June 19, 2017

Dear [Redacted],

Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act, 2015 [Our File #: MAE/24/2017]

On May 19, 2017, the Department of Municipal Affairs and Environment received your request for access to the following records/information:

"Copy of all funding requests from the Town of Upper Island Cove from January 01, 2011 to present, including emergency funding requests."

On June 2, 2017 via telephone conversation your request was clarified to the below wording.

"Copy of all Town of Upper Island Cove's funding requests for concrete retaining walls as well as the department of Municipal Affairs and Environment approval/denial letters associated with that funding from January 1, 2011 to present."

I am pleased to inform you that a decision has been made by the Deputy Minister for Department of Municipal Affairs Environment to provide access to some of the requested information.

Information contained within the records, has been refused in accordance with the following exceptions to disclosure, as specified in the Access to Information and Protection of Privacy Act (the Act):

40. (1): The head of a public body shall refuse to disclose personal information to an applicant where the disclosure would be an unreasonable invasion of a third party's personal privacy.

As required by 8(2) of the Act, we have severed information that is unable to be disclosed and have provided you with as much information as possible.

In accordance with your request for a copy of the records, the appropriate copies have been enclosed.
Please be advised that you may appeal this decision and ask the Information and Privacy Commissioner to review the decision to provide partial access to the requested information, as set out in section 42 of the Act (a copy of this section of the Act has been enclosed for your reference). A request to the Commissioner must be made in writing within 15 business days of the date of this letter or within a longer period that may be allowed by the Commissioner. Your appeal should identify your concerns with the request and why you are submitting the appeal.

The appeal may be addressed to the Information and Privacy Commissioner is as follows:

Office of the Information and Privacy Commissioner
2 Canada Drive
P. O. Box 13004, Stn. A
St. John’s, NL. A1B 3V8

Telephone: (709) 729-6309
Toll-Free: 1-877-729-6309
Facsimile: (709) 729-6500

You may also appeal directly to the Supreme Court Trial Division within 15 business days after you receive the decision of the public body, pursuant to section 52 of the Act (a copy of this section of the Act has been enclosed for your reference).

Please be advised that responsive records will be published following a 72 hour period after the response is sent electronically to you or five business days in the case where records are mailed to you. It is the goal to have the responsive records posted to the Completed Access to Information Requests website within one business day following the applicable period of time. Please note that requests for personal information will not be posted online.

If you have any further questions, please feel free to contact me by telephone at 709-729-3514 or by e-mail at lisas@gov.nl.ca.

Sincerely,

Lisa Sullivan
IM/ATIPP Analyst

Enclosures
Access or correction complaint

42. (1) A person who makes a request under this Act for access to a record or for correction of personal information may file a complaint with the commissioner respecting a decision, act or failure to act of the head of the public body that relates to the request.

(2) A complaint under subsection (1) shall be filed in writing not later than 15 business days

(a) after the applicant is notified of the decision of the head of the public body, or the date of the act or failure to act; or

(b) after the date the head of the public body is considered to have refused the request under subsection 16(2).

(3) A third party informed under section 19 of a decision of the head of a public body to grant access to a record or part of a record in response to a request may file a complaint with the commissioner respecting that decision.

(4) A complaint under subsection (3) shall be filed in writing not later than 15 business days after the third party is informed of the decision of the head of the public body.

(5) The commissioner may allow a longer time period for the filing of a complaint under this section.

(6) A person or third party who has appealed directly to the Trial Division under subsection 52(1) or 53(1) shall not file a complaint with the commissioner.

(7) The commissioner shall refuse to investigate a complaint where an appeal has been commenced in the Trial Division.

(8) A complaint shall not be filed under this section with respect to

(a) a request that is disregarded under section 21;

(b) a decision respecting an extension of time under section 23;

(c) a variation of a procedure under section 24; or

(d) an estimate of costs or a decision not to waive a cost under section 26.

(9) The commissioner shall provide a copy of the complaint to the head of the public body concerned.

Direct appeal to Trial Division by an applicant

52. (1) Where an applicant has made a request to a public body for access to a record or correction of personal information and has not filed a complaint with the commissioner under section 42, the applicant may appeal the decision, act or failure to act of the head of the public body that relates to the request directly to the Trial Division.
(2) An appeal shall be commenced under subsection (1) not later than 15 business days

(a) after the applicant is notified of the decision of the head of the public body, or the date of the act or failure to act; or

(b) after the date the head of the public body is considered to have refused the request under subsection 16(2).

(3) Where an applicant has filed a complaint with the commissioner under section 42 and the commissioner has refused to investigate the complaint, the applicant may commence an appeal in the Trial Division of the decision, act or failure to act of the head of the public body that relates to the request for access to a record or for correction of personal information.

(4) An appeal shall be commenced under subsection (3) not later than 15 business days after the applicant is notified of the commissioner’s refusal under subsection 46(2).
July 21, 2011

Honourable Kevin O’Brien
Department of Municipal Affairs
P.O. Box 8700
St. John’s, NL
A1B 4J6

Dear Minister O’Brien:

Re: Emergency Funding

As Mayor of the Town of Upper Island Cove, I am requesting immediate emergency funding to replace a 22m long and 1500mm high retaining wall on Noel’s Road. This existing wall supports a roadway in the Town and is in imminent danger of collapsing, thereby posing a potential danger to residents who use this right-of-way on a daily basis.

Our engineering firm, Newlab Engineering Limited, completed an inspection of this wall on July 15, 2011 (inspection report attached) and recommended that the wall be replaced as soon as possible. The estimated cost to complete this project is $50,000.00.

Thank you for consideration of this request.

