



# The Town of Fortune

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

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Minutes of a regular meeting of council  
of the Town of Fortune, held in the  
Town Hall, April 26, 2011 at 6:30 p.m.

*Members Present*

Mayor	Charles Penwell
Deputy Mayor	James Dunne
Councillors:	Joann Johnson
	Jordan Keeping
	Patrick Parsons

*Also Present*

Town Clerk	Debbie Hillier
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**Additions to the Agenda:**

General Business:	25. Business Permit - Levi Curtis
	26. Noseworthy Place - Road Repairs
Permits:	2. Permit Regulations
	3. Gary Crowley

*Agenda Additions:  
Regular Meeting  
April 26, 2011*

**Additions to Agenda of April 26, 2011**

Mayor Penwell asked for approval of the additions to the agenda of the April 26, 2011 regular meeting.

Motion 2011-04-26-01          Parsons/Johnson

Resolved that the additions of the April 26, 2011 regular meeting of council be adopted as presented.

In favour:          Mayor C. Penwell  
                         Deputy Mayor J. Dunne  
                         Councillors: J. Johnson, J. Keeping & P. Parsons

Opposed:          0  
Motion carried.

*Minutes:  
Regular Meeting  
April 11, 2011*

**Regular Meeting of April 11, 2011**

Mayor Penwell asked if there were any errors or omissions to the minutes of the regular meeting of April 11, 2011 as presented.

Corrections to the April 11, 2011 minutes are as follows:

Item #7: Definition of Class 4 Roads



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Motion should read as follows: resolved that a letter be written to the Fortune ATV Association to inform them that council cannot support their efforts to change the status of Hornhouse Road to Class IV.

Motion 2011-04-26-02          Dunne/Johnson

Resolved that the minutes of the April 11, 2011 regular meeting of council be adopted as circulated with the corrections.

In favour:      Mayor C. Penwell  
                  Deputy Mayor J. Dunne  
                  Councillors: J. Johnson, J. Keeping & P. Parsons

Opposed:        0  
Motion carried.

## *Action List*

**Action List** from the April 11, 2011 meeting was reviewed.  
Motions from the Action List are as follows:

### **Item 04-12-10 NB17 - Carroll Property**

Motion 2011-04-26-01 AL    Keeping/Johnson

Resolved that the Carroll property be declared a dilapidated property as per section 404(f) of the Municipalities Act.

In favour:      Mayor C. Penwell  
                  Deputy Mayor J. Dunne  
                  Councillors: J. Johnson, J. Keeping & P. Parsons

Opposed:        0  
Motion carried.

Motion 2011-04-26-02 AL    Johnson/Keeping

Resolved that it was agreed to advertise that the building be dismantled and removed from the Carroll property in lieu of material.



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In favour: Mayor C. Penwell  
Deputy Mayor J. Dunne  
Councillors: J. Johnson, J. Keeping & P. Parsons

Opposed: 0  
Motion carried.

## *Delegation/Guest*

Mr. Murdock Hiscock attended the meeting at 6:45 p.m. to discuss TARGA & Femme Road.

Mayor Penwell welcomed Mr. Hiscock to the meeting.

Mr. Hiscock spoke to council about when TARGA comes to Fortune, the TARGA route is always repaired.

His concern is if this route is repaired every year why other areas of town are not done.

He informed council that there is a really bad spot on Femme Road that has not be fixed for years. There does be some fill put in the hole but it doesn't last and would like to see the hole patched with pavement.

Mr. Hiscock informed council that he has been talking to his neighbours, who feel the same way about the condition of the roads and they are willing to protest TARGA if their street is not repaired.

Mayor Penwell informed Mr. Hiscock that the town does it best every year to do road repairs and one of the biggest issues is the cost to repair the roads. Another issue is the lack of manpower to do this work.

Mayor Penwell assured Mr. Hiscock that every effort will be taken to get the hole patched during this summer's road repairs.

Mayor Penwell thanked Mr. Hiscock for attending the meeting



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## *New Business*

### 1. **Arena - Installation of New Doors**

Town Manager Stacey asked to keep Arena Operator Barnes on after he is finished his arena duties for this season for approximately one month to get the new doors installed in the arena.

Motion 2011-04-26-03          Johnson/Keeping

Resolved that Arena Operator Barnes be kept on for approximately one month to install the new arena doors.

