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/120/2018]

On November 2, 2018, the Department of Municipal Affairs and Environment received your request for access to the following records/information:

"All correspondence between elected and unelected officials representing the Town of Steady Brook and the department of Municipal Affairs and Environment for the period October 1, 2017 and November 2, 2018."

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

However, some of the 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, 2015 (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 address and contact information of the Information and Privacy Commissioner is as follows:
Office of the Information and Privacy Commissioner
2 Canada Drive

P.O. Box 8700, St. John's, NL, Canada A1B 4J6 709 729 5677 709 729 0943 www.gov.nl.ca
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.

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 709-729-5846 or by e-mail at aliskary@gov.nl.ca.

Sincerely,

ALI ASKARY
Manager, Information Services / ATIPP Coordinator
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 45(2).
Dear Mr[Redacted],

Your letter asking for copies of documents to prove this council had the authority to purchase property in Willow Ave has been received.

You are aware, [Redacted], that The Department of Municipal Affairs has to approve a town budget BEFORE it can be voted on by council. The budget issues you referred to in your letter were known to, and approved by, MA prior to the vote. This is d’facto approval and, in my opinion, requires no supporting documentation.

I refer you back to your meeting with council [Redacted] where you advised us that, in your opinion, we did not act prudently in this purchase. [Redacted]. You did not leave any documentation with council to prove your assertion.

Your implication that this council could not have known what you know is false and misleading. This council acted prudently with advise from engineers and Municipal Affairs.

That said, you have made a formal request for information. I have consulted Municipal Affairs to determine what our statutory obligation is, to you, in this matter. We expect to have this information in time to meet your thirty day demand.

Donna Thistle - Mayor
Hi Donna,

I tried calling Tracey at the office today to discuss [ATTIP, OPIC, and Section 215] however I was not able to contact her. Holly will follow up with Tracey Monday. Take care and all the best,

Arthur

Hi Art,

Can you look at this request and please tell me what our obligations are to this citizen?

Thank you,
Donna

Sent from my BlackBerry - the most secure mobile device - via the TELUS Network

Dear Mayor and Councillors:

I respectfully ask you to respond to my attached documents request.

Regards,

Steady Brook, NL
January 18, 2018

Town of Steady Brook, NL

Dear Mayor and Councillors:

Re: Documents Request - Real Property Acquisition 4-10 Willow Avenue, Steady Brook

As a taxpayer and citizen of the Town of Steady Brook I am concerned that you, as a new town council, may not have met the statutory obligations required, under the province’s Municipalities Act, prior to passing the following three resolutions at the November 9, 2017 public meeting:

RESOLUTION # 2017/128
PIKE/AUSTIN: BE IT RESOLVED THE ELECTED COUNCIL OF THE TOWN OF STEADY BROOK, RATIFY THE OFFER TO PURCHASE THE PROPERTY LOCATED AT 4-10 WILLOW AVENUE FOR AN UNDISCLOSED SUM SO AS TO CONTROL, BUT NOT PREVENT, FUTURE DEVELOPMENT. IN FAVOUR: (6) Thistle Wells, Austin, Howlett, Pike, Sutherland OPPOSED: (1) Dawe
RESOLUTION CARRIED

RESOLUTION # 2017/129
PIKE/HOWLETT: BE IT RESOLVED TO USE 50% OF THE TOWNS RESERVE FUNDS TO MAKE THE DOWN PAYMENT ON THE PURCHASE OF 4-10 WILLOW AVENUE. THE FUND WILL BE REPAID ON SALE OF THE LOTS. IN FAVOUR: (6) Thistle Wells, Austin, Howlett, Pike, Sutherland OPPOSED: (1) Dawe
RESOLUTION CARRIED

RESOLUTION # 2017/130
PIKE/SUTHERLAND: BE IT RESOLVED THE TOWN OF STEADY BROOK ENTER INTO A MORTGAGE AGREEMENT WITH THE VENDOR. THE TERMS OF WHICH ARE TWO YEARS - INTEREST FREE, OR THE SALE OF TWO LOTS, WHICH EVER COMES FIRST. IN FAVOUR: (6) Thistle Wells, Austin, Howlett, Pike, Sutherland OPPOSED: (1) Dawe
RESOLUTION CARRIED

Without satisfying compulsory legislative requirements council may have been prohibited to act with any authority to:

1) purchase real property
2) obligate the town and it’s residents to an expenditure or indebtedness exceeding the total estimated expenditure or indebtedness approved within the town’s annual budget
3) commit the town and it’s residents to borrowing, loans or other contractual liabilities associated with an unauthorized expenditure
To alleviate my concerns I respectfully request that council provide me, within the next 30 days, copies of all written ministerial approvals that it was required to obtain under the following sections of municipalities act:

- **Property acquisition**
  201. (1) A council may acquire and hold real and personal property which is not necessary for the operations of the council under this Act.
  (2) Notwithstanding subsection (1), a council shall not acquire and hold real and personal property under that subsection without the prior written approval of the minister.

