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REPORT OF COMMISSIONERS

MADE PURSUANT TO THE

MUNICIPALITIES FEASIBILITY REPORTS REGULATIONS, 1980

IN RELATION TO THE PROPOSED AMALGAMATION OF THE

TOWNS OF BAY ROBERTS, PORT-DE-GRAVE PENINSULA,

BUTLERVILLE/SHEARSTOWN AREA

**Commissioners: Donald C. Peckham
William Saunders**

June 1990

SECTION 3

Background

3.1 - Bay Roberts

Bay Roberts is located off the Conception Bay Highway situated between Spaniard's Bay and Clarke's Beach. It is immediately adjacent to the other areas under consideration for this amalgamation. Bay Roberts has a population of 4,446 with 1,350 residences.

Bay Roberts has a property tax and charges 6 mills as well as \$160 for water and sewer.

Bay Roberts has a town plan, as well as land use, zoning and subdivision regulations and has adopted the National Building Code. It has 61.7 kms of roads.

The community has a swimming pool, five playgrounds, three softball fields and two tennis courts. As well, it has a volunteer fire department comprising of two pumpers and a fire van. Other equipment in the town includes two loaders, a grader, three dump trucks and a garbage truck.

The town collects its own garbage and disposes of it at the Regional Incinerator.

Town staff comprises of a Town Manager, Town Clerk, eleven full time and four part time personnel. Buildings in the Town comprise of a fire hall, a town hall, a garage and two recreation centres.

The Bay Arena, which is a regional facility, is located in Bay Roberts. It serves the area from Georgetown to Spaniard's Bay.

In 1987, this Town incurred a surplus of \$107,000.00.

3.2 - The Unincorporated Sections of Shearstown and Butlerville

These sections are located south west of Bay Roberts and forms a natural extension of the Town. The area has a population of 812. Its garbage collection is by private contract. Snow Clearing and road maintenance are provided by the Department of Works, Services and Transportation.

3.3 - Port de Grave Peninsula.

This area is located south east of the Town of Bay Roberts. It is comprised of a number of settlements strung out the entire length of the peninsula. It has a combined population of 1,015 with 350 residences.

The area has a private contractual garbage service and much of the area has street lights, which are paid for individually by the residents.

Snow clearing and road maintenance are provided by the Department of Works, Services and Transportation. There are no planning or building controls in the area.

SECTION 4

4.0 - Public Hearings

A joint feasibility public hearing was held in the Town of Bay Roberts on January 31, 1990. The meeting commenced at 7:00 p.m. with approximately 112 people present.

4.1 - Written Briefs were presented by:

- (i) A Feasibility Study overview by Mr. Ron Ozon, Senior Planner, Department of Municipal and Provincial Affairs;
- (ii) Mayor Wilbur Sparkes, Town of Bay Roberts;
- (iii) Mr. Herman Porter, Waste Disposal Committee, Port de Grave Peninsula area;
- (iv) Petition from area residents of Port-de-Grave Peninsula. This petition was presented by Ernest Boone.
- (v) Mr. Harris Porter, Port-de-Grave Peninsula.

4.2 - Oral Briefs

Oral briefs were presented by:

- 4.2 (i) Max Deering, Waste Disposal Contractor, Butlierville.

There were no presentations received from the unincorporated Shearstown area.

Other Briefs

Written briefs were received outside the Public Hearing by the Commissioners as follows:

- (i) Whitfield and Margaret Ross - Andrews;
- (ii) Gerald and Karen Dawe, Port de Grave (received by mail).
- (iii) Letter of protest of amalgamation by Edward and Yvonne Morgan, Port de Grave.
- (iv) Written brief from Mr. Edmund Pottle, Butlerville.

SECTION 5

5.0 - Record of Briefs

5.1 - Written Briefs

5.1 (i) - Town of Bay Roberts - The Bay Roberts Brief outlined the history and development of the town. The Brief indicated that approximately 55% of the town is serviced with water and sewer. The brief indicated that because of the physical development pattern of the old area that the municipal boundary should be extended to take in the remaining area of Shearstown and Butlerville and the Port-de-Grave area Peninsula. It also indicated that it recognized the fact that petitions had been taken up in the area of the Port-de-Grave Peninsula and that the population is almost unanimously against the concept of amalgamation.