In favour:          Mayor C. Penwell  
                         Deputy Mayor J. Dunne  
                         Councillors: J. Johnson, J. Keeping & P. Parsons

Opposed:          0  
Motion carried.

### 1. **Arena - RINC**

The tenders for the RINC Project are received. There were 2 tenders that did not comply due to bid security and they are Youngs Refrigeration and Keep Cool. Therefore, the recommendation from Bae NewPlan is to award the contract to the 3<sup>rd</sup> bidder, Cimco Refrigeration. If the tender is awarded to Cimco then there will be a project shortfall of \$30,520.00

The town is waiting to hear back from the Dept. of Municipal Affairs about this issue.

### 2. **Sunset Crescent - Install Catch Basin (Corner Near Cyril Roses)**

It is expected to take approximately half a day for 3 employees to install the catch basin. The cost of the cover is \$345.00.

Contact the town's engineer, Bae NewPlan, for their opinion on installing this catch basin.



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Motion 2011-04-26-04          Johnson/Keeping

Resolved that the catch basin be installed on Sunset Crescent with approval from the town's engineer.

In favour:          Mayor C. Penwell  
                         Deputy Mayor J. Dunne  
                         Councillors: J. Johnson, J. Keeping & P. Parsons

Opposed:          0  
Motion carried.

**3.          Email - re Hornhouse Road - Repairs have been carried out week of April 18-22, 2011**

An email was received from a resident on Hornhouse Road about the condition of the road.

The repairs were done to the road during the week of April 18 to 22, 2011.

**4.          HRTA - Invitation to AGM, Thursday, May 12, 2011 at Marystown Hotel at 6:30 p.m.**

There is no one available from council to attend the AGM.

Pass along the invitation to the Interpretation Centre.

Motion 2011-04-26-05          Johnson/Dunne

Resolved that a representative from the Interpretation Centre attend the AGM in place of a council representative.

In favour:          Mayor C. Penwell  
                         Deputy Mayor J. Dunne  
                         Councillors: J. Johnson, J. Keeping & P. Parsons

Opposed:          0  
Motion carried.



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5. **Edwards & Associates - Revised Cost Listing for RAMS Data Capture and Input**

To invite representatives from Edwards & Associates to attend our next meeting to review & discuss this information.

6. **Town Suite Upgrade Quotation**

It was suggested to write Town Suite about this upgrade quotation and express our concerns about the cost considering we are a small municipality. Copy the letter to Municipal Affairs & our local MHA.

7. **NL Fire Services Association 2011 Convention Booklet**

Forward this correspondence on to the Fire Department.

8. **Municipal Awareness Information**

- It was suggested to have a open house at the Interpretation Centre. Ask Interpretation Centre staff to gather pictures and sort them out for display for the public. Have some finger foods, refreshments and cake.

9. **Invitation - John Burke High School Graduation**

Mayor Penwell is unable to attend due to attending the Municipal Symposium in Gander.

Councillor Johnson will be attending in his place.

10. **Destination St. John's - Advertising Rate & AGM**

The town will not be advertising in this years guide.

There is no one available to attend the AGM due to other committments.



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## 11. **Easter Seals NL - Request for Support**

The town will not be giving a donation to Easter Seals NL due to the town supporting local charities/organizations.

## 12. **Boot Shrine Club - Sponsor Souvenir Ceremonial Booklet**

Motion 2011-04-26-06      Johnson/Keeping

Resolved that the town sponsor a quarter page ad in the amount of \$25.00 in the Boot Shrine Club Souvenir Ceremonial Booklet.

In favour:      Mayor C. Penwell  
                 Deputy Mayor J. Dunne  
                 Councillors: J. Johnson, J. Keeping & P. Parsons

Opposed:      0  
Motion carried.

## 13. **RCMP Annual Dinner, Saturday, June 4, 2011**

There is no one available to attend the RCMP Annual Dinner due to other commitments.

## 14. **Children's Wish Foundation - Run the Rock 2011**

The town will not be participating in the Run the Rock campaign due to supporting local charities/organizations.

## 15. **Response from Dept. of Transportation & Work re: Erosion High Bank**

A letter was received from the Dept. of Transportation & Work about our concerns over the erosion of "High Bank" on Fortune/Grand Bank Highway.



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It was stated in the letter that Paul Goodman and Glen Groves met with the Mayor last summer but it was actually former Mayor Noseworthy that they met with 2 years ago.

