

A letter was tabled requesting compensation for damages due to snow clearing.

Motion #23-47 It was moved by Councillor Jewer, seconded by Councillor Ryan, that Public Works reviewed the damages and found no signs of neglect by the operator and Council will not take responsibility for the damages.

Carried

Permits

Application for Storage Building – 12 Muddy Hole Road

An application was tabled for a steel storage building at 12 Muddy Hole Road.

Motion #23-48 It was moved by Deputy Mayor Oliver, seconded by Councillor Jewer, to approve the application for a new storage building at 12 Muddy Hole 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

Donations

Ascension Collegiate – Annual Auction

Motion #23-49 It was moved by Councillor Jewer, seconded by Deputy Mayor Oliver, to buy a ½ page advertisement at \$50.00 in aid of the Annual Auction.

Carried

Other Business

Councillor Jewer questioned if this week is good for Public Works to meet on the few items from tonight's meeting. Town Manager Tony Ryan stated that next week would be better.

Councillor Lundrigan wished luck to anyone considering putting their name forward for the upcoming bi-election.

Councillor Stamp stated that the Fire Department has their tickets on sale for their Firefighters Ball. Tickets are available from members or can be picked up at the Town Hall.

Mayor Brazil stated that the March 1, 2023 deadline is coming up for disclosure statements, Could All Council Members stop into the office to get these signed for the Town Manager.

Adjournment

Mayor Brazil stated that the next meeting of Council will be Tuesday February 21, 2023 at 7:00 pm.

Motion #23-50 It was moved by Councillor Stamp, seconded by Councillor Lundrigan, and carried that the meeting adjourn at 7:59 pm.

Carried

Recorder
Vanessa Butler

Mayor, Paul Brazil