- **Effect of town budget**
  81. A town council shall not, without the prior approval of the minister, incur, enter into, contract, or become liable for an expenditure or indebtedness exceeding the total estimated expenditure or indebtedness approved in the annual or revised budget.

- **Guaranteed loans expenditure**
  100. (1) Where a council has raised money by a loan advanced or guaranteed by the Crown or under bonds or debentures issued by the council with their repayment guaranteed by the Crown, the council shall not invite tenders, award a contract or undertake an obligation with respect to the execution of work, the performance of services, or the purchase of materials or goods that are to be financed in whole or in part by that money, without the prior written approval of the minister.
  (2) Except with the consent of the Lieutenant-Governor in Council, money described in subsection (1) shall not be attached, held or otherwise taken under power of law to satisfy an obligation of a council arising out of a contract entered into by that council without the prior approval of the minister.

- **Long term borrowing**
  94. (1) Subject to the prior written approval of the minister, a council may
   (a) borrow money for capital purposes and issue securities for the repayment of money borrowed; and
   (b) enter into a financing agreement as lessee with respect to the lease of personal or real property where the lease is for a term of 3 years or more.
  (2) A council shall, before the end of each year, submit to the department a 5-year forecast of its anticipated capital expenditure requirements.

- **Unauthorized expenditure**
  96. (1) Where, without the prior approval of the minister, a council uses money borrowed under section 94 for a purpose other than the purpose for which the minister approved the raising of the loan, the councillors who voted for the use of the money are personally, jointly and individually, liable for the restoration of that money to the council, and the council or the Crown may recover the money as a civil debt due to the council.
  (2) Where a person entitled to vote in an election for councillors files a written request with the council asking it to bring an action against councillors who incur liability under subsection (1) for the recovery of the money referred to in that subsection and the
council refuses or neglects to do so for one month, the person who filed the request may bring the action on behalf of himself or herself and other persons in the municipality or may ask the minister to commence an action in right of the Crown to recover the money.

I look forward to council's timely response to this request.

Respectfully,

Steady Brook, NL

CC: Hon. Eddie Joyce, Minister of Municipal Affairs and Environment
please see the response from council regarding the letter you submitted on January 18, 2018.

Regards,

Tracy Caines
Town Clerk/Manager

Town of Steady Brook
1 Wilton Street
Steady Brook, NL
A2H 2N2
Phone (709) 634-7601
Fax (709) 634-7547
townclerk@steadybrook.com
January 29, 2018

Steady Brook, NL

Dear [Redacted]

In response to your letter dated January 18, 2018 requesting documentation validating our purchase of 4-10 Willow St in Steady Brook.

Attached is a copy of section 201 of the Municipality Act where in you will note the word NOT is highlighted.

You are of the belief The Town of Steady Brook required the written authority of the Minister of Municipal Affairs to proceed with the purchase. You have now insisted on being presented with this written approval. In spite of being advised that we had been in regular contact with Municipal Affairs on this matter, first with (then director) Art Skinner and recently with Acting Director, Holly Scott-Walsh, you are requesting a piece of documentation that we were not under an statutory obligation to obtain.

Section 201 (1) of The Act states we are allow to obtain real property NOT for the use of the municipality if (2) we have the written permission of the Minister.

BE advised this section of the act pertains to property NOT for the use of the Municipality. Property purchased FOR the use of the Municipality, requires no such documentation. We were advised this very early in our deliberations and have had it reinforced several times since.

As to your comments on the affect this had on the 2018 budget; there was no such effect. The property was obtained in 2017 using $255,000 of our RESERVE fund and a $200,000 interest free mortgage being held by the vendor for a 2 year period.
We welcome your engagement with the town and ongoing operations and we trust you will agree the council acted within its’ authority.

This concludes our correspondence on this matter.