If you require any further information, please contact me by telephone (709) 589-2503, fax (709) 589-2522, or email townoffice@upperislandcove.ca.

Respectfully yours,

George Adams, Mayor

cc: Mr. Roland Butler, M.H.A.
District of Port de Grave

Mr. Aubrey Greeley
Newlab Engineering Limited
The Town of Upper Island Cove
PO Box 149
Upper Island Cove NL A0A 4E0

July 18, 2011

ATTN: Mr. Neil Shute

Dear Mr. Shute:

RE: Retaining Wall
    Noel’s Road

On Thursday, July 4th, 2011, Aubrey Greeley, P.Eng. inspected a concrete retaining wall on Noel’s Road, adjacent to Crane’s Lane. The existing wall was observed to be constructed of rock rubble encased with approximately 50mm of concrete on either face. There was no rebar observed except for one horizontal piece near the top. The wall is approximately 22m long and approximately 1,500mm high.

The wall is in very poor condition with large openings in the thin concrete face exposing the rock rubble. There was a large horizontal crack the full length of the wall and the wall was moving inward from the top (overturning). From observations and previous experience with other similar walls in the Town, it is concluded that the wall was not designed for the applied loads and is in danger of failure. Considering that the wall retains a main road in the Town, it is recommended that the wall be replaced as soon as possible.

Attached is a preliminary design of a wall to replace the existing. Based upon this cross-section, the preliminary estimated cost to replace the wall is $50,000.

Regards,

AUBREY GREELEY, P.ENG.
Newlab Engineering Limited

AG/sr
If you wish to obtain a copy please contact the ATIPP Office at (709) 729-7072 or atippoffice@gov.nl.ca.
August 15, 2011

Hon. Kevin O’Brien, M.H.A.
Minister
Department of Municipal Affairs

Dear Minister O’Brien:

I am writing in support of a request by the Town of Upper Island Cove for Emergency Funding to replace a retaining wall on Noel’s Road. The cost of this project is $50,000.

Mayor George Adams wrote to you on July 21, 2011, explaining that the existing wall supports a roadway in the Town and is in imminent danger of collapsing. I am attaching a copy of that letter. A request for a meeting was made through my office on July 12, 2011, but there has been no response to date.

Thank you for your continued support. I trust you will be able to meet with Mayor Adams at your earliest convenience.

Yours sincerely,

[Signature]

ROLAND BUTLER, M.H.A.
District of Port de Grave

cc Mayor George Adams
The next three pages are the same as pages 1-3
Date Requested: 2011-07-21
Category: Miscellaneous

Amount Requested: 50000

Regional Office Review Required:

Short Description: Seeking $50,000 to replace a retaining wall on Noel's Road. This supports a roadway and is in danger of collapsing.

Maximum 50 characters.

Description: Seeking $50,000 to replace a retaining wall on Noel's Road. This supports a roadway and is in danger of collapsing.

Maximum 500 characters.

Comments:

Maximum 2000 characters.

Regional Office Recommendation

Recommendations: Select One

Recommended By: Select One

Comment:

Maximum 2000 characters.

Finance Committee Recommendation

Date Recommendation Amount TRIM # Meeting #
11-10

Executive Committee Decision

Date Decision Amount TRIM #
2011-09-06 Reject

Print Rejection Letter
Mayor George Adams  
Town of Upper Island Cove  
P.O. Box 400  
Clarke's Beach, NL A0A 1WO  

Dear Mayor Adams;  

Re: Emergency Funding to Repair Retaining Wall, Noel's Road  

I am writing in response to your letter dated July 21, 2011, in which you request emergency funding to replace a retaining wall on Noel's Road. This request was supported by an assessment from your consultants, Newlab Engineering Ltd.  

Upon reviewing your request it is obvious that the retaining wall is showing signs of deterioration, however there does not appear to be any immediate urgency that would require emergency intervention at this time. The condition of the structure is consistent with long term deterioration that would occur over a number of years.  

It is therefore recommended that the town consider submitting a Municipal Capital Works application for the project under a future Municipal Capital Works Program. I understand department official contacted the town via email on October 7th and suggested the town apply for funding under the current round of Municipal Capital Works to ensure that the project receives consideration for 2012/13. Your application will be assessed later this fall in conjunction with other applications that are received.  

Sincerely,  

KEVIN O'BRIEN  
Minister  

cc: Mr. Glenn Littlejohn, MHA  
Mr. D. Noseworthy, Regional Director  
Mr. J. Dawe, P. Eng, Regional Engineer  
Mr. R. Dillon, P. Eng., Director, Engineering and Land Use Planning
JUN 11 2012

COR/2012/04832

Mayor George Adams
Town of Upper Island Cove
P.O. Box 149
Upper Island Cove, NL A0A 4E0

Dear Mayor Adams:

Re: 2012 Municipal Capital Works Program, Project No. 12068
Road Upgrading & Paving

I am pleased to advise you that the Provincial Government has approved funding in support of the above project. I am requesting that you do not disclose this approval for funding publicly until the Province has had an opportunity to officially announce the project and its associated funding Agreement. This funding is based on a cost sharing arrangement of 90/10 Provincial/Municipal ratio and on the condition that Council is willing and able to meet its share of the costs. The cost sharing for this project is outlined below.

<table>
<thead>
<tr>
<th>Total Project Cost</th>
<th>Cost Less GST Rebate</th>
<th>Max. Provincial Contribution</th>
<th>Municipal Contribution</th>
</tr>
</thead>
<tbody>
<tr>
<td>$279,784</td>
<td>$267,404</td>
<td>$240,664</td>
<td>$26,740</td>
</tr>
</tbody>
</table>

The Provincial contribution will be advanced on a cash basis as costs are incurred, as noted in the guidelines.

