



The Town of Fortune

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

TELEPHONE: (709) 832-2810
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Minutes of a Regular Meeting of Council Of the Town of Fortune at the Fortune Fire Hall On April 20, 2021 at 6:15 p.m.

<i>Members Present:</i>	Mayor	Charles Penwell
	Deputy Mayor	Frazer Smith
	Councillors	Levi Curtis Terence Fleming Roy Kendell Patrick Parsons
<i>Absent with Regrets</i>	Councillor	Matthew Woodland
<i>Also Present:</i>	CAO Collier Town Clerk Public Works Supervisor	Linda Collier Lacey Symes Chris Caines
<i>Participants via Zoom</i>		Brian Rose

Additions/Adoption to Agenda:

Mayor Penwell asked if there were any additions to the Agenda of April 20, 2021.

Addition under #1 Public Works

- Property Owner Verbal Request Water/Sewer Installation on Haddock Road/ Building Application
- Port Corporation

Addition under #3 Arena Roof

- Meeting with MHA Pike

12. SPCA Donation Request

Addition under Permits:

- STRICC001

Motion 2021-04-20-01: Councillor Curtis/Deputy Mayor Smith

Resolved that the Agenda of April 20, 2021 meeting be adopted as presented with additions.



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In favour: Mayor Penwell
Deputy Mayor Smith
Councillors: Curtis, Fleming, Kendell & Parsons

Opposed: 0
Motion carried

Adoption of Minutes:

Mayor Penwell asked if there were any errors or omissions to the Minutes from the Regular Council meeting held on April 6, 2020 as presented. Smith/Fleming

Motion 2021-04-20-02: Deputy Mayor Smith/Councillor Fleming

Resolved to adopt the Minutes of the Regular Council Meeting of April 6, 2021 as presented.

In favour: Mayor Penwell
Deputy Mayor Smith
Councillors: Curtis, Fleming, Kendell & Parsons

Opposed: 0
Motion carried

GENERAL BUSINESS:

1. Public Works

- **Auction Update:** CAO Collier summarized the details of the auction update, she had advised the lawn mower sold for \$425.00; therefore, that money will be issued to the Fortune Recreation Commission, the lathe sold for \$150.00 & the rest of the items sold for \$25.00 - \$40.00.
- **Curbstop:** Public Works Supervisor Caines explained to Council that Public Works Staff have encountered situations where they have difficulty trying to locate curbstops on properties; therefore, resulting in tearing up resident's lawns/properties, in most cases when there is difficulty locating the curbstop it is because land has been built up and/or curbstops have been buried.

Council discussed this issue and agreed for Office Staff to send notice via social media/mass email advising residents if their curbstop is buried & Public Works Staff encounter issues locating the curbstop the responsibility is on the property owner for the damage occurred while locating.



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- **Property Owner Verbal Request Water/Sewer Installation on Haddock Road:** Received a request from a property owner on Haddock Road looking to get water/sewer installation. Public Works Supervisor Caines advised that the Town of Fortune currently doesn't have the proper equipment to install a new water/sewer hookup in that area as it is located in the middle of Haddock Road & is approximately 3-3.5 meters deep.

Council discussed this matter & it was a consensus of Council for Caines to obtain a cost estimate from Bennett's Construction to complete the dig up & report back to next Council Meeting.

The cost of a new water/sewer connection is a \$500 fee.

CAO Collier also pointed out that the same property owner previously had an approved building permit to erect a steel shed; however, now need an extra 6ft than what was approved on the building application. Caines had already inspected the property today & is not sure if the structure will impede on the neighbouring property if extended an additional 6ft.

Office Staff to retrieve previously approved application & development committee to review.

Property owner to reinstall pegs for Development Committee to inspect.

- **Port Corporation:** The Fortune Port Corporation is planning on paving the section of the property between their office building & T4T Construction, apparently they're experiencing a lot of water under their building & was seeking permission from Council to install a catch basin & have the water directed to the already installed manhole on Legion Road.

Public Works Supervisor Caines advised this will not require the cutting of any pavement.

Motion 2021-04-20-03: Deputy Mayor Smith/Councillor Curtis

Resolved to installed a catch basin near the Fortune Port Corporation's property with the labour free of charge; however, if any costs is incurred for materials it would be the responsibility of the Fortune Port Corporation.

In favour: Mayor Penwell
Deputy Mayor Smith
Councillors: Curtis, Fleming, Kendell & Parsons

Opposed: 0
Motion carried



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Public Works Supervisor left the Council Meeting at 6:47 p.m.