5.1 (ii) Mr. Herman Porter, Waste Disposal Committee, Port-de-Grave Area.

This brief emphasized the historic independence of communities in this area and their determination to survive as independent units. It indicated that most homes have good drinking water either from dug or artesian wells and also that sewerage does not pose any local or any environmental problems. Other services such as streetlighting and garbage collection are provided either by individual homeowners or on a collective basis through citizens committees. Mr. Porter indicated that an amalgamation could only bring a greater demand for services which are not really needed in the area and consequently higher repayment of debt services and higher individual taxes for residents through the provision of these services. He felt that none of these are justified.

5.1 (iii) - Support of Petition of area residents of Port-de-Grave Peninsula by Mr. Ernest Boone.

Mr. Boone indicated that he was presenting a petition signed by a majority of residents in the Port de Grave area indicating that as the area is adequately serviced by garbage collection, lighting and water and sewer facilities on a separate and independent basis. The area does not want to amalgamate into a municipality.

Mr. Boone reiterated the comments of previous presenters relating to the servicing levels in the area and the desire of the communities to remain independent.

5.1 (iv) - Mr. Harris Porter, Port-de-Grave Peninsula.

Mr. Porter presented a brief reiterating the history of the Port-de-Grave Peninsula area. His brief indicated that their area currently has adequate services for the needs identified and that they have garbage pick up at a very moderate cost. He indicated that the peninsula area has a total population of 1,015 people in 350 homes. Every one of these homes have their own water and sewerage, which are all working quite well. "We do not want or need pond water from any Town Council".

He indicated that snowclearing and salting is provided by the Department of Works, Services and Transportation and is second to none in the province. Mr. Porter indicated that the petition presented showed over 95% of the population of Port-de-Grave Peninsula are against the concept of amalgamating their communities with Bay Roberts.

This brief indicated that the most residents of the area could hope for under an

amalgamation is that they would be forced to pay taxes that none of the residents want to pay. A new town cannot give them anything that they do not already have.

5.2 - Oral Briefs

5.2 (i) - Mr. Max Deering, Waste Disposal Contractor for Butlerville spoke. Mr. Deering indicated that he was speaking for a number of his customers, all of whom are satisfied with the existing garbage collection in the area and did not desire to be incorporated. He indicated that he would provide some written confirmation of this to the commissioners in the very near future. A petition was received with 306 signatures from Shearstown West, Pickett's Road and Butlerville indicating they are against the proposed amalgamation.

5.2 (iii) - Letter of Protest - Edward and Yvonne Morgan.

It was noted that this letter was received by the Commissioners by mail and there is no oral presentation made to support it.

5.2 (vi) - A Written Brief was received in the Mail from Mr. Edmund Pottle, Butlerville

This brief is in favour of amalgamating Shearstown West, Pickett's Road and Butlerville with Bay Roberts. The brief indicates that the area is in need of better planning and improved services as well as improvement in community pride and participation.

5.3 - Other Briefs

5.3 (i) - After the meeting, the Commissioners received a letter, signed by Whitfield and

Margaret Ross-Andrews which indicated that they were against the proposed amalgamation. This brief indicated that they are pleased with the level of services presently received in the area and that they did not wish to become part of a municipality and incur additional taxation.

5.3 (ii) - A letter was received, by mail from Gerald and Karen Dawe. This letter stated that the Dawes are against the proposed amalgamation. They express a concern that they would only receive "large tax increases, which they do not want". They stated they are pleased with the current level of services.