This funding has been approved subject to a number of requirements. These requirements in the form of the attached guidelines apply to both the municipality and its consultant. Please ensure that these guidelines are followed. Council and its consultant should pay particular attention to the item which outlines the Department's capital works timeline policy. This policy has been developed to ensure that capital works projects are implemented in an efficient and effective manner to achieve the maximum benefits for municipalities.

Council and its Consultant should also be aware that prior to the commencement of any work related to the project, an initial project meeting must be arranged with the Department's Eastern Regional Office. Arrangements for this meeting can be made by contacting Mr. Dan Noseworthy, Regional Director at 729-7390. In addition to the initial project meeting, Council's consultant must have a signed Prime Consultant Agreement in place prior to the commencement of any work.

Council will be required to finance on an interim basis the GST rebate in order to pay final project costs on a timely basis. All interest related to this interim financing of the GST rebate...
will be the responsibility of Council and you must have an approval to borrow for the GST rebate at the time of tendering.

In anticipation of Council’s acceptance of this funding, enclosed please find in duplicate an Agreement between the Department of Municipal Affairs and the Town of Upper Island Cove with respect to this project. Upon reviewing the Agreement, please arrange to have the two copies signed by the Mayor and Clerk, witnessed, and affixed with the seal of the Town. Council is also requested to provide the date whereby the Mayor and Clerk were authorized by a resolution in the Minute of Council to enter into this Agreement on behalf of Council. A copy of the Minute of Council is to be attached to each Agreement, and marked as Appendix “A”. These documents are to be returned to my office, whereby they will be signed, witnessed, and affixed with the seal of the Department. At which time, a signed copy will be forwarded to Council for its records.

Please advise my office of your choice for a prime consultant for this project. You may note that this is an opportunity for a proposal call for prime consultant services. The benefits of a proposal call include not only the elements of comparison among firms, but also the ability to avail of a range of expertise that may be best suited to this project. Of course, a Request For Proposals (RFP) provides evaluation criteria that include cost as a factor. If you choose to proceed with an RFP, staff from the Engineering and Land Use Planning Division of this Department will be available to assist you in preparing the Terms of Reference. For further advice in this regard, you may contact Mr. Frank Huxter, P. Eng., Manager of Municipal Planning and Design Engineering, telephone number 729-0891.

Should you have any other questions regarding the above, please contact Mr. Dan Noseworthy, Regional Director for the Eastern Region, telephone number 729-7390.

Thank you for your co-operation.

Sincerely,

[Signature]

KEVIN O'BRIEN
Minister

/1

Enc.

cc: Mr. Glenn Littlejohn, MHA
cc: Mr. C. Mercer, P. Eng, ADM
cc: Mr. C. Grandy, P. Eng.
cc: Mr. F. Huxter, P. Eng
cc: Mr. D. Noseworthy, Regional Director
cc: Mr. J. Dawe, P. Eng., Regional Engineer
cc: Mr. H. Khan, P. Eng.
cc: Ms. T. Mundon
cc: Mr. J. O’Leary
cc: Ms. M. Sears
cc: Mr. D. Hickey
June 26, 2012

Honorable Kevin O’Brien
Department of Municipal Affairs
P.O. Box 8700
St. John’s, NL
A1B 4J6

Dear Minister O’Brien,

Re: Emergency Funding
Noel’s Road Retaining Wall

Recently an inspection was completed on the Noel’s Road Retaining Wall in the Town of Upper Island Cove by our engineering consultants EXP. This report stated that the structural integrity of this wall is severely compromised and is in imminent danger of collapsing.

Since this wall supports one of the main thoroughfares in the Town, it is urgent that preventative measures be implemented in order to eliminate any potential liability which may ensue in the event that the wall collapses resulting in serious injury or death.

As mayor of the Town of Upper Island Cove, I am requesting Emergency Funding in the amount of $150,000.00 including HST (copy of engineering report enclosed) to immediately address the replacement of the Noel’s Road Retaining Wall.

I look forward to a positive response as soon as possible.

If you require any further information, please contact me by telephone (709) 589-2503, fax (709) 589-2522 or email townoffice@upperislandcove.ca.

Respectfully Yours,

George Adams, Mayor
cc: Mr. Glen Littlejohn, MHA
    District of Port de Grave

    Mr. Dan Noseworthy, Regional Director
    Regional Office
    Department of Municipal Affairs

    Mr. John Dawe, Eastern Regional Engineer
    Department of Municipal Affairs

    Mr. Darryl Mills, P. Eng.
    Exp Services Inc.
August 20, 2012

Mayor George Adams
Town of Upper Island Cove
P.O. Box 149
Upper Island Cove, NL A0A 4E0

Dear Mayor Adams:

Re: 2012 Municipal Capital Works Program, Project No. 12068

Please find enclosed for Council’s records a signed copy of the 2012 Municipal Capital Works Program Agreement between the Minister of Municipal Affairs and the Town of Upper Island Cove.

We look forward to working with you and Council in the implementation of this agreement.

