

Town of North River Minutes Meeting January 5, 2021
Held in Town Council Chambers 43 North River Road, North River, NL

In Attendance: Mayor Joanne Morrissey, Deputy Mayor Blair Hurley
Councillors' Kelly Hall, Brian Hurley, Patrick Mackey, Elsie Morrissey & Dwight Snow
Absent:

Also in Attendance: Sheila Hall Town Clerk/Administrator

Mayor Morrissey called the meeting to order at 6:45 P.M.

Agenda and Minutes:

Motion 2021 –1878– Blair Hurley / Elsie Morrissey
Resolved that the agenda for January 5th be adopted as circulated.
All in Favor Motion Carried

6:50 PM Delegation – Wayne and Lorraine Boone

In attendance: Mayor Joanne Morrissey, Deputy Mayor Blair Hurley,
Councillor's Kelly Hall, Brian Hurley, Patrick Mackey, Dwight Snow & Elsie Morrissey

Mayor Morrissey welcomed Mr. and Mrs. Boone and gave them the floor.

Town Clerk Sheila Hall left the council chambers.

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Mrs. Boone addressed council regarding the issues arising concerning Boones Lane. Mr. Boone contacted Mayor Morrissey initially about this matter to which he provided photos and she attended the property. Mayor Morrissey addressed the matter at November's council meeting but chose not to provide council members with the photos she was shown. Mayor Morrissey called Mr. Boone and informed him that council had decided at its November meeting that it was a personal issue and there was nothing council could do with the matter.

Mrs. Boone summarized the facts which were all provided to council by way of letter delivered personally to all council members by Mr. Boone and emails also provided to council members. Mrs. Boone also tried to reach out to council members to discuss the matter via telephone. Mr. Boone left voice mail messages to which some council members replied while others chose not to return the call. When calling some council members' homes from their personal home phone, the call would not be answered but when they would call back immediately from their cell phone, the call was answered right away.

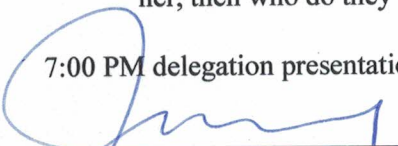
They don't understand why council will not take action to protect the town's ROW which was given to the town by Mr. Stockley. They wondered why council has in the past hired a surveyor to re-establish boundary points on Farrell's Lane, Frost's Lane and the council hall property. Why for these and not for Boone's Lane? Council in the past also gave the landowner a culvert to said property.

They are very concerned about the location of the fence in the Town's ROW in that it will impede snow clearing of the lane and emergency vehicles from being able to get down the lane. Also, they cannot back out of their driveway due to the location of the fence.

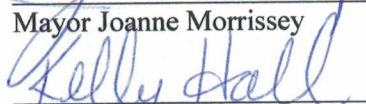
She requested copy of the minutes from the November and December 2020 meetings. She posed several questions which they wanted answered in a timely fashion. They wished to know the following:

1. Why did council consider this a personal issue?
2. Why is the driveway at the end of Boones Lane, who is a relative of the Town Clerk, being plowed by the Town's snow clearing contractor and being paid by tax payers' dollars? When they investigated this matter themselves, they were told that it was being plowed due to the fact the homeowner is a paramedic and driveway needs to be plowed due to her job.
3. Why did Mayor Morrissey tell them that she wasn't the proper person to talk to? If not her, then who do they talk to?

7:00 PM delegation presentation ended and Town Clerk was recalled to council chambers.



Mayor Joanne Morrissey



Councillor Kelly Hall

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7:10 PM – Agenda item: Boone's Lane

Mayor Morrissey requested Boones Lane be moved to the end of agenda for privileged meeting. She asked members their opinion. Councillor Hurley noted that if there was no new info there wasn't anything more to discuss. Deputy Mayor Hurley reminded all as to policy & procedure. Councillor Mackey questioned privileged meeting procedures. Stated he was advised by Municipal Affairs that items on the adopted agenda must be dealt with in order placed and cannot be moved.