Respectfully yours,

Donna Thistle – Mayor

CC:
Hon. Eddie Joyce – Minister of Municipal Affairs and Environment
Holly Scott-Walsh, Acting Western Director MA
Deputy Mayor Matt Wells
Councillor Candace Austin
Councillor Jerry Dawe
Councillor Marg Howlett
Councillor Greg Pike
Councillor Yvan Roy-Sutherland

Att:
Property acquisition

201. (1) A council may acquire and hold real and personal property which is not necessary for the operations of the council under this Act.

(2) Notwithstanding subsection (1), a council shall not acquire and hold real and personal property under that subsection without the prior written approval of the minister.

1999 cM-24 s201
MAY 31 2018

Donna Thistle, Mayor
Town of Steady Brook
1 Wilton Street
Steady Brook, NL A2H 2N2

Dear Mayor Thistle:

Re: Steady Brook Land Acquisition and Mortgage

The Department of Municipal Affairs and Environment ("MAE") received a complaint regarding the Town of Steady Brook's (the "Town") acquisition and mortgage of 4-10 Willow Avenue (the "Property"). MAE staff subsequently reviewed minutes of the Town Council and correspondence which copied MAE staff.

It is my understanding that the Town voted to purchase the Property in order to: "control, but not prevent, future development". It is also my understanding that the Town paid 50% of the purchase price and entered into a mortgage with a private entity (the vendor of the Property) for the remainder or the purchase price. It appears from the minutes of Town Council that the Town purchased the Property with the intention to subdivide and sell individual parcels of the Property.

Section 201 of the Municipalities Act, 1999 (the "MA"), provides that if a town wishes to acquire property for purposes other than those necessary for carrying out the operations of the council, it must have prior written approval of the Minister. MAE does not have any correspondence from the Town requesting Ministerial approval to purchase the Property for residential development. The Town has thus acted in a manner contrary to section 201 of the MA.

Section 93 of the MA, also requires Ministerial approval for financing for the purposes of repaying money borrowed beyond the year in which it is borrowed. A mortgage on real property is considered financing under this section. MAE has not received a request for Ministerial approval for such financing. Also, section 99 of the MA states that Council is only permitted to make expenditures where it is provided for in the budget or revised budget. MAE is unable to locate the budget line expenditure for the acquisition of the Property. Therefore, the Town has again acted in a manner contrary to the MA.
In addition, section 221 of the MA, prohibits towns from competing with the private sector. If the Town plans to sell parcels of the Property for residential or commercial development, it is competing with private developers. We have been advised that private entities were interested in purchasing the Property for the purposes of subdivision and sale. Therefore, it again appears that the Town acted in contravention of the MA.

It is imperative that municipalities are aware of, and comply with legislative obligations. I must remind you of the Town’s obligation to act in accordance with the MA in all future endeavours.

MAE strongly recommends that staff and Council of the Town attend training that speaks to proper accounting and finance management procedures and land acquisition. MAE offers this training free of charge.

Please be advised that the resident who complained about this issue will be notified that MAE has advised the Town of its legislative obligations and has recommended further training.

If you would like to discuss this matter, please do not hesitate to contact Mary Oley, Director of Local Governance and Land Use Planning, by telephone at 709-729-1953 or email at maryoley@gov.nl.ca.

Sincerely,

ANDREW PARSONS, QC
Minister of Municipal Affairs and Environment

cc: Scott Reid, MHA
Hi Andrew,

We are now all painfully aware of our apparent misstep in municipal politics Re a land purchase in Steady Brook.

Your letter came as a [redacted] It is apparent to me, from the decision your department made that there is a good deal of written communication between, then director, Art Skinner and myself that was not considered when drawing conclusions. I believe that had all the data been reviewed, you may have come to a different decision.

Regardless, that is now water under the bridge but the decision your department made, and conveyed to the resident who lodged the complaint, has created a significant fallout that is escalating at an alarming pace in our community.

I would be greatful if you call me to chat but the jist if my request is that you review the information that I could have contributed to the investigation and if possible write a follow up letter that could confirm your departments support of our purchase after the fact. The resident in question is demanding we recind the motion to purchase the land. He intends to go public and has a "group" of citizens working g with him.

Donna T
July 10, 2018

Ms. Donna Thistle
Mayor, Town of Steady Brook
thistledl@gmail.com

Dear Mayor Thistle:

Thank you for your email of June 26, 2018, in which you note you have information to provide regarding the Town’s actions relating to the land purchase in Steady Brook.