Sincerely yours,

[Signature]

[Administrator's Name]
Administrative Officer II

Encl.
2012 MUNICIPAL CAPITAL WORKS PROGRAM

This Agreement made this 24th day of July, 2012

BETWEEN

HER MAJESTY THE QUEEN IN RIGHT OF NEWFOUNDLAND, as represented by the Minister of Municipal Affairs (hereinafter referred to as the “Minister”)

OF THE FIRST PART,

AND

THE TOWN OF UPPER ISLAND COVE (hereinafter referred to as the “Council”)

OF THE SECOND PART

WHEREAS The Minister and the Council have agreed to enter into a municipal capital works agreement for the financing of Road and Upgrading Paving, Project No. 12068, hereinafter referred to as the “works”, and have agreed to cost not in excess of $279,783 which amounts to $267,404 after the GST rebate calculation;

AND WHEREAS the Minister of Municipal Affairs has been authorized to negotiate an Agreement on behalf of the Province of Newfoundland;

AND WHEREAS the Mayor and Clerk of the Council have been authorized by a Resolution in the Minutes of Council dated the 23rd day of July, A.D., 2012 (copy of which is attached hereto as Appendix “A” and forms part of this Agreement) to enter into this Agreement on behalf of the Council;
THIS AGREEMENT WITNESSETH that for and in consideration of the mutual covenants and conditions contained herein, and other good and valuable consideration, and the sum of One Dollar ($1.00) now paid by each party hereto, one to the other, (the receipt and sufficiency of which are hereby acknowledged by the parties hereto), the Minister and the Council hereby agree as follows:

OBLIGATIONS OF THE MINISTER:

1. To make payment to the municipality ninety percentum (90%) of the eligible costs of the project as these costs are incurred and upon receipt of the required documentation.

OBLIGATIONS OF THE COUNCIL:

1. To arrange ten percentum (10%) financing for the project through a bank or financial institution on the basis of an Approval to Borrow.

2. To ensure that the project does not exceed the authorized funding of $279,784 all costs in excess of the approved funding will be one hundred percentum (100%) responsibility of the Council for payment. The costs to be covered by this funding, includes but is not limited to capital, HST and engineering.

3. To have the work completed in accordance with the Municipalities Act, 1999, c.M24, as amended, or any successor legislation, and the Public Tender Act, 1990 c.P45, as amended, or any successor legislation.

4. To indemnify and save harmless the Minister from and against all claims, demands, losses, damages, costs of any kind based upon any injury or death of a person or damage to or loss of property arising from any willful or negligent act, omission or delay on the part of the Council or its servants or agents in carrying out the project.

THE PARTIES FURTHER AGREE:

1. Subject to the prior written approval of the Minister, the works may be amended or substituted, provided the amendment or substitution does not exceed the approved funding set forth in this agreement.

2. Council will consent to a public announcement of the project by the Province. After official announcement of the project by the Province or 14 days after the Agreement has been signed by both parties, whichever is earlier, the project will be considered to be in the public domain.
3. Time shall be of the essence with respect to all matters in this Agreement.

4. This Agreement is executed in duplicate originals and each duplicate shall be deemed an original copy for all purposes.

5. The validity, interpretation and performance of this Agreement shall be governed by the laws in force in the Province of Newfoundland & Labrador.

6. This Agreement shall ensure to the benefit of and be binding upon the parties and their respective successors and assigns.

7. Any provision of this Agreement which is prohibited or unenforceable will be effective only to the extent of such prohibition or unenforceability without invalidating the remaining provisions hereof.

8. This Agreement together with the letter of approval, and the 2010 Municipal Capital Works Project Guidelines attached hereto constitutes the entire Agreement between the parties with respect to the matters dealt with herein. This Agreement may not be amended or modified in any respect except by written instrument signed by the parties hereto.

9. Neither this Agreement nor any of the rights, benefits, duties and liabilities contained herein may be assigned by either party without the prior written consent of the other party.
This Agreement has been executed on behalf of the Province by the Minister responsible for the Department of Municipal Affairs and by the Mayor and Clerk of the Town of Upper Island Cove, the day and year first before written.

SIGNED AND SEALED by the
Minister of Municipal Affairs
and the Seal of the Department
was hereunto affixed in the presence of:

Sylvia Tulk
WITNESS
SYLVIA TULK
A Commissioner for Oaths
in and for the Province of Newfoundland and Labrador
My commission expires December 31, 2017

SIGNED AND SEALED by the
Mayor and Clerk of the
Town of Upper Island Cove
and the Seal of the
Town of Upper Island Cove
was hereunto affixed in the presence of:

George Adams
MAYOR

s.40.1

s.40.1

s.40.1

CLERK
July 24, 2012

Hon. Kevin O’Brien, Minister
Department of Municipal Affairs
P.O. Box 8700
St. John’s, NL
A1B 4J6

Dear Sir:

Re: 2012 Municipal Capital Works Program, Project No. 12068
Road Upgrading & Paving

At the meeting of Council July 23, 2012 the following resolution was passed:

Motion 2012-118 - Be it resolved that the town would accept the approved funding in the amount of $279,784.00 cost shared 90/10 Provincial/Municipal Government, for Road Upgrading & Paving. Also to approve George Adams, Mayor and Neil Shute, Town Clerk/Manager to sign the agreement on behalf of the Town.

Town Council
Upper Island Cove

Per /

[Signature]

Neil Shute
Town Clerk/Manager
OCT 01 2012

COR/2012/04832-01

Mayor George Adams
Town of Upper Island Cove
P.O. Box 149
Upper Island Cove

Dear Mayor Adams:

Re: 2012 Municipal Capital Works Program, Project No. 12068

I refer to previous correspondence dated June 11, 2012 authorizing funding for the above project. Please note that the authorized funding has been reprofiled as outlined in the table below. This funding is based on a cost sharing arrangement of 90/10 Provincial/Municipal ratio and on the condition that Council is willing and able to meet its share of the costs. The cost sharing for this project is outlined below.