In attendance: Mayor Joanne Morrissey, Deputy Mayor Blair Hurley,
Councillor's Kelly Hall, Brian Hurley, Patrick Mackey, Dwight Snow & Elsie Morrissey
Also in Attendance: Mr. & Mrs Boone

Town Clerk Sheila Hall left the council chambers.

Mayor Morrissey asked Councillor Mackey to present his new evidence regarding this issue. Councillor Mackey presented a copy of a survey prepared by E.K. Jerrett & Associates in May of 1975. On this survey it shows a 30 ft. Right of Way for Boones Lane. When Mr. and Mrs. Boone constructed their home a 30 ft. ROW was required from Newfoundland and Labrador Housing. Around 1982 Mayor Nick Hurley met with Mr. & Mrs. Boone and Mr. Stockley and said the town would take over the ROW and provide town services.

Mayor Morrissey stated that the town's ROWs were 16 feet then and now currently is 24 feet. There was never 30 feet ROWs.

Councillor Mackey presented invoices which the town had lanes in the town re-staked to establish the town's ROWs. The precedent is set, so why are council not doing the same for Boone's Lane. It would only cost between \$400-\$600 to put this matter to bed.

Motion 2021 –1882–Patrick Mackey / Dwight Snow

Resolved that the town re-stake the boundary on Boone's Lane

In Favour: Councillor Patrick Mackey
Councillor Dwight Snow
Councillor Kelly Hall

Against: Deputy Mayor Blair Hurley
Councillor Brian Hurley
Councillor Elsie Morrissey
Mayor Joanne Morrissey

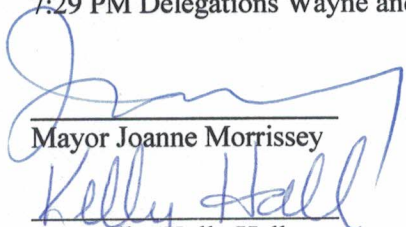
3 in Favor

4 Against

Motion Defeated

7:28 PM Town Clerk Sheila Hall was recalled to council chambers.

7:29 PM Delegations Wayne and Lorraine Boone left the council chambers.



Mayor Joanne Morrissey

Kelly Hall
Councillor Kelly Hall

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Complaint received from resident on Dr Whalens Rd for a request for property tax reduction due to living next to untidy property - copied to members.

Noted reduction would set precedence and that council should not consider this.

Taxes are based on assessed value & resident should contact the Municipal Assessment Agency to request a property visit.

Motion 2021 –1883– Brian Hurley / Elsie Morrissey

Resolved that reduction in taxes request be denied.

All in Favor Motion Carried

Disclosure 2021 statements were distributed completed & reviewed.

Christmas Bonus was discussed.

Motion 2021 –1884– Dwight Snow / Elsie Morrissey

Resolved that Christmas bonuses be issued same as previous years.

All in Favor Motion Carried

5. Development Applications: No applications received.

6. Correspondence for Information:

Garbage dumped at Calm Hole area North River. Discussion on weekly collection. Defer spring

Signs-Ordered two speed signs 30 MPH including posts for Newells Road & Dr. Whalens.

Ditching behind 20 North River Rd. Received written permission for ditching. Contractor unable to complete work due to timing & snow clearing. Defer spring

Aspells Road- As council had placed catch basin at previous owner's request. Current resident had buried culvert upon construction of garage and blocked catch basin. All agreed resident should be responsible to uncover culvert & clean it out. Clerk advised message was left with no response to date. No letter sent as Alberta address. Councillor Hall will try to obtain address.

Effords Road blocked culvert to be cleaned out. Defer spring

School Road Ditch–Mayor Morrissey reported that she had checked & screen has little buildup.