If you have information you would like us to review, you may send it to the attention of Heather Tizzard, Assistant Deputy Minister, at heathertizzard@gov.nl.ca.

Sincerely,

ANDREW PARSONS, QC
Minister of Municipal Affairs and Environment

cc. Mr. Scott Reid, MHA
Hi Tracy,

This letter will have to be requested through ATIPPA. The link is as follows:

http://www.oipc.nl.ca/

Kindest regards

Holly Scott - Walsh
Manager of Municipal Support (A)
Western/Labrador Region
Dept. of Municipal Affairs and Environment
6th Floor, Sir Richard Squires Building
P. O. Box 2006
Corner Brook, NL A2H 6J8
Tel: 709-637-8010
Fax: 709-637-2548
hscott@gov.nl.ca

Good afternoon Holly, as per our conversation this morning regarding council requesting a copy of the letter that was sent to [REDACTED] pertaining to 4-10 Willow Avenue could you please forward a copy of the letter to the town if permitted to do so. Council would like to see the letter to determine whether they should seek legal advice based on the letter that was submitted to him from Municipal Affairs.

Kindest Regards,

Tracy Caines
Town Clerk/Manager

Town of Steady Brook
1 Wilton Street
Steady Brook, NL
A2H 2N2
Phone (709) 634-7601
Fax (709) 634-7547
townclerk@steadybrook.com
From: Town Office <townofsteadybrook@gmail.com>
Sent: Tuesday, July 24, 2018 2:51 PM
To: Oley, Mary; 'Town Office'
Cc: Scott, Holly
Subject: RE: Land Acquisition

Follow Up Flag: Flag for follow up
Flag Status: Completed

The phone number for the training session on July 26, 2018 at 6:00 pm with Town council and staff is 709-634-9338.

Kindest regards,

Tracy

From: Oley, Mary <MaryOley@gov.nl.ca>
Sent: July-03-18 10:13 AM
To: 'Town Office' <townofsteadybrook@gmail.com>
Cc: Scott, Holly <hscott@gov.nl.ca>
Subject: RE: Land Acquisition

Hello Tracy:

I can confirm that Holly and I are available for 6pm on July 26th, 2018, to provide the requested training. Holly will attend in person, I have not yet determined whether I will attend in person or via teleconference.

Best regards

Mary

Mary Oley, B.Sc. LL.B.
Director of Local Governance and Land Use Planning
Municipal Affairs and Environment
Email: maryoley@gov.nl.ca
Telephone: 709-729-1953
Mobile: 709-725-4854

From: Town Office <townofsteadybrook@gmail.com>
Sent: Friday, June 29, 2018 2:58 PM
To: Oley, Mary <MaryOley@gov.nl.ca>
Subject: Land Acquisition

Good afternoon Ms. Oley, The ton council of the Town of Steady Brook is looking for advice on the letter that we received form the Minister regarding Land Acquisition (See attachment). MAE strongly recommends that staff and council of the Town attend training that speaks to proper procedures and land acquisition. Town Council would like to avail of any training that is available as soon as possible, can you please help us on this sensitive matter.

Kindest regards,

Tracy Caines
Town Clerk/Manager
Town of Steady Brook
1 Wilton Street
Steady Brook, NL
A2H 2N2
Phone (709) 634-7601
Fax (709) 634-7547
townclerk@steadybrook.com

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October 22, 2018

Dept. of Municipal Affairs
Office of the Minister
P.O. Box 8700
St. John’s NL A1B 4J6

Honorable Andrew Parsons,
Minister of Municipal Affairs

Re: Permission to Occupy 4-10 Willow Avenue, Steady Brook, NL

The Town of Steady Brook requests permission from the Minister of Municipal Affairs to occupy 4-10 Willow Avenue. This request is being brought forward as we would like to offer an option of occupancy as an incentive in an Operation Manager Employee Package.

As you are aware, the Town of Steady Brook owns 4-10 Willow Avenue, but we now understand we require Ministerial approval on any decision related to this land. The town understands that anyone residing in this residence will require prior approval from the Minister as per the Municipalities Act.

We appreciate review of this matter; it is time sensitive as it pertains to an employment offer. If you have any questions regarding this request, please call the Town Office at 634-7601.