<table>
<thead>
<tr>
<th>Project Title</th>
<th>Total Project Cost</th>
<th>Cost Less GST Rebate</th>
<th>Max. Provincial Contribution</th>
<th>Municipal Contribution</th>
</tr>
</thead>
<tbody>
<tr>
<td>Replace/Repair Concrete Wall</td>
<td>$150,000</td>
<td>$143,363</td>
<td>$129,027</td>
<td>$14,336</td>
</tr>
<tr>
<td>Retaining Wall</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Road Upgrading &amp; Paving</td>
<td>$129,784</td>
<td>$124,041</td>
<td>$111,637</td>
<td>$12,404</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$279,784</td>
<td>$267,404</td>
<td>$240,664</td>
<td>$26,740</td>
</tr>
</tbody>
</table>

The Provincial contribution will be advanced on a cash basis as costs are incurred, as noted in the guidelines.

All other terms and conditions of the June 11, 2012 letter remain.

Should you have any other questions regarding the above, please contact Mr. Mr. Dan Noseworthy, Regional Director for the Eastern Region, telephone number 729-7390.
Thank you for your co-operation.

Sincerely,

KEVIN O'BRIEN
Minister

/1

Enc.

cc: Mr. Glenn Littlejohn, MHA
cc: Mr. C. Mercer, P. Eng, ADM
cc: Mr. R. Dillon, P. Eng.
cc: Mr. F. Huxter, P. Eng
cc: Mr. D. Noseworthy, Regional Director
cc: Mr. J. Dawe, P. Eng., Regional Engineer
cc: Mr. H. Khan, P. Eng.
cc: Ms. T. Mundon
cc: Mr. J. O'Leary
cc: Ms. M. Sears
cc: Mr. D. Hickey
6 May 2013

Town of Upper Island Cove
P.O. Box 149
Upper Island Cove, NL
A0A 4E0

Dear Mayor & Councillors:

RE: 2012 Municipal Capital Works Program, DMA Project No. 12068
Noel’s Road Retaining Wall Repair

exp. Services Inc. has submitted a draft copy of the proposed agreement in the amount of $32,171.37 (including HST) for review. This document has been reviewed by this Department and can be recommended for signing pending the following item is reviewed:

1. Schedule III (Additional Reimbursable Allowances) to be completed.

Please contact your consultant for the proper amendments and signing additional copies in triplicate. When the agreement has been executed, please return one signed copy to the Regional Engineer for filing.

Yours truly,

Jill Yetman, PTech
Design Approval Tech. II

Department of Municipal Affairs
t 709.729.5233
f 709.729.7491
e jilleyetman@gov.nl.ca

cc: Arthur Smith, PTech
cc: John Dawe, P. Eng.
cc: Craig Gordon, P. Eng
July 8, 2014

Hon. Clyde Jackman, Acting Minister
Department of Municipal Affairs
P.O. Box 8700
St. John’s, NL
A1B 4J6

Dear Minister Jackman:

Re: Reallocation of Capital Works Funding.

Recently the town of Upper Island Cove received an increase of $90,000 in its 2014-2015 Municipal Capital Works Program, Project No. 12068 Road Upgrading & Paving. This additional funding will now allow the town to move forward with the paving of Meadow Road which had previously been identified as priority # 1 in the list of capital works projects for the current year.

In order to facilitate the paving of this main thoroughfare in the town, I am officially requesting the reallocation of the $45,990 previously approved in the 2014-2105 Municipal Capital Works Program, Project No 17-MCW-15-00043 Road Upgrading- St. Andrew’s Lane. The funding for St. Andrew’s Lane will now be redirected towards the funding requirement for the paving of Meadow Road.

Thank you for your consideration of this request. I look forward to a speedy response.

If you require any further information, please contact me by telephone (709)589-2503, fax (709)589-2522 or email townoffice@upperislandcove.ca.

Respectfully yours,

George Adams, Mayor

cc: Mr. Glenn Littlejohn, M.H.A.
District of Port de Grave
Dear Mayor Adams:

Road Upgrading & Paving

I refer to previous correspondence dated October 1, 2012, authorizing funding for the above project. Please note that the authorized funding has been increased by $90,000. This funding is based on a cost sharing arrangement of 90/10 Provincial/Municipal ratio and on the condition that Council is willing and able to meet its share of the costs. The cost sharing for this project is outlined below.

<table>
<thead>
<tr>
<th>Project Description</th>
<th>Total Cost</th>
<th>Project Cost Less GST Rebate</th>
<th>Max. Provincial Contribution</th>
<th>Municipal Contribution</th>
</tr>
</thead>
<tbody>
<tr>
<td>Replace/Repair Concrete Retaining Wall</td>
<td>$150,000</td>
<td>$143,363</td>
<td>$129,027</td>
<td>$14,336</td>
</tr>
<tr>
<td>Road Upgrading &amp; Paving</td>
<td>$219,784</td>
<td>$210,059</td>
<td>$189,053</td>
<td>$21,006</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$369,784</strong></td>
<td><strong>$353,422</strong></td>
<td><strong>$318,080</strong></td>
<td><strong>$35,342</strong></td>
</tr>
</tbody>
</table>

The Provincial contribution will be advanced on a cash basis as costs are incurred, as noted in the guidelines.

Council will be required to finance on an interim basis the GST rebate in order to pay final project costs on a timely basis. All interest related to this interim financing of the GST rebate will be the responsibility of Council and you must have an approval to borrow for the GST rebate at the time of tendering.

In anticipation of Council’s acceptance of this funding, enclosed please find in duplicate, Amendment #1 between the Department of Municipal and Intergovernmental Affairs and the Town of Upper Island Cove, with respect to this project. Upon reviewing the Amendment, please arrange to have the two copies signed by the Mayor and Clerk, witnessed, and affixed with the seal of the Town. Council is also requested to provide the date whereby the Mayor and Clerk were authorized by a resolution in the Minute of Council to enter into this Amendment on behalf of Council. A copy of the Minute of Council is to be attached to each Amendment, and
marked as Appendix “A”. These documents are to be returned to my office, whereby they will be signed, witnessed, and affixed with the seal of the Department. A signed copy will be forwarded to Council for its records.