Boundary Extension- Mayor Morrissey advised MHA scheduling meeting with Minister.

Boat launch & Calm Hole Rd- Councillor Snow waiting on Environmental Assessment. Deferred

Calm Hole/Dog Park - Councillor Hurley to draft Expression of Interest to clear trees for post.

Skate Park-Mayor Morrissey advised application for phase II was not approved to date.

Asset Management-Clerk reported all assets being itemized and will be forwarded to MNL. Mayor Morrissey, Deputy Mayor Hurley along with clerk to compile data. Defer pending data.

911 phase II – Clerk reported work in progress. Defer pending data transfer to map.

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6B. Committee Reports

Bay de Grave- Councillor Mackey reported 50 turkeys were donated & distributed.

Joint Councils- No report.

Seniors Committee- No report.

Animal Control- No report.

Recreation Committee- No report.

OHS Committee- No incidents reported.

7. Financial Reporting Policy and Procedures

Balance Sheet & Income Statement along with Expense Statement were provided for Council.
Financial Transaction Summary December General Ledger Cash outflow / inflow reports and financial statement reviewed by council.

Total deposited \$77,882.11 includes Safe restart \$33,495.61 and MOG \$26,570.06

Receipt# 15653-15674.

Total payable \$43,597.22. Cheque # 1578-1603. Closing Balance \$86,637.90.

Accounts Payable Ledger to January 5, 2021 was provided for Councils' review.

Motion 2021 –1885– Elsie Morrissey / Brian Hurley

Resolved that Operating accounts payable in the amount of \$7,789.83 be approved for payment.

Further resolved MCW Dexter Construction invoice \$13,642.81 be paid.

All in Favor Motion Carried

Grants Income Statement along with Expense Statement were provided for Council.

Financial Transaction Summary to December 31, 2020 Grants Ledger Cash outflow /inflow reports and financial statement reviewed by council.

Total deposit \$0 Total payable \$0. No cheques issued. Closing Balance \$24,197.78.

Tax Adjustments/Write Offs to December 31, 2020 No Adjustments

Tax Dollar Arrears to December 31, 2020.

Detailed aged accounts receivables were provided for the information and review of Council.

Total outstanding to 2020 taxes \$329,096.41 .Collections percentage at 86%.

Adjournment

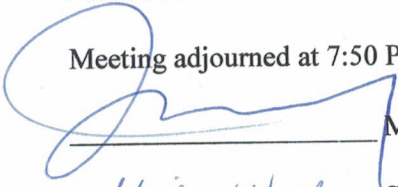
Motion 2021 –1886– Dwight Snow / Elsie Morrissey

Resolved that this meeting of council be adjourned until the next regular meeting

February 2, 2021 at 7:00 p.m. at the Town Council Chambers, 43 North River Road.

All in Favor Motion Carried

Meeting adjourned at 7:50 P.M.



Mayor Joanne Morrissey



Sheila Hall, Town Clerk/Administrator

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7:58 PM Privileged meeting to address Boone's Lane

In attendance: Mayor Joanne Morrissey, Deputy Mayor Blair Hurley,
Councillor's Kelly Hall, Brian Hurley, Patrick Mackey, Dwight Snow & Elsie Morrissey
Town Clerk left the council chambers

Discussions regarding policy on privileged meetings. Councillor Mackey stated in discussions with Municipal Affairs that Town Clerk doesn't have to leave the chambers at any time as she doesn't have voting power and doesn't speak.

Deputy Mayor took the floor to address questions that were posed early by Mr. and Mrs. Boone.

