

National Roads Authority
Minutes of the Ninety-Fifth Meeting of the Board of Directors
held at Public Works Department (PWD) Training/Conference
Room,
370 North Sound Road, George Town, Grand Cayman,
Tuesday, August 10, 2010 at 1:00 p.m.

Present:	Colford Scott	Chairman
	Mrs. Christine Maltman	
	Justin Bodden	Director Ex-Officio
	Darrel Rankine	
	Ms. Levonnie Ryan	
	Mrs. Pearlina McGaw-Lumsden	
	Ronnie Dunn	Designate Director for Financial Secretary
	David Fawcitt	Designate Director – Min. DAW&GA
	Brian Tomlinson	Managing Director
	Edward Howard	Deputy MD – Admin & Planning
Apologies:	Iain Franklyn	Lands & Survey – invited
	John Hall	Lands & Survey - invited
	Mrs. Lois A. Hall-Vaughan	Executive Secretary
	Troy Whittaker	Deputy Chairman
	Steve McField	
	Brian Ebanks	
	Barry Martinez	
	Tristan Hydes	Designate Director – Min. DAW&GA
	Paul Parchment	Actg. Dep. MD – Eng. & Operations

1. Call to Order

The Meeting was called to order at 1:10pm by the Chairman.

2. Confirmation of Minutes

The motion for the acceptance of the Minutes of Meeting held July 20, 2010 was moved by Director P. McGaw-Lumsden and seconded by Director D. Rankine. The motion for the acceptance of the minutes was approved and accepted by the Board.

3. **Matters Arising**

- a. **Linford Pierson Highway extension/Bobby Thompson roundabout**
Director S. McField who is currently working with the MD in getting the injunction regarding this project lifted, is to provide an update at a later meeting.

b. **Widening of Elgin Road**

The MD provided the following update (with pictures of expected work on the proposed project) in regards to this project: a bus layby is to be constructed in the vicinity of the new Government Building as per request of the Governor. A roundabout is to be done by the Hospital Road/Elgin Avenue intersection. There will be improved access into Humber Lane, and sidewalk is to be done. Three lanes will be done due to financial restraints with four lanes entering and exiting the roundabouts. This project is expected to be done mainly at night due to heavy day time traffic. CUC is expected to lay underground pipes and remove any utility poles that require removal. It is anticipated that the new Government Administration Building will be open in January 2011 and this project is expected to commence in September and be completed in time for the opening. Section 3 of the Roads Law has been prepared. There will be a final meeting of the NRA's engineering staff on Thursday, then the project will be taken to Cabinet for gazettal with a Section 6. The plans for gazettal will be taken to the Board.

A declaration of interest was done by Director Christine Maltman in regards to the removal of trees by Dart.

The Chairman suggested support be given for this project, administration work and Section 3 & 6 as it is required to be fast tracked. The motion was moved for the support of this project by Director C. Maltman and seconded by Director R. Dunn. The motion was accepted and approved by the Board.

c. **Explosives & Blasting**

The MD advised that he would like to explore the transferring of the responsibilities of regulating the blasting and explosives from the MD to the Petroleum Corp as Mr. P. Ogden who currently oversees this will be leaving the NRA shortly and the trainee in this operation is not fully experienced as yet. It was noted that blasting in regards to private developments is going to be an issue. There is currently no regulation in place for the inspection of blasting magazines in storage. This will now be done on a monthly basis as per rotation of stock. Unchecked explosives are hazardous and petroleum inspection needs to be updated/improved.

d. **NRA Ownership Agreement and Annual Report**

The MD informed that two (2) drafts have been completed for financial years 05/06 and 06/07 and these will be circulated via email to the Board for review

e. **Staff requests/Issues**

The DMD informed members that in regards to the request for maternity leave, the staff member has decided to take leave as required by law along with vacation and is expected to return in October 2010.

Mrs. Grant has not presented a breakdown of her request for school funding and more information is required. Also the cost as presented appears to be extremely high.

In regards to Mr. Thibeault the DMD informed that not enough information has been provided and Mr. Thibeault has requested a temporary arrangement i.e. temporary coverage for this period. Sagicor has suspended coverage and it was suggested that the basis for this suspension is enquired. It is noted that if Sagicor continues coverage then the cost of premiums will increase. Mr. Thibeault will meet with the Personnel Sub Committee to explain his request in more details.