Should you have any other questions regarding the above, please contact Mr. Dan Noseworthy, Regional Director for the Eastern Region, telephone number 729-7390.

Thank you for your co-operation.

Sincerely,

STEVE KENT
Minister of Municipal and Intergovernmental Affairs

Enc.

c:  Glen Littlejohn, MHA
cc:  Mr. C. Mercer, P. Eng. ADM
cc:  Mr. D. Noseworthy, Regional Director
cc:  Ms. L. Evoy, Regional Manager
cc:  Mr. H. Khan, P. Eng.
cc:  Mr. H. Donnan
cc:  Mr. J. O'Leary
cc:  Mr. D. Hickey
cc:  Ms. L. Owens
cc:  Ms. E. Cahill
AUG 27 2014

Mayor George Adams
Town of Upper Island Cove
P.O. Box 149
Upper Island Cove, NL A0A 4E0

Dear Mayor Adams:

Road Upgrading & Paving

I refer to previous correspondence dated June 25, 2014, authorizing funding for the above project. As per Council’s request dated July 8, 2014, authorization is hereby given to reallocate funding of $45,990 from project #17-MCW-15-00043 to supplement the road upgrading and paving portion of this project. This funding is based on a cost sharing arrangement of 90/10 Provincial/Municipal ratio and on the condition that Council is willing and able to meet its share of the costs.

The revised cost sharing for this project is outlined below.

<table>
<thead>
<tr>
<th>Project Title</th>
<th>Total Cost</th>
<th>Project Cost Less GST Rebate</th>
<th>Maximum Provincial Contribution</th>
<th>Municipal Contribution</th>
</tr>
</thead>
<tbody>
<tr>
<td>Replace/Repair Concrete Retaining Wall</td>
<td>$150,000</td>
<td>$143,363</td>
<td>$129,027</td>
<td>$14,336</td>
</tr>
<tr>
<td>Road Upgrading &amp; Paving</td>
<td>$265,774</td>
<td>$254,014</td>
<td>$228,613</td>
<td>$25,401</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$415,774</td>
<td>$397,377</td>
<td>$357,640</td>
<td>$39,737</td>
</tr>
</tbody>
</table>

The Provincial contribution will be advanced on a cash basis as costs are incurred, as noted in the guidelines.

Council will be required to finance on an interim basis the GST rebate in order to pay final project costs on a timely basis. All interest related to this interim financing of the GST rebate will be the responsibility of Council and you must have an approval to borrow for the GST rebate at the time of tendering.

In anticipation of Council’s acceptance of this funding, enclosed please find in duplicate, Amendment # 2 between the Department of Municipal and Intergovernmental Affairs and the Town of Upper Island Cove, with respect to this project. Upon reviewing the Amendment, please arrange to have the two copies signed by the Mayor and Clerk, witnessed, and affixed with the seal of the Town. Council is also requested to provide the date whereby the Mayor and
Clerk were authorized by a resolution in the Minute of Council to enter into this Amendment on behalf of Council. A copy of the Minute of Council is to be attached to each Amendment, and marked as Appendix "A". These documents are to be returned to my office, whereby they will be signed, witnessed, and affixed with the seal of the Department. A signed copy will be forwarded to Council for its records.

Should you have any other questions regarding the above, please contact Mr. Dan Noseworthy, Regional Director for the Eastern Region, telephone number 729-7390.

Thank you for your co-operation.

Sincerely,

\[signature\]

DAN CRUMMELL, M.H.A.
District of St. John's West
Minister

/jl

Enc.

cc: Mr. Glenn Littlejohn, MHA
cc: Mr. C. Mercer, P. Eng, ADM
cc: Mr. D. Noseworthy, Regional Director
cc: Ms. L. Evoy, Regional Manager
cc: Mr. J. Khan, P. Eng., Regional Engineer
cc: Mr. H. Khan, P. Eng.
cc: Mr. H. Donnan
cc: Mr. J. O'Leary
cc: Mr. D. Hickey
cc: Ms. L. Owens
cc: Ms. E. Cahill
October 19th, 2015

Honourable Keith Hutchings, Minister
Department of Municipal & Intergovernmental Affairs
P.O. Box 8700
St. John’s, NL
A1B 4J6

Dear Minister Hutchings:

Re: Reallocation of Funds

The Town of Upper Island Cove has just received an additional $172,783.00 for the installation of Ballfield lighting at the Crane’s Road Sports Complex. This brings the total allocated funding to $339,763.00 (2015-16 Municipal Capital Works Program, Project No. 17-MCW-14-14070). However, this funding is conditional upon the town providing an extra $50,000.00 over and above its 10% cost-sharing program. This commitment was made by the town in July 2015.

Recently the town completed its 2014/2015 Municipal Capital Works Program, Project No. 12068 Upgrading and Paving of Meadow Road. However, the Meadow Road Project has resulted in a surplus of $40,586 including HST (see attached email from EXP Consultants).

As Mayor I am officially requesting that the surplus of $40,586.00 including HST be reallocated to the Ballfield Lighting Project in order to reduce the additional liability of the town to contribute a further $50,000.00 to this project. This would significantly reduce the financial burden on our town. Our contribution to the Ballfield Lighting Project would then be appropriately $10,000.00 plus our normal 10% of the provincial/municipal cost-sharing formula.