2. Municipal Budget Submission Form: CAO Collier advised Council that at a Finance Committee meeting it was suggested to resubmit the 2021 Budget Submission Form to reflect the additional funding required at the Arena (Service NL directive) that wasn't previously included in the original Budget Submission Form.

Motion 2021-04-20-04: Councillor Curtis/Councillor Fleming

Resolved to resubmit the 2021 Budget Submission Form to reflect the additional funding required at the Fortune Arena as per Service NL directive.

In favour: Mayor Penwell
Deputy Mayor Smith
Councillors: Curtis, Fleming, Kendell & Parsons

Opposed: 0
Motion carried

3. Arena Roof:

- **Warranty:** CAO Collier in process of retrieving details of years of warranty on Arena Roof Replacement with Livewire, will update once receives more information, CAO Collier advised the materials are ordered for the roof & awaiting delivery.

CAO Collier advised Council she was contacted by MP Roger's office regarding a program that may be available for funding for the arena, Canadian Healthy Communities Initiative, this application is not released yet; however will be released on May 14th & deadline of June 25th.

As noted under correspondence there is another type of program, Green and Inclusive Community Buildings Program- this application is quite intensive & not sure if the Arena Chillier will be eligible under this program & if so will require engagement with engineer and/or project management.

It was a consensus of Council for CAO Collier to apply for funding under the Canadian Healthy Communities Initiative.

- **Special Assistance Funding Update:** CAO Collier reminded Council of the Meeting with MHA Pike scheduled for Saturday, April 24th at 12:00 p.m. at the Fortune Fire Hall & was wondering if perhaps this will be an update concerning the special assistance funding as MHA Pike was planning on meeting with the Minister himself regarding this matter.



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- **In Memoriam Donation:** Received a \$550 donation from the Late Garnett Miller's wife, Annabelle, donations received from Mr. Miller's family/friends. It was a consensus of Council to have a plaque erected in the Fortune Arena in memory of Mr. Miller & to send out a thank you on the Town's social media page.

4. Poll Tax :

The following accounts were recommended by the Finance Committee as doubtful & to be written off/adjusted:
BRADR003
COX.T001
PITTR001

Motion 2021-04-20-05: Deputy Mayor Smith/Councillor Fleming

Resolved to write off account #BRADR003, #COX.T001 & #PITTR001 as they are considered doubtful accounts as per recommended by the Finance Committee.

In favour: Mayor Penwell
Deputy Mayor Smith
Councillors: Curtis, Fleming, Kendell & Parsons

Opposed: 0
Motion carried

5. Gas Tax Allocation: CAO Collier advised Council that the Town of Fortune has \$317,830.56 remaining in gas tax funds to March 31, 2024. \$175,335 is available up to March 2022, of that amount \$105,602 is available now & \$69,733 from the future allocations of October and February.

6. Update from Department of Municipal Affairs (Conflict of Interest Allegations): As per correspondence provided at the last Council meeting, CAO Collier consulted with the Department of Municipal and Provincial Affairs to seek a ruling pertaining to the allegations pertaining to the Mayor and Deputy Mayor being in conflict as per the adjustments for Business Tax Relief resulting in the impacts of Covid. Upon a telephone conversation with CAO Collier whereby Town Clerk Symes was present, Trina Keough-Hackett provided her insight and indicated that Council could seek legal advice; however, as this was an adjustment providing monetary relief to all businesses submitting an application (not just the classification under accommodations), and that fact that no such relief was being requested by the Deputy Mayor who operates a unit via Air BnB, both the Mayor (father-in-law to Deputy Mayor) and the Deputy Mayor were merely carrying out their roles as members of Council. Furthermore, reference to exemption and remission as per Municipalities Act was noted to which the Finance Committee would need to consider during second quarter. In addition, as per any future doubt pertaining to such conflict of interest (i.e. discussions or voting pertaining to business referenced in the correspondence – accommodations), as per Section 209 of the Municipalities Act, disclosure of potential conflict would be revealed with the remaining Council to decide by a majority vote, and that decision on the matter is final. As the present situation would require 2/3 of the eligible Councillors, the matter would need to be deferred.



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6. Update from Department of Municipal Affairs (Conflict of Interest Allegations) Continued...

Throughout a discussion it was indicated how numerous Councillors do own & operate businesses within the municipality & surrounding municipalities as well; however, if there are no direct monetary benefit for the individual it would not be considered a conflict of interest.

Council Curtis questioned his ability to vote in this specific conflict of interest matter in particular. It was clarified that Councillor Curtis would be able to vote on the discussion whether Mayor Penwell & Deputy Mayor Smith were in conflict; however, any voting pertaining to the Covid-19 Relief provided in 2020 he would not be in the position to vote as he sought relief for his own business.