The MD advised that in regards to the current Assistant Director of Finance whose contract is soon to expire he will not be seeking a renewal of his contract. The MD will meet with Director R. Dunn in regards to reviewing the current Job Description and to formalize an advertisement for the post.

4. **New Business**

a. **S. 23(1) of the FOI Law (2015) - Claim for Compensation**

This claim for compensation was first brought to the Board's attention in January 27, 2009 at which time Mr. Obi at Lands & Survey was instructed by the Board to acquire more information (client's complaints) to support their claim for compensation for lost of profits. At the Board Meeting held March 31, 2009 additional information was provided but the request was denied as the Board did not agree with Sunshine Suites claim for temporary loss of profits.

S. 23(1) has since sent to Lands & Survey documents supporting their claim for loss of profits due to disruption caused by the construction of the Esterley Tibbetts Highway. This documentation was circulated prior to the meeting and Messrs. S. 23(1) of the FOI Law (2015) of Lands & Survey attended to respond to present their recommendation for payment of the claim. It was noted that construction is almost a daily occurrence on the 7mile Beach strip. However although adjacent properties may have experienced disruption during the road construction during this period, the Planning Law does not provide for compensation but this is provided for in the NRA Law. Occupancy levels at S. 23(1) for the period in question and comparative years were compared with the S. 23(1). A recommendation was made by Lands & Survey to pay the recently negotiated compensation claim accepted by the claimant with a deadline for payment.

A motion was moved by Director R. Dunn and seconded by Director Mrs. P. McGaw-Lumsden to accept the report by Lands & Survey and the recommendation to pay the accepted claim for compensation. Three members of the Board accepted the motion and four did not accept the motion.

It was noted that this is new ground which could possibly set a precedent for the payment of compensations. The client in this case clearly benefitted from the construction of the road by gaining a proper improved access to their property but is claiming compensation for temporary loss of profits.

S. 23 (1) of the FOI Law (2015) of Lands & Survey Department have offered to go into more detail with the members who did not accept the motion and a meeting is to be arranged for this to be done as soon as possible. Lands & Survey will also renegotiate the compensation claim with the client. A final decision will be made following this meeting and the client and the Ministry advised.

b. Closure of Public Road – Ormond’s Place

Members were informed that a group of adjoining land owners has made the request for the closing of this public road. The closing of this road will have no impact on traffic. If this road is closed will access be denied to certain properties? As there is no incentive to close it, if the road is closed who will it be vested to?

A motion was moved by Director P. McGaw-Lumsden and seconded by Director R. Dunn for the road to remain the same. The motion was accepted and approved by the Board.

c. S. 23 (1) – Rehiring as per Ministry’s letter

This request has been deferred to the next meeting due to lack of a quorum.

d. NRA Draft Financial Statement at June 30, 2010

Director R. Dunn advised that minor changes needed to be done. A motion was moved by Director R. Dunn and seconded by Director C. Maltman for the draft financial statements (with changes done) to be submitted.

Director R. Dunn advised that he would like to see more details on the balances e.g. in the accounts receivables and liabilities. The MD informed that this can be provided.

e. Road Programme

Copies of projected road programmes were circulated prior to the meeting for review by members. It was queried that in light of the NRA’s budget restraints, why is the NRA proposing to do road works on private roads. This should not be supported if the work is not paid

for by private owners. It was suggested to gazette private roads to public roads however there will be compensation cost which will be higher, but if owner wants compensation then road maintenance should not be done.

The MD is to forward a copy to the Ministry bringing their attention to the value of the maintenance to be done on the private roads at the expense of the public roads. It is noted that the Board does not support the maintenance of private roads. It is suggested that if the Ministry would like the NRA to make recommendations on upgrading private roads without cost to government. Private owners can contribute partial or full funding to the upgrading of these roads. It was recommended that work begin on the public roads (until the matter with the private road upgrading is resolved) in order priority, then redo the list including the private roads.

6. **Next Meeting**

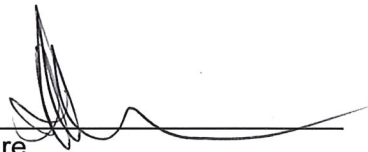
The next meeting is scheduled for September 14, 2010.

7. **Adjournment**

The meeting was adjourned at 4:22pm.



Signature
Chairman of the Board
Confirmation of Minutes – 10.08.10
Date: 14.09.10



Signature
Executive Secretary
Seconded: Confirmation of Minutes
Date: 14.09.10