If this request does not meet approval from your department, then the town reserves the right to have the $40,586.00 surplus be redirected to any 2016-17 MCW funding for Upper Island Cove. I must emphasize, however, that my preference is to have this surplus be reallocated to the Ballfield Lighting Project to directly reduce the town’s financial commitment.
If you require any further information, please contact me by telephone (709) 589-2503, fax (709) 589-2522 or email townoffice@upperislandcove.ca

Respectfully yours

George Adams
Mayor

Cc. Mr Glenn Littlejohn, MHA
District of Harbour Grace/Port de Grave
Meadow Road Surplus

From: Rick Appleby <Rick.Appleby@exp.com>
To: "heathute@upperislandcove.ca" <heathute@upperislandcove.ca>
Priority: Normal
Date: 10-03-2015 10:49 AM

Neil,

The surplus remaining on the Meadow Road project is $40,586 including HST.

exp.

Rick Appleby, P.Eng.
Senior Project Engineer - Infrastructure

t: +709-579-2886  m: 709-693-5150  f: 709-738-1556
60 Pippy Place, Suite 200
St. John’s, NL
A1B 4H7
Canada
exp.com/legal disclaimer
keep it green, read from the screen

https://email.fatcow.com/ox6/ox.html 19/10/2015
November 2, 2015

Mayor George Adams
Town of Upper Island Cove
P.O. Box 149
Upper Island Cove, NL A0A 4E0

Dear Mayor Adams:

Re: Request for Reallocation of Funds

I am writing in response to your letter of October 19, 2015, in which you requested that the surplus of $40,586 on Project No. 12068 (Upgrading and Paving of Meadow Road) be reallocated to Project No. 17-MCW-14-14070 (Ball-field Lighting Project). You also requested that the required contribution by the Town be reduced by that amount.

You will recall that the Department recently approved $172,783 in additional MCW funding with the understanding that the Town would also commit $50,000 in gas tax funding.

Under the department’s municipal infrastructure cost sharing arrangement, communities with a population of less than 3000 are required to provide a minimum contribution of 10% of the approved MCW funding. To have the surplus funding from your road upgrading project only applied to the municipal contribution would be contrary to the department’s cost sharing policy. In that regard, I must advise that your request is not approved.

Should the Town wish to re-profile the surplus funding from the road upgrading project to the ball field lighting project or another project, the provincial and municipal contribution will be calculated based on the 90/10 cost shared funding arrangement approved by Government.

Should you have any other questions regarding the above, please contact Mr. Dan Noseworthy, Regional Director for the Eastern Region at 729-7390.

Sincerely,

KEITH HUTCHINGS, MHA
District of Ferryland
Minister of Municipal and Intergovernmental Affairs

cc: Mr. Glenn Littlejohn, MHA
cc: Mr. Dan Noseworthy, Regional Director
cc: Ms. Lori Evoy, Regional Manager
cc: Mr. Inayat Rehman, Regional Engineer
May 3, 2016

Mr. Cluney Mercer
Assistant Deputy Minister
Department of Municipal and Intergovernmental Affairs
P.O. Box 8700
St. John's, NL.
A1B 4J6

Dear Mr. Mercer:

Re: Project No: 12068
   Town of Upper Island Cove
   Meadow Road Upgrading and Paving

As per our telephone conversation on April 5, 2016, I am officially requesting that the surplus funding of $40,586 (including HST) from Project No: 12068 (Upgrading and Paving of Meadow Road) be channelled to Project No: 17-MCW-14-14070 (Ballfield Lighting Project) to increase the scope of this project in order to complete a paved walking track around the ballfield.

If you require any further information, please contact me by telephone (709)589-2503, fax (709)589-2522 or email townoffice@upperislandcove.ca.

Respectfully yours,

George Adams, Mayor

cc: Ms. Pam Parsons, M.H.A.
    District of Harbour Grace-Port de Grace

Mr. Rick Appleby
EXP Services Inc.
Mayor George Adams  
Town of Upper Island Cove  
P.O. Box 149  
Upper Island Cove, NL  A0A 4E0

Dear Mayor Adams:

Re: Municipal Capital Works Program, Project No. 12068  
Road Upgrading & Paving

I refer to Council’s request dated May 3, 2016 requesting authorization to reallocate $40,586 from the above project to supplement project #14070 (Ball Field Lighting). A review of this funding has revealed that only $33,631 remains in project #12068, and you are hereby authorized to reallocate this amount. The revised cost sharing for this project is outlined below.

<table>
<thead>
<tr>
<th>Total Funding</th>
<th>Total Project Cost</th>
<th>Cost Less GST Rebate</th>
<th>Max. Provincial Contribution</th>
<th>Municipal Contribution</th>
</tr>
</thead>
<tbody>
<tr>
<td>Funding reallocated to project #14070</td>
<td>$33,631</td>
<td>$32,143</td>
<td>$28,929</td>
<td>$3,214</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$382,143</td>
<td>$365,234</td>
<td>$328,711</td>
<td>$36,523</td>
</tr>
</tbody>
</table>

The Provincial contribution will be advanced on a cash basis as costs are incurred, as noted in the guidelines.

Council will be required to finance on an interim basis the GST rebate in order to pay final project costs on a timely basis. All interest related to this interim financing of the GST rebate will be the responsibility of Council and you must have an approval to borrow for the GST rebate at the time of tendering.

