

National Roads Authority
Minutes of the Eighty-Eighth Meeting of the Board of Directors
held at Public Works Department Training Facility, 370 North Sound
Road, George Town,
Grand Cayman, Tuesday, January 19, 2010 at 1:00 p.m.

Present:	Colford Scott	Chairman
	Troy Whittaker	Deputy Chairman
	Mrs. Christine Maltman	
	Mrs. Pearlina McGaw-Lumsden	
	Justin Bodden	
	Brian Ebanks	
	Darrel Rankine	
	David Fawcitt	Designate Director – Min. DAW&GA
	Ronnie Dunn	Designate Director for Financial Secretary
	Brian Tomlinson	Managing Director
Apologies:	Edward Howard	Deputy MD – Admin & Planning
	Uche Obi	Senior Valuation Officer Lands & Survey Department
	Mrs. Lois A. Hall-Vaughan	Executive Secretary
	Barry Martinez	(ill)
	Ms. Levonne Ryan	(unable to attend due to earth tremor in Grand Cayman)
	Steve McField	
	Paul Parchment	Actg. Dep. MD – Eng. & Operations

1. Call to Order

The Meeting was called to order at 1:00pm by the Chairman.

2. Confirmation of Minutes

The Minutes with minor amendments were approved by Director Mrs. C. Maltman and seconded by Deputy Chairman Troy Whittaker.

3. Matters Arising

a. Schmarrah McCarthy Scholarship Request

Members were informed that the MD spoke with Ms. McCarthy and her parents regarding NRA's offer to pay half of her scholarship for the two (2) year course. This was accepted by them. A School Bond was issued and executed by the NRA and half the cost of the first semester was paid. It was noted that Ms. McCarthy will now be bonded to the NRA for six (6) years. It was also noted that Ms. McCarthy will be an advantage

(amended to read 'asset to the NRA') to the NRA when she completes her studies.

c. Sagicor – Health Insurance

Director Designate R. Dunn enquired if the NRA will be signing a one (1) year contract with Sagicor. The MD informed that the current contract with Sagicor is done on a month to month basis. The report on the contract and cost efficiency of the insurance (Sagicor) versus CINICO is being prepared for presentation at the next scheduled meeting in February 2010.

d. Proposed Road Works

The MD informed that he is scheduled to meet with the Ministry on Thursday, January 21, 2010 to revise the proposed road works. Director D. Rankine enquired if proposed road works in Cayman Brac will include the NRA and was advised by the MD that no update has yet been provided concerning this. It was noted that a new asphalt plant has been purchased for delivery to Cayman Brac however the MD was not sure if it has yet been delivered.

e. Deferred Promotions within the NRA – update

This item was withdrawn from the Agenda of meeting held December 08, 2009 as per directive from the Ministry. It was noted that no further instructions has been received from the Ministry regarding this item.

4. New Business

**a. Blk 23B [Redacted under Section 23(1) of the FOI Law (2015)]
(issue of adding 25ft of land)**

It was noted by Mr. Obi that in lieu of monetary compensation for land acquired re the widening of Shamrock Rd., it was agreed that the Government would close and vest 0.18 acres from the southern portion of Blk 23B S. 23 (1) [Redacted]. A motion was requested by the Chairman for this to be done and the motion was moved by Director D. Rankine and seconded by Director Designate R. Dunn. The motion was approved and accepted by the Board.

b. Claims for Compensation

i. Blk 27E S. 23 (1) – East/West Arterial

It was noted that the Notice of Intention to Claim (Form A) was invalid as it was received after the ninety (90) days deadline and the person submitting the claim was not the registered owner of the land on the declared date. A motion was requested by the Chairman to deny this late claim and the motion was moved by Director Designate R. Dunn and seconded by Director D. Rankine. The motion was approved and accepted by the Board.

ii. Blk 24D S. 23 (1) – East/West Arterial

Mr. Obi is requesting that this claim for compensation be referred to the Roads Assessment Committee for determination as it can't be agreed on by negotiation. It was noted that this section of land

was gazetted in error however by Law it can not be un-gazetted. The Board decided that Mr. Obi would advise the lawyers for the client that as per legal advice sought that no compensation will be paid as the NRA has not legally taken the land. A motion was moved by the Deputy Chairman T. Whittaker and seconded by Director D. Rankine for Mr. Obi to advise accordingly. The motion was approved and accepted by the Board.