The letter states that regular monitoring is done in the area by their maintenance forces pretty much daily and if anything is seen out of the ordinary, engineering is notified and a further investigation is done by the Engineering division.

The town does have concerns about driving in this area in the wintertime.

There were concerns raised about children missing school in the winter time due the busses not being able to travel in this area.

Write a letter to the Eastern School Board concerning Lake Academy & John Burke students missing school to verify if the reason is due to busses not being able to travel in this area during winter stormy days.

## 16. **Asure Financial & Mortgage Services**

The town will not be availing of Asure Financial & Mortgage Services.

## 17. **Police Appreciation Sabbath, May 7, 2011**

There is no one available to attend the Police Appreciation Sabbath ceremony due to other commitments.

## 18. **Seahawk Special Olympic Spring Draw**

Post the information on the town's bulletin board for the public.

## 19. **CBC's Live Right Now Initiative**

Pass the information on to the Recreation Commission.





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## 20. Titan Alarm Request for Business License

Motion 2011-04-26-07 Dunne/Keeping

Resolved that the Business License application for Titan Alarm to sell home security systems in the town be approved as presented.

In favour: Mayor C. Penwell  
Deputy Mayor J. Dunne  
Councillors: J. Johnson, J. Keeping & P. Parsons

Opposed: 0  
Motion carried.

## 21. Horsebrook Walking Trail - Igor Assistance

Government has contacted the town about the application for the Horsebrook Walking Trail under Igor funding. The town has to engage our engineers for this project and the cost of the engineer is eligible under the project.

Motion 2011-04-26-08 Keeping/Johnson

Resolved that the town's engineers be engaged as part of the Horsebrook Walking Trail application under the Igor Assistance program.

In favour: Mayor C. Penwell  
Deputy Mayor J. Dunne  
Councillors: J. Johnson, J. Keeping & P. Parsons

Opposed: 0  
Motion carried.

## 22. Poll Tax Exemptions

Town Clerk Hillier informed council that the town has received 2 applications for Poll Tax Exemptions. One is based on a Rent-to-Own Agreement and the other one is based on income.



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Motion 2011-04-26-09          Johnson/Parsons

Resolved that the Poll Tax Exemption applications for account number PIERF001 be approved based on a Rent-to-Own Agreement for the year 2011 and account number PEACM001 be approved based on Income exemption for the years 2007 and 2009.

In favour:          Mayor C. Penwell  
                         Deputy Mayor J. Dunne  
                         Councillors: J. Johnson, J. Keeping & P. Parsons

Opposed:          0  
Motion carried.

## 23.      **Pinchmarsh Road Phase II**

There were three tenders received for the Pinchmarsh Road Phase II project. Mally's Industrial Services was the lowest bidder and was advised this information by our engineers, Bae NewPlan Group Ltd. Mally's Industrial Services was also advised by Bae NewPlan Group Ltd. that their low bid would be thrown out due to a bid bond error.

Legal correspondence was received today, April 26, 2011 from MacBeath & Associates on behalf of their client, Mally's Industrial Services concerning this issue. MacBeath & Associates is asking on behalf of their client, Mally's Industrial Services, for the town to reconsider the decision to throw out their client's low bid based on the bid bond error.

Contact Dan Noseworthy from the Department of Municipal Affairs about this matter.

Contact the town's lawyer after speaking to the Department of Municipal Affairs.



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## 24. Firewell Repairs - Horsebrook

The firewell that is located by the brook near the Crocker's property is washed out underneath which was done during IGOR. Engineers from the Dept. of Municipal Affairs looked at the damage when they were in the area. Town Manager Stacey has spoken to the town's engineer, Jason Rideout, about this matter. Mr. Rideout has made the Dept. of Municipal Affairs aware of this damage.

Our own workers can do the repairs to the firewell but the town would only be reimbursed for their wages if the work is done after regular working hours.

## 25. Business Permit - Levi Curtis

Motion 2011-04-26-10      Johnson/Keeping

Resolved that the Business License application for Levi Curtis to operate a home based travel agency on a part-time basis be approved as presented.

In favour:      Mayor C. Penwell  
                     Deputy Mayor J. Dunne  
                     Councillors: J. Johnson, J. Keeping & P. Parsons

Opposed:      0  
Motion carried.