7. Land Request: Defer for now, Office Staff to seek legal advice regarding land in the Haddock/Dixon/Farm area & update Council when possible.

8. Previous Town Employee Passing: Guy Clouter who had previously worked for the Town of Fortune has passed & is stated in the obituary that donations can be made in his memory to the Valley Regional Hospital in Nova Scotia or the Fortune United Church Cemetery Fund.

Council noted that Mr. Clouter's wife was once a Councillor with the Town of Fortune as well.

Motion 2021-04-20-06: Councillor Parsons/Councillor Curtis

Resolved to donate \$100 to the Fortune United Church Cemetery Fund in memory of past employee Guy Clouter.

In favour: Mayor Penwell
Deputy Mayor Smith
Councillors: Curtis, Fleming, Kendell & Parsons

Opposed: 0
Motion carried

9. Municipal Election: It was a consensus of Council to stick with the regular voting for the upcoming 2021 municipal election.

10. Mullins/King Memorial Recognition: CAO Collier wondering if there was a certain date picked for the unavailing of the Mullins & King Memorials. Council agreed to defer & put back on the June Council Meeting Agenda.

11. Downtown Development:— Defer



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12. Burin Peninsula SPCA- Donation Request:

Motion 2021-04-20-07: Councillor Parsons/Councillor Curtis

Resolved to donate \$100 to the Burin Peninsula SPCA.

In favour: Mayor Penwell
Deputy Mayor Smith
Councillors: Curtis, Fleming, Kendell & Parsons

Opposed: 0
Motion carried

FINANCIAL TRANSACTIONS:

Motion 2021-04-20-08: Deputy Mayor Smith/Councillor Kendell

Resolved to approve the financial transactions for April 2, 2021- April 16, 2021.

In favour: Mayor Penwell
Deputy Mayor Smith
Councillors: Curtis, Fleming, Kendell & Parsons

Opposed: 0
Motion carried

PERMITS/EXEMPTIONS/ADJUSTMENTS:

Permits:

SLANG001	14 Forest Road	Extension on Porch & Patio
SMITF003	11 Snook's Road	Renovation to Existing House
STRICC001	18 Bunkerhill Road	Fence

The building permit for #SLANG001 & # STRICC001 was discussed, Councillor Kendell advised that for the permit for #STRICC001 the work being done is considered general repairs as he is replacing existing poles. #STRICC001 has already paid \$20 for a Building Permit; therefore, suggesting to be reimbursed.

Motion 2021-04-20-09: Deputy Mayor Smith/Councillor Kendell



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Resolved to approve the Building Permit Applications for account #SLANG001 & #STRIC001 & to reimburse #STRIC001 the \$20 fee as his permit is considered to be general repairs.

In favour: Mayor Penwell
Deputy Mayor Smith
Councillors: Curtis, Fleming, Kendell & Parsons

Opposed: 0
Motion carried

Mayor Penwell & Deputy Mayor Smith declared a conflict of interest & left the Council Meeting at 7:28 p.m.

Motion 2021-04-20-10: Councillor Parsons/Councillor Kendell

Resolved to approve the Building Permit Applications for account #SMITH003.

In favour: Councillors: Curtis, Fleming, Kendell & Parsons

Opposed: 0
Motion carried

Mayor Penwell & Deputy Mayor Smith returned to the Council Meeting at 7:30 p.m.

Exemptions:

#JUANI002 Business Taxes

Received correspondence from a resident seeking an exemption from business taxes.

Council had a discussion regarding this matter with reference to the declaration of the property being used for farming. The tax account including property was noted as being significantly in arrears with the possibility of the land being sold by public auction for tax sale.

Motion 2021-04-20-11: Deputy Mayor Smith/Councillor Curtis

Resolved to adjust business taxes associated as per "farming" under Account #JUANI002 as requested coupled with a mandatory Municipal Tax Plan Agreement to be arranged with subsequent non-compliance to such payment arrangement resulting in the Town selling the property by means of property auction as a tax sale.



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In favour: Mayor Penwell
Deputy Mayor Smith
Councillors: Curtis, Fleming, Kendell & Parsons

Opposed: 0
Motion carried

CORRESPONDENCE:

Canada Healthy Communities Initiative- Green & Inclusive Community Buildings Program: Already discussed under #3 Federal Funding Options.

MNL- 2020 AGM Municipal Symposium: Mayor Penwell & Councillor Fleming to attend.