SECTION 6

6.0 - Feasibility Evaluation

6.0.1 - General

After reviewing the written presentation and analyzing other oral presentations and considering the various factors involved, the Commissioners do not feel that the time is right, nor would there be any substantial benefit, to include the communities on the Port-de-Grave Peninsula in an amalgamation with Bay Roberts and other areas of Shearstown and Butlerville. To do so, would pose an inordinate strain on the existing council of Bay Roberts as the Port-de-Grave Peninsula does not have any servicing or any development control or a town plan. Also, the residents are almost entirely against a proposed amalgamation. To include this area would mean that Government would commence immediately paying out an additional general municipal assistance grant for the area which has not identified any particular needs. The area has not, as yet, requested any capital funding for water and sewer. The residents' briefs almost unanimously indicated that there is no need for piped systems in this area at the present time.

The Commissioners analyzed in more detail the merits of annexing the unincorporated areas of Shearstown and Butlerville with Bay Roberts and only this will be addressed in the financial and general sections of this report.

6.0.2 - Financial

The addition of Butlerville and Shearstown and Pickett's Road will add 220 additional

residences to the Town of Bay Roberts. Using the existing tax structure of Bay Roberts, an additional tax revenue will be generated for the town and this in turn will generate an additional tax incentive grant.

6.0.3 - Other

The following other criteria is specifically evaluated as outlined in the Municipalities Feasibility Reports Regulations 1980, as amended.

(i) **Access of people to elected and appointed officials.**

All the areas under consideration are located adjacent to the Town of Bay Roberts and they are intrinsically interlinked by a local road network. Therefore, access to elected and appointed officials in the area would not be difficult.

(ii) **Representation in Accordance with the Distribution of Population**

The area, if combined, would still be relatively small in total population and distance from end to end, to allow a Council at large to be representative of the whole area.

(iii) **Community Identity**

Through the proposed annexation of these areas, "Bay Roberts" would continue to be the municipal name. The other areas could retain their individual community names, but they would be a part of the Town of Bay Roberts.

(iv) **Suitability and Need of the Area for Municipal Servicing**

The Town of Bay Roberts, for the most part, has a complete range of services, but the Town is in need of an extension to the water and sewer. The unincorporated areas, appear to be adequately supplied with individual well and septic tank systems and most residents indicated that these are adequate to meet the present needs. A five year plan would need to be developed for an enlarged area to ensure that capital funding is spent on a priority basis to meet the most urgent needs first.

(v) **Physical Constraints to Municipal Servicing**

The communities are well serviced by road and there should be little physical difficulty in extending services to areas where they are needed. Undoubtedly, much of the area which is serviced by individual systems at the present time will be in need of piped water and sewer systems in the future as the ground becomes more saturated and contamination enters drinking water systems and roadsides etcetera. When required, a proper plan should be developed to provide services to the whole area. This should be prioritized to ensure that the areas with the most urgent needs are serviced first as funds become available.

(vi) **Administrative Capability of the Municipality**

Bay Roberts already has a Town Council and has a pool of experienced Councillors and workers. The other areas have local citizen's committees operating their garbage disposal contracts, recreation services, etcetera. Therefore, an annexation of these areas should not present any problem with reference to obtaining sufficient administrative capability to continue to run the town. In fact, a combination of the areas would provide a better

population base from which to select both elected and appointed officials to run the town.

(vii) Coordination of Municipal Services and Functions Throughout the Area Concerned

There could be a better coordination of services, such as garbage collection, recreation facilities and snowclearing by the Department of Works, Services and Transportation if these areas were combined into one. At the present time, there are independent garbage collectors for at least two of the areas. These all use the same dump facility. Also, there are committees which support the nearby volunteer fire departments. These could certainly be more efficient if they were better organized from a larger community. In addition, equipment and personnel presently owned by the Town of Bay Roberts could be serve the greater area and better economies of scale would be achieved.

(viii) Cost Efficiency of the Type of Administration Proposed for the Scale of Service Required

As noted in (vii) above, a greater efficiency could be achieved if the equipment and personnel presently existing in Bay Roberts were spread to greater area. Also, the services supplied by the other unincorporated areas could be more cost effective if they are combined and operated by a larger area.