Sincerely,

Donna Thistle
Mayor of the Town of Steady Brook
October 22, 2018

Dept. of Municipal Affairs
Office of the Minister
PO Box 8700
St. John’s, NL A1B 4J6

Honorable Andrew Parsons,
Minister of Municipal Affairs

Re: Permission to Survey Property/Sell Parcels of Land located at 4-10 Willow Avenue, Steady Brook

The Town of Steady Brook refers the Minister to his letter (to us) dated May 31, 2018 wherein we were advised that our purchase of 4-10 Willow Avenue was in contravention of sections 201, 93,99 and section 221 of the Municipalities Act. In spite of our best efforts, at the time, to obtain advice from Municipal Affairs, we inadvertently errored in our interpretation of the act and, apparently, our questions to MA were not exhaustive enough to receive comprehensive advice.

The town is now the legal owner of said property and we wish to dispose of it without compromising the town's financial investment. To this end, we request permission from the Minister to expedite the disposal. It is our intention to survey 4-10 Willow Avenue and divide the property into parcels of land to sell individual lots to the public. It is our understanding, as per the Municipalities Act, that for the above-noted items to move forward, we require Ministerial Approval.

Upon review of this matter, the Town is further asking - if our intentions are not within the acceptable interpretations of The Act, would the Minister provide specific instructions to the Town outlining required steps to dispose of 4-10 Willow Avenue.

We will be grateful for a timely response to our request as we have a waiting list of persons interested in the land and we would like to move ahead with the significant matter of appropriate infrastructure required to open up this land. The development will make a significant contribution to the long-term sustainability of the town.

Sincerely,

Donna Thistle
Mayor of the Town of Steady Brook
Hi there,

I've been asked to consider the below.

Although I cannot say whether the Town paying part of the developer's costs is prohibited, it is certainly an unusual form of development agreement. If the municipality is funding part of the cost of professional services, it would potentially bring the acquisition of those services under the regulatory control of the Public Procurement Act. My understanding is that normally, to encourage economic development via development agreements, municipalities will offer tax incentives and enter into tax agreements (authorized by section 111 of the Municipalities Act, 1999).

Given that this is a unique proposal, I would suggest the Town seek independent legal advice before entering into the agreement to ensure it is within your statutory authority.

Trust this is satisfactory, but feel free to let me know if you need further assistance.

Kind regards,
Danielle

Danielle Somerton
Manager of Legislation
Municipal Affairs and Environment
729-6528

From: townofsteadybrook@bellaliant.com
Sent: Monday, October 29, 2018 2:23 PM
To: Scott, Holly
Cc: 'Donna Thistle'
Subject: Project - 4-10 Willow Avenue

Holly,

Pursuant to Steady Brook Development Policy Section 3.4, Policy G-9:

"It shall be a policy of the Town to enter into agreements for new developments involving the subdivision and/or consolidation of lands for development. Such an agreement will be negotiated between the developer and the Municipality for financing and development of services provided to the site, constructed to municipal standards and consistent with the policies of this Plan and the Development Regulations".
It is the intention of the Town of Steady Brook to enter into a 50/50 cost sharing agreement with the landowner (whose property borders 4-10 Willow Avenue) for survey and legal fees. Please confirm this is within our rights as per the Municipalities Act.

Please advise ASAP so we may move forward with this project.

Kindest Regards,

Donna Thistle,
Mayor
On behalf of Lands and Planning.
Danielle, (Mary and Holly)

Thank you VERY much for your timely response. The turnaround speed indicates MA understands how important this project is and I am grateful. That said, I believe your department has a higher responsibility than provided in the response we received.

The property known as 4-10 Willow. The Town of Steady Brook owns 4-10 Willow. The file is thick so I will not re explain. We are not helping the developer, we own part of the future development.

Collectively and Town) have 12 potential building lots. We own half and owns half. The town cannot expect to undertake ALL costs of engineering, legal etc of developing the infrastructure for Town property and own. If we hire engineering, legal and survey services as a “partnership” the costs are reduced considerably for both parties. This is fiscally responsible for The Town.

We have already had by the Minister for the purchase of this land. We have asked permission to resell the land. We have not yet had a response. We have a list of 12 people who want to buy our 6 lots. We need to sell this land for a hundred different reasons. In the meantime, we wish to begin development of the needed infrastructure which is the reason we purchased the land to begin with. Winter is coming on. The surveys can be done now. The engineering over the winter.

