



# The Town of Fortune

P. O. BOX 159  
Temple Street  
Fortune, NL  
A0E 1P0

TELEPHONE: (709) 832-2810  
FAX: (709) 832-2210  
EMAIL: fortune@nf.aibn.com

MINUTES  
of a regular meeting of Council  
of the Town of Fortune  
Held in the Town Hall, January 20<sup>th</sup> 2014

*Members Present*

MAYOR  
DEPUTY MAYOR  
COUNCILLORS:

Charles Penwell  
Corey Parsons  
Yvonne Symes-Harris  
Dave Holloway  
Patrick Parsons  
Levi Curtis

*Also Present*

TOWN MANAGER  
TOWN CLERK  
OFFICE ASSISTANT

Norma Stacey  
Debbie Hillier  
Dora Hillier

*Additions to the Agenda:*

- GENERAL BUSINESS:    14.    Budget Meeting  
                                  15.    Road Upgrades  
                                  16.    Legal challenge for Hotel Fortune

**Additions to Agenda of January 20<sup>th</sup>, 2014 Meeting**

Mayor Penwell asked for approval of the additions to the agenda of the January 20<sup>th</sup> 2014 regular meeting.

**Motion 2014-01-20-01**      Parsons / Curtis

*It was resolved that the additions to the January 20<sup>th</sup>, 2014 agenda for a regular meeting of Council be adopted as presented.*

In favour:    Mayor C. Penwell  
                  Deputy Mayor C. Parsons  
                  Councillors: Yvonne Symes-Harris  
                                  Dave Holloway  
                                  Patrick Parsons  
                                  Levi Curtis

Opposed:      0  
Motion carried.



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## Regular Meeting of January 6<sup>th</sup>, 2014

Mayor Penwell asked if there were any errors or omissions to the Minutes Of the regular meeting of January 6<sup>th</sup>, 2014.

Councillor Harris addressed a couple of omissions

- # 11 on the second last paragraph, Wayne Bolt's name has a lower case "b".
- # 13 paragraph titled Mayor Charles Penwell, the last bullet should read "Infrared" not Info red.
- Under Town Manager Norma Stacey, second bullet should read "catch basins" not catch spaces.

**Motion 2014-01-20-02**      Curtis / Parsons

*It was resolved that the Minutes of January 6<sup>th</sup>, 2014 regular meeting of Council be adopted.*

In favour:      Mayor C. Penwell  
                     Deputy Mayor C. Parsons  
Councillors:    Yvonne Symes-Harris  
                     Dave Holloway  
                     Patrick Parsons  
                     Levi Curtis

Opposed:      0  
Motion carried.



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Town Manager Stacey opened with Sheila Dolimount, Office Administer from the Town of Grand Bank requesting the e-mail addresses belonging to Fortune's residents. They want them for promotional purposes.

- Mayor Penwell recommended sending a mass e-mail to Fortune's residents informing them they may be contacted.

Councillor Patrick Parsons informed Council that Councillor Holloway and himself looked at the generator belonging to Mr. Rose. This generator is unable to convert into a mobile unit. Maybe we can build a shed around it but that's it. In cases when the Town has to transport unit, this particular unit is unsuitable to meet the Town's needs and requirements.

Mayor Penwell asked the Town to research reasonable prices of a mobile system, factoring in it will be needed in various parts of Town for various reasons. Councillor Parsons added he will have quotes and estimates on paper for the next Council meeting.

Deputy Mayor Parsons inquired about the Port Authority not being charged taxes. He thought we were going to charge them business tax. Mayor Penwell added there had not been a final decision made. There has been no assessment performed on the wharf.

- Town Manager Norma Stacey revealed Public Works still paid for the 2013 Municipal Taxes on the buildings. Norma was trying to arrange a meeting with Earl Rose, and hoped that Council would set a date tonight. Deputy Mayor Parsons suggested Mr. Rose attending the first part of our next Council meeting. All Council agreed.
- Town Clerk Debbie Hillier spoke to the assessor the other day; they will be sending someone down in the spring to assess the properties. The assessor will want to meet with someone with great knowledge of the agreement with the Port Authority. During the assessor's last visit, the agreement was not fully in place, hence the reason the assessment was not conducted.
- Mayor Penwell remembered the estimated value Jake Thornhill gave was \$21,000.



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This was required to form the agreement. The Mayor also added the Town will place the Port Authority on notice of a business tax charge in the near future.

## General Business:

### 1. Forest Road

Town Manager Norma Stacey had some residential concerns regarding ATV usage on the new one way street. It will cause problems accessing the trail; they will have to go in over the road.