In anticipation of Council’s acceptance of this funding, enclosed please find in duplicate, Amendment # 3 between the Department of Municipal Affairs and the Town of Upper Island Cove, with respect to this project. Upon reviewing the Amendment, please arrange to have the two copies signed by the Mayor and Clerk, witnessed, and affixed with the seal of the Town. Council is also requested to provide the date whereby the Mayor and Clerk were authorized by a resolution in the Minute of Council to enter into this Amendment on behalf of Council. A copy of the Minute of Council is to be attached to each Amendment, and marked as Appendix “A”. These documents are to be returned to my office, whereby they will be signed, witnessed, and affixed with the seal of the Department. A signed copy will be forwarded to Council for its records.
Should you have any other questions regarding the above, please contact Mr. Sandy Hounsell, Regional Director for the Eastern Region, telephone number 729-7390.

Thank you for your co-operation.

Sincerely,

EDDIE JOYCE, MHA
District of Humber-Bay of Islands
Minister of Municipal Affairs

Enc.

cc: Ms. Pam Parsons, MHA
cc: Mr. C. Mercer, P. Eng, ADM
cc: Mr. E. Khan, P. Eng.
cc: Mr. S. Hounsell, Regional Director
cc: Ms. L. Evoy, Regional Manager
cc: Mr. I. Rehman, P. Eng., Regional Engineer
cc: Mr. H. Khan, P. Eng.
cc: Ms. H. May
cc: Mr. J. O’Leary
cc: Mr. D. Hickey
cc: Mr. A. Askary
cc: Mr. T. Matthews
August 10th, 2016

Hon. Eddie Joyce, Minister
Department of Municipal & Intergovernmental Affairs
P.O. Box 8700
St. John's, NL
A1B 4J6

Dear Minister Joyce,

Re: Emergency Funding

During the recent paving of Noel's Road within the Town of Upper Island Cove, a section of a retaining wall (approximately 70 - 80 feet) supporting this road collapsed resulting in our municipal workers having to barricade this roadway in order to ensure the safety of motorists and homeowners.

In order to carry out the necessary remediation to this retaining wall as quickly as possible, I am requesting emergency funding from your department cost shared on a 90/10 provincial/municipal basis.

An estimate from A1 Concrete Foundations (1991) Ltd. in the amount of $13,200.00 plus hst to construct a 10" concrete retaining wall has been included.

If you require any further information, please contact me by telephone (709) 589-2503, fax (709) 589-2522 or email townoffice@upperislandcove.ca.

Respectfully yours,

George Adams
Mayor

Cc: Ms. Pam Parsons, MHA
    District of Harbour Grace / Port-de- Grave
August 16, 2016

Mr. George Adams
P.O. Box 149
Upper Island Cove NL A0A 4E0

Dear Mr. Adams:

We are in receipt of your correspondence to Minister Joyce, dated August 10, 2016, in which you requested funds to repair the retaining wall.

Please be advised that your correspondence is being reviewed and that your request is under consideration.

Sincerely,

Paul Tucker
Municipal Finance
FACSIMILE MESSAGE

To:  Department of Municipal & intergovernmental Affairs  From: Dorothy Mercer
Attn:  Mr. Matthew Byrne  Response Required:
Date:  August 22, 2016  ___ Rush |
Fax #:  matthewbyrne@gov.nl.ca  ___ At Your Convenience
Page 1 of 1  ___ No Response Required
Time:  ___ Please Acknowledge Receipt.

MESSAGE:

Re: Emergency Funding Request Retaining Wall, Noel's Road.

The Town of Upper Island Cove will cover their 10% of the request for emergency funding in the amount of $13,200 plus HST from their general funds.

If you require any additional information please contact the office.

s.40.1

Neil Shute
Town Clerk/Manager
Mayor George Adams  
Town of Upper Island Cove  
P.O. Box 149  
Upper Island Cove, NL A0A 4E0

Dear Mayor Adams:

Re: Special Assistance Grant, Project # 17-SAG-17-046

I am pleased to inform you that the Department of Municipal Affairs has approved a Special Assistance Grant in the amount of $15,180.00 on a 90 / 10 Provincial/Municipal cost-shared basis, to assist with the cost of repairing a section of retaining wall. The following table outlines the cost-sharing details:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total funding</td>
<td>$15,180.00</td>
</tr>
<tr>
<td>Total funding less GST/partial HST rebate</td>
<td>$14,190.00</td>
</tr>
<tr>
<td>Provincial/Municipal cost sharing ratio</td>
<td>90 / 10</td>
</tr>
<tr>
<td>Provincial share less GST/partial HST rebate</td>
<td>$12,771.00</td>
</tr>
<tr>
<td>Municipal share less GST/partial HST rebate</td>
<td>$1,419.00</td>
</tr>
</tbody>
</table>

With the reduction of the GST/partial HST rebate, which you are required to utilize as part of this project, the maximum provincial share provided towards this project will be $12,771.00. Council must make arrangements to apply to the Canada Revenue Agency for the GST/partial HST rebate as soon as they are eligible.

The Provincial share will be issued upon submission of invoices, within 90 days of the date of this letter, at the following address:

Department of Municipal Affairs  
Eastern Regional Office  
P.O. Box 8700  
St. John's, NL A1B 4J6

Please be sure to follow all applicable legislation and policies.
If invoices are not received by the Department by this deadline and/or if an appropriate Public Tender Act compliant process was not followed, funding approval will be withdrawn and reallocated. The regional office staff will review the invoices to ensure that costs are eligible and consistent with the purpose of the funding prior to issuance of the cheque. Please note that Council is responsible for all costs exceeding the approved funding. Thank you for your interest in this program and your willingness to respond to the needs of the Town.

Sincerely,

EDDIE JOYCE, MHA
District of Humber-Bay of Islands
Minister of Municipal Affairs

cc: Pam Parsons, MHA
cc: Heather Tizzard, Assistant Deputy Minister
cc: Sandy Hounsell, Regional Director
cc: Lori Evoy, Regional Manager
cc: Inayat Rehman, Regional Engineer