## 26. Noseworthy Place - Road Repairs

It was brought to councils attention that a couple of residents on Noseworthy place took it upon themselves to repair a section of the road in their area.

One of the residents brought the crushed stone to the area and a couple of the residents spread the crushed stone in a section of the road in their area.



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Write the resident who brought the crushed stone to the area to inform him that he is not allowed to do road repairs for the town due to liability issues.

## *Correspondence*

1. Infonotes: April 8, 15, & 21/11
2. MHA King - Enhancement Dialysis Services Burin Peninsula

## *Bills*

Motion 2011-04-26-11 Johnson/Keeping

Resolved that the bills in the amount of \$18,243.98 be approved for payment as presented.

In favour: Mayor C. Penwell  
Deputy Mayor J. Dunne  
Councillors: J. Johnson, J. Keeping & P. Parsons

Opposed: 0  
Motion carried.

## *Permits*

1. Burin Peninsula Marine Service Center - Extension to Shed

Motion 2011-04-26-12 Dunne/Parsons

Resolved that the permit for the Burin Peninsula Marine Service Center for an extension to shed be approved as presented.

In favour: Mayor C. Penwell  
Deputy Mayor J. Dunne  
Councillors: J. Johnson, J. Keeping & P. Parsons

Opposed: 0  
Motion carried.

2. Permit Regulations

It was suggested to send the Heritage Society a copy of the new building regulations for the sheds on the waterfront area.



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### 3. Gary Crowley

It was brought to council's attention that it appears that Mr. Crowley has done some repairs/maintenance to his property that may not be in compliance with the town's building regulations.

Motion 2011-04-26-13          Johnson/Dunne

Resolved that any building & or extension to building that is not in compliance within the town's regulations on Mr. Crowley's property be removed or a stop work order issued if work is in progress.

In favour:      Mayor C. Penwell  
                    Deputy Mayor J. Dunne  
                    Councillors: J. Johnson, J. Keeping & P. Parsons

Opposed:        0  
Motion carried.

### *Adjournment*

Next regular Council meeting scheduled for May 9, 2011 at 6:30 p.m.

Motion 2011-03-21-14          Dunne/Keeping

Resolved that council do now adjourn.

In favour:      Mayor C. Penwell  
                    Deputy Mayor J. Dunne  
                    Councillors: L. Curtis, J. Johnson, J. Keeping, P. Parsons & F. Smith

Opposed:        0  
Motion carried

The regular meeting adjourned at 8:30 p.m.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Town Clerk



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## Agenda Council Meeting April 26, 2011

### Additions to Agenda

### Adoption to Minutes

### Action List

Delegation/ Guest: 6:45 p.m. Murdock Hiscock  
7:00 p.m. RCMP

### New Business:

1. Arena - Installation of New Doors  
- RINC
2. Sunset Crescent - Install Catch Basin (Corner Near Cyril Roses')
3. Email re Hornhouse Road - repairs have been carried out week of April 18 - 22, 2011
4. HRTA - Invitation to AGM Thursday May 12, 2011 at Marystown Hotel 6:30 - 7:30 p.m.  
registration 7:30 p.m.
5. Edwards & Associates revised cost listing for RAMS Date Capture and Input
6. Town Suite Upgrade Quotation
7. NL Fire Services Association 2011 Convention Booklet Ad.
8. Municipal Awareness Information
9. Invitation John Burke Graduation Class (Rec'd 04/ 05/ 11)
10. Destination St. John's Advertising Rate & AGM
11. Easter Seals NL - Request for Support



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12. Boot Shrine Club - Sponsor Souvenir Ceremonial Booklet
13. RCMP Annual Dinner Saturday June 4, 2011
14. Children Wish Foundation Run The Rock 2011
15. Response from Dept. Transportation & Works re Erosion High Bank
- 16.. Asure Financial & Mortgage Services
17. Police Appreciation Sabbath May 7, 2011
18. Seahawk Special Olympic Spring Draw
19. CBC's Live Right Now Initiative
20. Titan Alarm Request for Business License
21. Horsebrook Walking Trail - Igor Assistance
22. Poll tax Exemptions
23. Pinchmarch Road Phase
24. Firewell Repairs - Horsebrook

## **Correspondence:**

1. Info notes - April 8 & 15, 2011
2. MHA King - Enhancement Dialysis Services Burin Peninsula

## **Bills**

## **Permits:**

1. Burin Peninsula Service Center - Extension to Shed