- Mayor Penwell stressed the same road rules apply to ATV users. Place this notice in mass email and Fortune Teller.
- Town manager Norma Stacey stated the ground is unsuitable for installing signs.
- It was deliberated and decided between all Council members not to implement the one way street until September, but get the signs in the ground when the weather permits.
- Notices will be sent out the Lake Academy and mass email for June, preparing the public, students and teachers of the delay for the one way street.

### 2. Confederation Street

Town Manager Norma Stacey described the ditch on Confederation Street behind the NL Housing area. Residents have been dumping in this ditch, and she has seen pictures. Kitchen oven doors etc have been items previously dumped, causing flooding. These ditches are cleaned when need be.

- Foreman Phil Thornhill recommended a catch basin put in this ditch and hooked into our System.
- Mayor Penwell shared his concern with this idea after witnessing a three and a half to four foot water surge from the outfall.
- Councillor Parsons experienced 2 feet of water in basements in this area.



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- The water is not running through due to the smallness of the full pipe.
- Town Manager Stacey added the sewer outfall is part of our Capital Works; maybe we will make this issue a higher priority than previously thought to be.
- \$60,000.00 cost estimate was allocated to a patch job, opposed to complete over haul.
- Mayor Penwell said it would have to be a patch job. Department of Environment would not approve such a system these days. Councillor Curtis discussed how treatment plants are the new systems.

### 3. Scotia Bank

Town Clerk Debbie Hillier explained Scotia Bank's newest promotion where their credit cards are now Scotia American Express. The Town is not electronically setup for AMEX transactions. There is a onetime fee of \$120.00 and a \$0.15 transaction fee, estimated set up time of 5-7 days. Residents have already tried using their AMEX to redeem points, unfortunately we have be unable to accept this type of credit card. Mayor Penwell said the Town will have to accommodate our residents.

**Motion 2014-01-20-03** Curtis / Holloway

*It was resolved that the Town of Fortune will set up their debit machine for AMEX.*

In favour: Mayor C. Penwell  
Deputy Mayor C. Parsons  
Councillors: Yvonne Symes-Harris  
Dave Holloway  
Patrick Parsons  
Levi Curtis

Opposed: 0  
Motion carried.



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### **4. RCMP**

Town Manager Stacey revisited a conversation she had with Constable Jenkins. He expressed his availability to attend a Council Meeting to chat with Council. Mayor Penwell was very interested in this meeting, allowing open conversation about crime in the community, opinions on other issues.

### **5. Tradeshow**

Councillor Curtis gave a background on Grand Bank's Tradeshow, sharing how difficult it was getting involved or even into the Tradeshow in general. So Councillor Curtis proposed a Burin Peninsula small business Tradeshow in the Arena at the end of May. No limitations. Charging a fee for each booth, just to cover *year one* expenses breaking even. Future potential for a revenue generator.

- The Council discussed different entries from ATV and REC vehicles, Car dealerships, Hot Tubs, Arts.
- Councillor Curtis added this is something else to promote the Town; he will print all the letters himself, with Councils approval. He will approach small businesses on the Peninsula, and Each Council and Chamber of Commerce.

### **6. Lawn damages on Haddock Road**

Councillor Holloway received a call from Pam Snook(Patton), she was very disturbed with damage to her garbage box and lawn. Councillor Holloway agreed the Town has a regulation of ten feet however, if a resident has a car parked on their lawn and the vehicle is side swiped that's not ten feet off the road, we are responsible. Could be a child next time, not a garbage box he explained.



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- Town Manager Stacey had also spoken with Pam Snook (Patton); Pam claimed someone told her and other people the garbage box had to be moved out. Norma informed her that is not Town Policy. Pam was also upset at the Town's outside worker for leaving the broken box on her lawn. Jerry removed the debris. Town Manager Stacey also received a call from a resident on Bunker Hill Road, about snow being pushed. However it was proven the culprit was not a Town's machine.
- It was decided to place the snow removal regulations in the Fortune Teller.

## 7. Light and Power street light

Town Manager Stacey addressed the Council by explaining a street light on Brunette Ave for the new cottage area is in need of its own independent pole. Between the light and the pole, there will be an additional charge of \$25.00 per month. Mayor Penwell said to take into account there may be another building there before long.

**Motion 2014-01-20-04**      Councillor Parsons / Councillor Harris

*It was resolved that the Town of Fortune will dedicate a pole on Brunette Ave for the new cottage area.*

In favour:      Mayor C. Penwell  
                     Deputy Mayor C. Parsons  
Councillors:    Yvonne Symes-Harris  
                                 Dave Holloway  
                                 Patrick Parsons  
                                 Levi Curtis

Opposed:      0  
Motion carried.