The Municipalities Act is permissive legislation. Your department is the authority that will judge our actions as appropriate or not. The position stated in your correspondence - that we should engage our own legal council to interpret legislation that your legal team is intimately familiar with is, of the stated goal of the department; namely to assist municipalities with their understanding and subsequent execution, of their rights and responsibilities under this act.

Our own lawyer cannot give us permission to take an action that is the Ministers statutory right to grant. Our own lawyer will charge us a considerable sum to say...“The Minister has the authority (or not) to grant this permission.”

We asked for direction (from MA) in the initial purchase. Extensively! Our town manager asked for and received advice on the file. We had our own lawyer prepare the documents for the purchase and still...we erred in our interpretation of the Act. Subsequent to this the Minister received a complaint for a citizen and followed up with a letter of direction that we should take training under the ACT. (Which we did).

I do know changes are being considered the MA for the spring session. We are already a full year into what we thought would be a two year project and

If you cannot give us permission to enter into a contract with at the very least, the department needs to grant us, unfettered, permission to sell the land so that we at least have a starting point for further legal council.

The devaluation of this land is not in the best interests of the Town. Continuing to have the way forward debated is doing exactly that. The 20 year tax projection for this development is over a million dollars. The addition of 12 new families is a good thing. Everything about this project is good for Steady Brook sustainability. And, we are in a situation that the only person in a position of control over the development is The Minister and the Department and still we are being asked to get independent legal advise on our next steps.

And yes...this letter was written for a wider audience but honestly...someone who has the authority to direct this piece of
business has to direct it. Or, grant us the, unfettered, authority to proceed. It is within the power of the Minister to do so.

Donna Thistle – Mayor, Town Of Steady Brook

Sent from Mail for Windows 10
From: Sheppard, Peggy
Sent: Thursday, November 1, 2018 1:34 PM
To: 'townclerk@steadybrook.com'
Cc: Scott, Holly
Subject: Approval to Borrow - Mortgage of 4-10 Willow Avenue, Steady Brook

Good afternoon Renee,

As we discussed,

**The Municipal Share – $200,000.00**

Below are some specific details on the information/documentation needed to be included for your request of an approval to borrow:

- A letter from the financial institution stating they are able to provide financing for your town. The letter must include the following points for each loan; **Net Project cost and GST portion (if applicable):**
  - loan amount
  - interest rate
  - loan term
  - amortization period
  - loan payment amount * - considering the loan is a prime plus loan, the letter should address the loan payment amount as such; **monthly principal payment of $____ plus monthly projected interest payments of $______, as of the date of this letter**

- A letter from the Town (signed by the Clerk or Mayor) requesting approval to borrow from the Department of Municipal Affairs. Details to be included are as:
  - Purpose of loan; i.e. town truck or Main Street Upgrades
  - Project Number
  - Project Name

- Council’s Resolution. This may be an included in the body of the request letter from the town or attached as a separate document. Details of the motion must include:
  - Resolution Date
  - Motion Number
  - Town Name
  - Name of the Lender
  - Loan Amount (each loan itemized)
  - Loan Term (each loan itemized)
  - Interest Rate (each loan itemized)
  - Amortization period (each loan itemized)
  - Loan payment amount

For your reference, I have included a template for the letter addressed to Municipal Affairs:

```
“January 1, 1010

Department of Municipal Affairs
P.O. Box 2006
Corner Brook, NL
A2H 6J8

The Town of ABC is requesting approval from The Department of Municipal Affairs to borrow $1,000,000.00, for Project Number 123-456-789, Main Street Upgrades. This amount will include approval for net project cost of $906,834.78 and...
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GST rebate portion of $93,165.22.

Excerpt from our regular meeting held on December 01, 1010.

Motion 12-3456 Jones/Jones

Be it resolved that, The Town of ABC borrow from the Bank of ABC, $906,834.78 for Project Number 123-456-789, Main Street Upgrades, for a term of 5 years, amortization period of 10 years. Rate will be prime + 0.05%. Monthly principal payment of $____ plus monthly projected interest payments of $________, as of the date of this letter.

In addition, The Town of ABC will borrow from the Bank of ABC, $93,165.22 for the GST rebate portion of Project Number 123-456-789, Main Street Upgrades, for a term of 1 year, amortization period of 1 year. Rate will be prime + 0.05%. The purpose of this loan is to Upgrade the infrastructure to Main Street.

In Favor 4; Opposed 0; Motion Carried”

If you have any questions or require clarity of these points please contact me at your convenience.

Kindest regards,

Peggy Sheppard | Municipal Analyst

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