iii. **Blk 1D S. 23(1) Of the FOI Law**

This is a request for the payment of professional fees. A motion was moved by Director Designate R. Dunn and seconded by Deputy Chairman T. Whittaker for the payment of the professional fees. The motion was approved and accepted by the Board.

c. **Legal Opinion on the Right to Compensation under the Roads Law (2005 Revision)**

Legal opinion was sought on the right to compensation under the Roads Law (2005 Revision) and opinions were received from the local Legal Department and Mr. Denyer Green from a London based law firm. The Board discussed the opinions and decided to accept the legal opinion of Mr. Denyer Green. A motion was moved by Director Designate R. Dunn and seconded by the Deputy Chairman T. Whittaker to accept the legal advice **amended to include 'which states that Section 8 of the Law indicates the right to compensation only arises when the NRA enters the affected land and begin construction'**. The motion was approved and accepted by the Board. The NRA is to instruct Lands & Survey Department to suspend all negotiations on claims where no land has been taken.

5. **Other Business**

a. **Manse Road BP40 - Bodden Town**

The MD informed members (with the aid of a map) of the public road access issues in this area, and noted that a connector road to Pedro was proposed to be constructed. It was suggested that a Section 5 notice be issued and make a section of the private land part of the public road. Also the NRA issue a Notice under the Roads Law (2005 Revision) to the Atkins regarding encroachment on public road. The MD advised that the Ministry has instructed Lands & Survey to issue a Section 5 and the NRA is awaiting instructions from the Ministry to issue the Notice re encroachment.

b. **NRA 2010/11 Budget**

It was noted that this budget is currently due for presentation to BMU.

The MD is to have discussions with the Ministry to suggest the NRA do projected projects e.g. small projects like the reconfiguration to a mini roundabout the intersection at West Bay Rd./Lawrence Blvd. which is currently controlled by signal lights, the intersections of Crewe Rd./Smith Rd. and Crewe Rd./Agnes Way to be reconfigured to mini roundabouts. The extension of Humber Avenue to Smith Rd, a connector road between Elgin Avenue and Shedden Rd. behind Cricket Square. Also, storm water

drainage in Belford estates, the improvement of Frank Sound Rd. by the new high school, (two lanes and better lighting) and access to the new JGHS on Walkers Rd.

CI\$4M is required to continue the hot mix asphalt programme.

It was suggested that a letter be done (justifying the NRA's existence and the need to remain an authority) and sent to the Ministry requesting a meeting to discuss the way forward for the NRA.

c. The post of Actg. DMD

It was noted by the current Board that this is not a legal post as the NRA Law only stipulates the posts of the MD and one DMD. The Chairman suggested that the post should cease and a method to rectify this position be done for the next meeting. The Personnel Sub-Committee will convene to discuss this issue and provide a solution.

d. Request for Annual Bonus/Pension refund payment - MD

A request was made by the MD to the Chairman for his annual bonus and a refund of Pension payment of 1% for two years. After much discussion it was decided that a revision of his current contract be done and the MD requested to provide the Board with targets for the current year (2010) as it was not clear what were targets or accomplishments as presented by the MD for calendar year 2009.

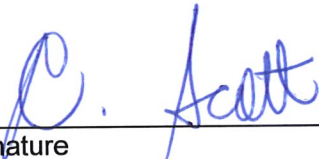
A motion was moved by Director Mrs. Pearlina McGaw-Lumsden and seconded by Director D. Rankine for the Personnel Sub-Committee to convene at the earliest possible date to review the current MD's contract and pension payments. The motion was approved and accepted by the Board.

6. Next Meeting


The next scheduled meeting will be February 09, 2010.

7. Adjournment

The meeting was adjourned at 4:30pm.



Signature
Board Chairman
Confirmation of Minutes – 19.01.10
Date: 09.02.10



Signature
Executive Secretary
Seconded: Confirmation of Minutes
Date: 09.02.10