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### **8. Helmets for the Arena**

Town Manager Stacey explained how Darren Barnes had a parent approach him a couple of weeks ago, In regards to their child not wearing their helmet. The sign posted inside the Arena is skate at your own Risk. This particular child is 13 years old, and when her parents are not there she does not wear her helmet. This parent placed the onus on Darren. The Council discussed this issue over and agreed that Parental Guidance is a must.

### **9. Residential water hookup**

Town Manager Stacey pointed out a water hookup request from Mr. Lake, she was almost sure she had previously sent an email to his brother stating at this time the Town did not entertain the idea because of what the engineer had said. Town Manager Stacey's concern was if Mr. Lake decides to sell his cabin with no water hookup. Mayor Penwell discussed how the engineer already advised against another water hookup in that area, nothing personal. Mr. Lake will have to find another water source suggested Councillor Harris.

### **10. OCI Tax Agreement**

Mayor Penwell began by explaining OCI would like to spread out their TAX payments over several months. The Town's current Tax Agreement states they pay their tax in full by January 31<sup>st</sup> every year. This is the third year for this Tax Agreement. OCI have been having trouble with their Tax Agreement, because it is not their typical clause. The last 2 years the Town has allowed them to pay in 2 installments, now this year OCI is requesting *several* payments for the \$57,000.00. Council calculated different amounts and different agreements; Deputy Mayor Corey Parsons suggested 2 equal payments. 50 % for the end of January and 50% for the end of June.

**Motion 2014-01-20-05**      Curtis / Harris

*It was resolved that the Town of Fortune will allow an amendment with Ocean Choice International of 2 equal payments from OCI on January 31<sup>st</sup> and June 30th for the length of the agreement, ending in 2020.*





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In favour: Mayor C. Penwell  
Deputy Mayor C. Parsons  
Councillors: Yvonne Symes-Harris  
Patrick Parsons  
Levi Curtis

Opposed: 0  
Motion carried Councillor Dave Holloway

## 11. 2014 Clean and Safe Drinking Water Workshop

Mayor Penwell discussed the particulars of the workshop in Gander, NL. The Town usually sends Phil Thornhill. This year will be the same.

**Motion 2014-01-20-06** Councillor Parsons / Councillor Holloway

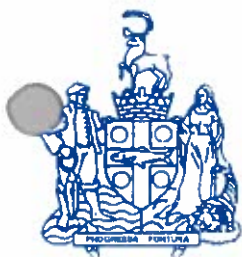
*It was resolved to send Phil Thornhill to the Clean and Safe Drinking Water Workshop.*

In favour: Mayor C. Penwell  
Deputy Mayor C. Parsons  
Councillors: Yvonne Symes-Harris  
Dave Holloway  
Patrick Parsons  
Levi Curtis

Opposed: 0  
Motion carried.

## 12. MNL Eastern Regional meeting in Clarenville

Mayor Penwell advised the Council of this meeting held on the 7<sup>th</sup> and 8<sup>th</sup> of February. The Mayor pointed out the extra expense affiliated with a 2 day meeting. Town Manager indicated registration time is 3:30 pm, with rural drinking water 1<sup>st</sup> on the agenda for 4:00 pm. February 7<sup>th</sup> in Fortune is the NHL Legends hockey game. After discussing Councils availability, it was decided no Council member was able to attend.



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## 13. Employee Matter

Town Manager Stacey discussed an outside workers surgery, he will be off for a 6 week recovery period. Roy Herridge is here under Community Enhancement Project, and Phil Thornhill indicated Roy would be interested in staying with the Town for those 6 weeks, noting Roy is not qualified for snow clearing. Phil Thornhill has contacted Bennett's under Town Manager Stacey's direction, ensuring they are available for the Town's snow clearing needs during Wednesday's predicted storm. Roy Herridge has not finished the project, but he can stay on and then hire on, but it is up to the Council. Council decided to advertise for a temporary outside worker position, allowing Roy Herridge to apply as well.

## 14. Finance Committee

Mayor Penwell informed the Council, the Town is ready for a budget meeting next week, and was looking to schedule a date. The Council explored different dates, ultimately reaching the date of January 28<sup>th</sup>, Tuesday at 7:30pm. This will be the only discussion this night. The Monday night brain storming session will be postponed for a future date.