Aguathuna Drafting & Consulting Company- Launch of the Planning, Climate Change & Development: Business Information

Multiklient Invest AS- Seismic Programs Offshore Newfoundland 2021 Update: Councillor's Information

CAO REPORT:

- Newfoundland Power experiencing some difficulty completing electrical work at the Horsebrook Trailer Park & has contacted the Town Office seeking additional information about ownership of the Park. Newfoundland Power is requesting affidavit from the Town showing ownership of the Park. CAO Collier has already contacted Charlotte Piercey & Howard Thornhill to help assist with the affidavits.
- Vacant land on the back of Haddock/Dixon/Farm road is showing as previously owned by JR Dickson; however, no taxes have ever been invoiced/paid on this specific land & no one has come forward stating ownership of the land. Office Staff to contact lawyer to seek legal advice on what the Town would be required to do to acquire the land.
- Received a request from a resident on Bayview Street asking to get a speed sign erected in that area- CAO Collier to advise Public Works Employees.
- Currently in the process of submitting a JCP application, CAO Collier had reached out to Fire Department to see if there was anything needed at the Fire Hall. It appears the floor in the Fire Hall Bay needs to be repaired; however, this would be too costly of a project to be considered under a JCP. CAO Collier advised there are a few issues with the garage doors in the bay & she had contacted Overhead Doors to seek repairs.
- Office Staff have applied for two summer student programs.



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COUNCILLORS FORUM/COMMITTEE REPORTS:

Mayor Penwell- NIL

Deputy Mayor Smith: Advised the Feller From Fortune Festival received a grant in the amount of \$8100 & currently has approximately \$31,000 in their bank account; therefore, hoping to be able to hold some type of event throughout the Summer.

Councillor Curtis: Attended a Legendary Coasts meeting regarding Saint Pierre & Miquelon, pointed out he had issues with ZOOM; however, the meeting was interesting.

Councillor Fleming: NIL

Councillor Kendell: Advised he had issues accessing the water chute when the wharf road is closed. Also suggested to ask Harbour Authority/Quinsea to move the "road closure" signs down past the dirt road to access the walking trail as people think there is no access to the walking trail while the wharf road is closed. CAO Collier to follow up.

ADJOURNMENT / Next Meeting

Motion 2021-04-20-12: Deputy Mayor Smith/Councillor Kendell

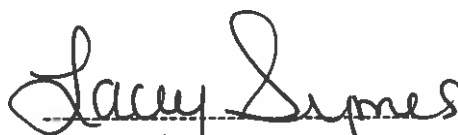
Resolved to adjourn the Regular Council Meeting at 8:02 p.m.

In favour: Mayor Penwell
Deputy Mayor Smith
Councillors: Curtis, Fleming, Kendell & Parsons

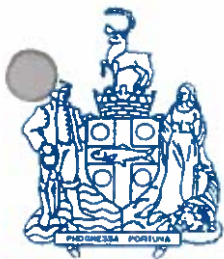
Opposed: 0
Motion carried



Mayor Penwell



Lacey Symes- Town Clerk



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AGENDA - Council Meeting April 20, 2021 at 6:15 p.m.

Additions/Adoption to Agenda

Adoption of Minutes: April 6, 2021

GENERAL BUSINESS

1. Public Works
 - Auction Update
 - Curbstops
2. Municipal Budget Submission Form Revision
3. Arena Roof
 - Warranty
 - Federal Funding Options
 - Special Assistance Funding Update
 - In Memoriam Donation
4. Poll Tax Write Off/Doubtful
5. Gas Tax Allocation
6. Update from Department of Municipal Affairs (Conflict of Interest Allegations)
 - Tax Relief Letter from April 6, 2021 Meeting- Defer to Finance Committee 2nd Quarter
7. Land Request Haddock/Farm Road
8. Previous Town Employee Passing
9. Municipal Election 2021- Mail in Voting
10. Mullins/King Memorial Recognition
11. Downtown Development- Defer (follow up with Planning & Development Committee)

FINANCIAL TRANSACTIONS:

- Payables April 2, 2021- April 16, 2021

PERMITS/EXEMPTIONS/ADJUSTMENTS:

Building Permits:

SLANG001	14 Forest Road	Extension on Porch & Patio
SMITH	11 Snook's Road	Renovation to Existing House

Exemption:

JUANI002 Business Taxes



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CORRESPONDENCE:

From	Particulars	Anticipated Action
Canada Healthy Communities Initiative	Green & Inclusive Community Buildings Program	Councillor's Information
MNL	2020 AGM Municipal Symposium	Nominations Open
Aguathuna Drafting & Consulting Company	Launch of the Planning, Climate Change & Development	Business Information
Multiklient Invest AS	Seismic Programs Offshore Newfoundland 2021 Update	Councillor's Information

CAO REPORT

COUNCILLOR'S FORUM / COMMITTEE REPORTS:

ADJOURNMENT / Next Meeting