(ix) Feasibility in Terms of Revenues and Expenditures

Of the area proposed for consideration, only Bay Roberts has a property tax. Some of the other areas pay for their garbage collection and in some areas, individual residents or groups of residents combined pay for streetlighting in the areas. A new town comprising of

the full area under consideration would have the capacity to raise additional revenues merely by extending the taxation system presently employed in the Town of Bay Roberts. This would bring additional revenues to the area as the town would take advantage of the resulting increase in the Provincial Tax Incentive Grant and the General Municipal Assistance Grant. This money could pay for existing services and provide for further improvements not presently enjoyed by the area. It is also noted that the town of Bay Roberts has been carrying over a revenue surplus. This indicates that the existing tax rate is adequate to meet all the services of that town. If this were spread out over the greater area and added to the revenues collected by other areas, there is no doubt that a greater level of servicing could be achieved.

(x) Equity in Terms of Both the Taxpayers Ability to Pay and the Benefits he Receives

The tax rate presently charged in Bay Roberts is a low average at 6 mills. If this were extended throughout the area, the areas presently not paying any taxes would likely not pay substantially higher than they presently are paying for individual solid waste collection and streetlighting. There is no indication that any undue burden would be placed on any group by virtue of the imposition of an average tax mill rate for the area.

(xi) Response to Tax Yields to Changes in Economic Activity

The new town would have adequate flexibility to adjust to service level for any external economic activity which may impact on the Council's ability to raise revenues. Such influences would not be great as the area recommended for inclusion with the town is not very large.

(xii) Equality amongst Adjoining Municipalities Considering their Different Needs and Assets

There should not be any substantial inequality between the existing town and nearby areas after annexation and there is no indication that any undue burden will be placed on any group by virtue of this proposal.

(xiii) Simplicity of Proposed Municipal Structure

The combination of the areas under consideration, would make one well defined town using the outer boundaries as shown on the plan attached in Appendix "B". The Town would be fairly self contained, having most of the services within it to support the entire area. It would also have a combined tax base sufficient to manage current services required for the area and to undertake some of the capital needs.

(xiv) Acceptability of Proposals at Local and Regional Levels

The Town of Bay Roberts indicated that it was not against the principal of amalgamation, but it was not sure that the adjacent areas were ready for it and it expressed the concern that the other areas would demand an equal level of service which a new town would not be capable of providing immediately.

The unincorporated area of Butlerville, Shearstown and Pickett's Road presented a petition which indicated the majority of residents in the area are against amalgamation. This petition was taken up by the Garbage Contractor to support his position as stated at the hearing. It should be noted that the petition did not provide any information to the residents, but simply asked the petitioners to vote against amalgamation. No examination of the benefits

on an economic or other basis was conducted by the residents.

It is to be noted that one resident provided a brief indicating that the area of Butlerville/Shearstown and Pickett's Road is in need of improved services and better planning and that he supported the amalgamation this area with Bay Roberts.

7.0 - Recommendations

- 1) **The Communities on the Port-de-Grave Peninsula not be amalgamated at this time with Town of Bay Roberts. This area, however, should immediately be placed under Development Control of the Department of Municipal and Provincial Affairs in order to maintain some sort of orderly planning and development in the area for the future.**
- 2) **The unincorporated areas of Butlerville/Shearstown and Pickett's Road should be annexed to the Town of Bay Roberts.**
- 3) **That a new Council be comprised of nine (9) members, eight (8) plus a Mayor.**
- 4) **The Town of Bay Roberts should immediately revise its town plan and its five year plan to reflect the needs of the expanded town.**
- 5) **The name of the Town continue to be called the Town of Bay Roberts.**
- 6) **Any roads within the existing unincorporated areas presently maintained by the Department of Works, Services and Transportation should continue to be maintained by that Department for a period of five (5) years. This will give Bay Roberts a chance to phase in the takeover of this responsibility as it adjusts its budget to provide for servicing of these areas.**
- 7) **Any community assets and liabilities of the unincorporated areas should become assets of the Town of Bay Roberts.**

- 8) The effective date for the annexation coincide with the date of the municipal election when its date is set.