## 15. Road Upgrades

Deputy Mayor Parsons recalled some discussion he had the weekend. The Town has to stay focused on road upgrades. Town Clerk Debbie Hillier advised Council, she called and ordered some crushed stone from Farrell's. Town Clerk Hillier relayed to Farrell's office, the agreement made with the Town. Billy Farrell told the Town whenever crushed stone is needed, just call. Council stood firm on this commitment, stating if we need to order the crushed stone elsewhere, Farrell's will be charged, Mayor Penwell suggested sending this as registered mail. Town Manager Stacey indicated the Town repaired roads on Monday, Wednesday and Friday of last week. However the rain and snow have hindered the Town's efforts. Town Manager Stacey informed Council; Farrell's sent the Town an



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invoice for the work totaling \$50,000. Lastly Deputy Mayor Parsons indicated the loop around the school is the Town's highest traffic area, it is in terrible condition. Deputy Mayor noted the staff members were out Friday, but he is almost positive the outside workers did not touch this loop. The piece on Benson Street, by Bud Boland's was not touched.

## 16. Legal Challenge for Hotel Fortune

Deputy Mayor Parsons inquired about a letter from Brian Rose or Hotel Fortune's Lawyer. He was wondering if the Town needs to respond to this letter.

- Mayor Penwell advised this letter was passed along to the Town's lawyer. The Mayor also added it wasn't a legal challenge; he went on to elaborate stating the Town sent Brian Rose a letter stating that Hotel Fortune had to be opened with at least seven rooms in 18 months from the date from this letter. Brian Rose responded by letter requesting a 3 month extension. This took him up to the date of June 21<sup>st</sup> 2012. Hotel Fortune was not operating by this specified date, and in January 2013, Mayor Penwell informed Mr. Rose his Tax Agreement has expired and he should consider asking the Town for a new Tax Agreement. The new agreement was great, but not as nice as the first one. Mayor Penwell's opinion is that the Town will not go to court.
- Brian Rose explained to Deputy Mayor there has been no response.
- Councillor Holloway asked if this particular tax agreement was prepared by a lawyer. Wondering if the Town should opt to do this for the Town's next Tax Agreement.

Councillor Parsons discussed the Recreation Commission. This was not on the agenda. Councillor Parsons advised Council Jordan Keeping was interested in joining the Recreation Commission. Council was eager and happy with his interest.

**Motion 2014-01-20-07** Councillor Parsons / Councillor Curtis

*It was resolved to approve Jordan Keeping as the newest member of the Recreation Commission*

In favour: Mayor C. Penwell  
Deputy Mayor C. Parsons  
Councillors: Yvonne Symes-Harris

Opposed: 0 Dave Holloway  
Patrick Parsons  
Levi Curtis

Motion carried.



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Councillor Parsons also expressed concern with being unable to schedule a meeting with the Community Centre Committee. The lack of interest is concerning.

- There was a discussion between all councillors on the state of the Community Centre's finances.
- The Town is subsidizing their light bill, and they have an outstanding invoice for \$10,000 and before time, it will be \$20,000. Funds for the roof are not included in their budget. Light and heat on all the time. Also a huge insurance liability.
- Mayor Penwell wants both parties to meet ASAP.

Councillor Parsons also had a meeting about the NHL Hockey Legends. Most members of the Committee was unaware of the meeting. Councillor Parsons went on to say the tickets are moving very slowly. The Musician playing at the legion for the reception has been cancelled for expense reasons. Council discussed how the Town is unable to cancel event, as they have paid in full. Advertising with the Fortune Teller, Southern Gazette and the Digital Billboard in Marystown was suggested.

## **Service NL/ Cottages on Tobacco Road**

Deputy Mayor Parsons reviewed the correspondence for Service Newfoundland regarding Cottage development on Tobacco Road. They have issued Mr. Jamie Hillier a letter for proper sewer. Service NL has been in contact with Mr. Hillier, but they have not had any correspondence from him. Council discussed following up with Service NL in a month to see if the Town has not been notified of contact. There is a stop work order. Also the Town has not received a permit request from Mr. Hillier.

## **Petitions:**

**Family Violence and Funding for the Collation for persons with disabilities**  
Council agreed there was not enough information on either petition.



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## Councillors Forum

Council discussed the new Doctor and his family in Grand Bank. Some Fortune Council Members brought gifts for the Children, and family. They have signed a 3 month contract, and of Course the community is hoping to entice the family to stay longer.

## Correspondence

Town Manager Norma Stacey reviewed Carbon Monoxide poisoning and putting a freeze on Winter Fires. The Town Council agreed to place correspondence in the next issue of the Fortune Teller.