1. Why council considered the issue a personal one?

Council considered this issue to be a civil one in nature a few years ago. Issues regarding this lane became evident when there was to be a turnaround established at the end of the lane. Council tried very hard but were unsuccessful in establishing a turnaround during the most recent road upgrading in 2018. A disagreement regarding how much land would be taken from each landowner arose. Since an agreement could not be reached, council decided to not put a turnaround at the end of Boone's Lane as we did not want to become involved with this disagreement between the property owners on Boone's Lane. Further disagreements arose when the residents of 8 Boone's Lane placed large boulders on their property line and the owners of the adjacent property across the lane built a fence on their property line. Both property owners feel that each are encroaching. Again, council did investigate both the boulders and the fence and since both were on the edge of the properties and posed no impediment to the provision of services no action was taken and council chose once again not to become involved in the personal dispute.

After the completion of the upgrading of the lane, a water problem arose at the end of the lane. Council immediately addressed this issue with ditching and the placement of a 12" culvert across the lane. A short time later it became evident that the 12" culvert was insufficient for drainage of water from one side of the lane to the other so a new larger 24" one was ordered and installed. The 12" culvert was then installed on the east side of the lane to enable the property owner access to their property as this access was impeded with the new ditch that council dug. The drainage issue and the future access issue to the property on the east side of the lane were now corrected. The culvert was not given to or requested by the property owner. It was placed there under the direction of council and the contractor. Recently the property owners of 8 Boone's Lane complained of this being a giveaway. Again, it was council's viewpoint that this complaint arose due to the growing disagreement between property owners. Both property owners have once again become embattled in a disagreement over the placement of a gate. Council investigated the issue and decided by majority vote to once again not to get involved in the civil dispute.

All of the issues on Boone's Lane have been thoroughly discussed by council on numerous occasions. Council also sought guidance from a lawyer and from municipal affairs and both parties advised council that this was a civil dispute

Council made an informed and guided decision to not become involved with this issue due to the history between the two property owners and due to the fact that the provision of services was not impeded in any way on Boone's Lane.

2. Why is private driveway at the end of Boone's Lane being cleared by Town's snow clearing contractor at tax payer's expense?

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Due to the construction of a fence and the placement of boulders on property lines at the end of Boone's Lane, it became evident from the snow clearing contractor that it was too narrow an area to turn around large snow clearing equipment. Council advised the contractor of the easiest solution to the problem, to continue down the driveway of 10 Boone's Lane and to turn at the turn in the driveway. Contractor was also informed in 2018 that he was not to do so until a snow clearing agreement was signed by the property owners. A snow clearing agreement was signed a short time later and the contractor was told that all was good with turn around there. This is one of 4 lanes in our community that has a snow clearing contract in place for plowing on private property. These are in place to both enable safe turn around areas for the snow clearing contractor and to ensure that the town is not liable for any damage to personal property. These agreements are of benefit to the town and to all residents of the lanes with these agreements in place.

There was concern raised that the entire driveway was being plowed but this was not the direction that was given to the contractor. Deputy Mayor said he will speak to the Town's snow clearing contractor to clarify whether this is currently being done. Deputy Mayor later contacted the contractor who confirmed that this is not being done. They turn around at the point that was directed by council and have been doing so since 2018.

3. Why Mayor Morrissey advised delegation she wasn't the person they should be talking to regarding this issue?

Mayor Morrissey visited Boone's Lane at delegation's request on November 2nd 2020 and took pictures as requested, she did not receive pictures from resident. At that time she was unsure if this matter was a Council or civic issue and told him that she would discuss at the November 3rd 2020 meeting the following day and advise him accordingly. This item was thoroughly discussed at the November 3rd meeting and the general consensus of council was that it is not a Council issue. On the morning of November 4th 2020 Mayor Morrissey telephoned resident and advised him of council's decision.

4. Will snow clearing be a problem?

Mayor Morrissey had discussions with the town's snow clearing operator and he stated he do not foresee any problems with the snow clearing of that lane. He advised the Mayor that it was one of the better lanes in the Town.

Letter to be prepared summarizing the above and to be sent to the delegation from Boone's Lane. along with copies of November and December minutes

8:28 PM meeting ended

Mayor Joanne Morrissey

Councillor Kelly Hall