**Motion 2014-01-08**      Councillor Curtis / Councillor Parsons

*It was resolved to extend the regular meeting of Fortune Town Council 10 minutes.*

In favour:      Mayor C. Penwell  
                     Deputy Mayor C. Parsons  
Councillors:    Yvonne Symes-Harris  
                     Dave Holloway  
                     Patrick Parsons  
                     Levi Curtis

Opposed:        0  
Motion carried.



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Councillor Patrick Parsons discussed the water meeting between Grand Bank and Fortune. It is overdue and time to schedule a meeting.

## Committee Reports

Deputy Mayor Corey listed the *notable changes* for the outside workers. He had a Discussion with the development committee, staff and representative Darren Barnes.

- In the past they were paid \$25.00 for on call schedule. They are looking at increasing this to \$75.00, Regardless if worker or not, as they were still on call.
- In the past, water on call was \$50.00 for on call schedule. They are looking at increasing this to \$75.00. Regardless if worked or not, as they were still on call.
- In the past, on call during holidays they were paid \$25.00. They are looking to increase this to \$100.00
- Clothing allowance. Currently there is a structured clothing allowance, this reaches to \$610.00 a year per employee. The outside workers felt each person requires different gear. The recommendation is increasing \$610.00 to \$650.00.
- One time tool allowance of \$5000.00. For organizational boxes etc. List would be determined between the staff themselves and forwarded to Town Manager Norma Stacey.
- Recommending a reclassification of Arena Operator to Arena Manager, with a pay raise of \$1.00 per hour.
- Paul Tulk is currently a part time worker with the staff. Recommending full time position with the Arena and outside workers.
- These are all items the outside workers raised. Including a 2.5% raise on a one year contract.
- Town Manager Stacey inquired about the clothing allowance for Arena staff. Deputy Mayor Parsons notified Council, there has been no recommendation yet on Arena Clothing.

Councillor Harris raised concerns with the rate of vacation pay, paid to the outside Workers. Based on gross earnings, includes overtime pay. Personally Councillor Harris

Feels this is unacceptable. Vacation pay, stated Councillor Harris, should be calculated

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on regular base pay. Mayor Penwell gave insight on the Law's requirements. 4% of Gross wages, but the Town's workers have been here long enough, they are receiving more than 4%. He reiterated this is not a requirement by Law. Newer workers such as Paul Tulk are entitled to 4%. Councillor Holloway added, if they were salary paid Workers, it might be different.

Councillor Holloway questioned the policy on outside workers taking company trucks for their breaks and lunch. This came as a surprise to Council. Town Manager Norma Stacey said she will look into legislation on 15 minute breaks for employees.

## Bills

### *Adjournment:*

**Motion 2014-01-20-09** Councillor Curtis / Councillor Parsons

*It was resolved to Adjourn the regular Council meeting for January 20<sup>th</sup> 2014 at 8:45pm.*

In favour: Mayor C. Penwell  
Deputy Mayor C. Parsons  
Councillors: Yvonne Symes-Harris  
Dave Holloway  
Patrick Parsons  
Levi Curtis

Opposed: 0  
Motion carried.

Mayor

Office Clerk



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## AGENDA

Monday – January 20, 2014

6:30pm

### Action List

Additions to Agenda

Adoption of Minutes January 6th, 2014

### GENERAL BUSINESS

1. Forest Road- One way for ATV'S.
2. Confederation Street.
  - 1) Ditch
  - 2) Service Outfall.
3. Scotia Bank – Concerning Express set up on Debit Machine.
4. R.C.M.P.
5. Trade Show
6. Salvage/Lawn damages/Haddock Road.
7. Newfoundland Power street light.
8. Helmets in the Arena.
9. Resident water hookup.
10. OCI Tax Agreement.
11. 2014 Clean and Safe Drinking water workshop-Gander.
12. MNL Eastern Regional Meeting- Clarenville, Feb 7<sup>th</sup> & 8<sup>th</sup> 2014.
13. Employee Matter.



## **CORRESPONDENCE**

- 1) Conservation Corps- Call for Proposals.
- 2) Call for nominations- Prince Of Whales Award.
- 3) Service NL- Cottage development Tobacco Road.
- 4) Health Care Update.
- 5) Scotts Canada LTD-Commitment to Support Community Gardens and Green Spaces Across Canada.
- 6) Mental Health First Aid: For Adults Who Interact with Youth.
- 7) Cost Saving and Green heating direction.
- 8) Carbon Monoxide Safety and Heating Safety.
- 9) HRTA- Will operate out of Farmer's Market across from Walmart.
- 10) Petitions:
  - 1) Family Violence Intervention Court
  - 2) Provincial Funding and Support for an advocacy group to ensure full citizenship rights for Newfoundlanders and Labradorians with disabilities.

## **Bills**