



## TOWN OF PORTUGAL COVE-ST. PHILIP'S

Public Meeting January 19, 2010

<b>IN ATTENDANCE:</b>	Mayor	Bill Fagan
	Deputy Mayor	Jane Tucker
	Councillors:	Joe Duggan
		Doug Neary
		Gordon Tucker
		Moses Tucker
		Patsy Whitten
	Acting Town Manager	Roy Burry
	Town Clerk	Judy Squires
	Director Admin/Finance	Terrilynn Smith
	Development Control Officer	Lindsay Lyghtle

**Also in Attendance:** Gallery of 50 in attendance.

Mayor Fagan called the Meeting to order at 7:30 p.m. and welcomed all in attendance.

### ADOPTION OF AGENDA

Motion: Duggan/J. Tucker  
10-001 Resolved that the January 19, 2010, agenda be adopted.  
Carried  
Unanimously

### ADOPTION OF MINUTES

Motion: Whitten/G. Tucker  
10-002 Resolved that the Minutes of the Public Meeting held December 15, 2009, be adopted.  
Carried  
Unanimously

**BUSINESS ARISING** Town Manager's Report presented by Roy Burry .

**COMMITTEE REPORTS**

**Planning and Development Committee Report - January 10,2010**

**The following applications have been considered in accordance with the Municipal Plan and Development Regulations and shall be subject to all other regulatory government agencies.**

**1. Civic# 95 Old Ridge Road  
Review of engineering drawings for road upgrade**

Motion: Neary/M. Tucker  
10-003 Resolved that the engineering drawings for Civic 95 Old Ridge Road be approved, permitting the upgrading of Old Ridge Road at its current location. Approval of the engineering drawings shall be in accordance with Regulation 10, Discretionary Powers of Authority.

Carried  
Unanimously.

**2. Civic# 236 Tolt Road  
Subdivision for seven lots  
Zoning: Residential Infill (RI) and Residential Rural (RR)**

Application held pending meeting with applicant and land owner.

**3. 37-43 Emberleys Road (Lot 12)  
Construction of single dwelling Zoning: Residential Infill (RI)**

Motion: Neary/G. Tucker  
10-004 Resolved that the application for Civic# 37-43 Emberleys Road (Lot # 12) be conditionally approved permitting the construction of a single dwelling. Conditional approval shall be in accordance with Schedule C: Residential Infill and shall be subject to the provision of a 15-meter right-of way for a future connection with Round Pond Road.

Carried  
Unanimously

**4. Civic# 160A Bennetts Road  
Construct single dwelling Zoning: Residential Infill (RI) & Watershed (WAT)**

Application held pending further information on adjacent right-of-way.

Councillor Neary left the chambers due to possible conflict of interest for the next item and Councillor Gordon Tucker presented the motion:

**5. 119-123 Nearys Pond Road**

**Construct three single dwellings Zoning: Agriculture (AG)**

Motion: G. Tucker/Whitten

10-005

Resolved that the application for Civic #119-123 Nearys Pond Road be conditionally approved permitting the construction of three single dwellings in the Agriculture Zone. Conditional approval shall be in accordance with Regulation 10, Discretionary Powers of Authority.

Carried

Unanimously.

Councillor Neary returned to the chambers after the vote and resumed presenting the report.

**6. Civic #25-39 Beaver Creek Road**

**Construct single dwelling Zoning: Residential Infill (RI)**

Motion: Neary/Duggan

10-006

Resolved that the application for Civic# 25-39 Beaver Creek Road be conditionally approved permitting the construction of a single dwelling. Conditional approval shall be in accordance with Schedule C: Residential Infill and shall be subject to approval from Department of Environment and Conservation.

Carried

Unanimously.

Councillor Whitten left the chambers for the next item due to a conflict of interest:

**7. Civic# 30-36 Dogberry Hill Road**

**Home occupation (professional office) Zoning: Residential Medium Density (RMD)**

Motion: Neary/M. Tucker

10-007

Resolved that the application for Civic# 30-36 Dogberry Hill Road be conditionally approved, permitting a home office (construction/contracting business). Conditional approval shall be in accordance with Schedule C: Residential Medium Density and Condition 4 Home Occupations.

Carried

Unanimously.

Councillor Whitten returned to the chambers after the vote.

**8. Civic# 1194 Portugal Cove Road**

**Business application (dog grooming) Zoning: Residential Infill (RI)**

Motion: Neary/G. Tucker  
10-008 Resolved that Council write a letter to the Land Development Advisory Authority in support of the application for a dog grooming business at 1194 Portugal Cove Road.

Carried  
Unanimously.

**9. Civic# 773 Indian Meal Line**

**Business application (sod farming & topsoil recycling) Zoning: Agriculture (AG)**

Motion: Neary/Whitten  
10-009 Resolved that the application for Civic#773 Indian Meal Line be conditionally approved, permitting a sod farming and topsoil recycling business; and, that conditional approval shall be in accordance with Schedule C: Agriculture and terms and conditions as outlined by the Land Development Advisory Authority.

Carried  
Unanimously.

**10. Civic# 10-14 Dogberry Hill Road Extension**

**Construct accessory building Zoning: Residential Medium Density (RMD)**

Motion: Neary/Duggan  
10-010 Resolved that the application for Civic# 10-14 Dogberry Hill Road Extension be conditionally approved permitting the construction of a 39 square meter accessory building. Condition approval shall be in accordance with Amendment 18 (2005) and Schedule C: Residential Medium Density.

Carried  
Unanimously.

**11. Civic# 47 Beachy Cove Road**

**Construct dwelling extension Zoning: Heritage Community (HC)**

Application held pending further information from applicant.

**12. Civic# 130-132 Western Gully Road**

**Construct access for a vegetable garden Zoning: Res. Infill (RI) and Rural (RUR)**

Motion: Neary/Duggan  
10-011 Resolved that the application for Civic# 130-132 Western Gully Road be conditionally approved permitting the construction of an access for a vegetable garden. Conditional approval shall be in accordance with Schedule C: Residential Infill and Schedule C: Rural.

Carried  
Unanimously.

**13. Civic# 164 Olivers Pond Road**

**Municipal Recommendation form for a Crown Land right-of-way**

Application held pending further information from applicant.

**14. Emylia Place - correspondence from residents regarding smoke concerns**

Staff will correspond in writing to residents.

**15. St. Philip's Anglican Church – request for demolition permit to remove Church**

Correspondence referred to the Committee of the Whole.

The Mayor added that the Committee of the Whole met with both parties.

The item has since been deferred at the request of the applicant (Church).

**16. Civic# 125-135 Ridge Road – correspondence from resident regarding lot approval**

Staff will correspond in writing to the resident.

**17. Civic# 361 Bauline Line Extension – request to reconsider Crown Land recommendation form**

Staff will correspond in writing to the resident.

**18. Eastern Regional Appeal Board re Civic #37-43 Emberleys Road (Lot 12)**

Correspondence received from the Eastern Regional Appeal Board confirming the Town's rejection of the application to develop Lot 12.

**19. Refund for processing fees**

Referred to Administration and Finance for review.

**20. Dept. of Municipal Affairs –appointment**

Correspondence received regarding the appointment of Geralyn Lynch, Town Planner, to the Technical Committee for the North East Avalon Regional Plan.

The following items were discussed by the Committee:

**21. Civic# 121A Beachy Cove Road – access to backlands for development**

**22. Civic# 7-7A Rosemary Rise – tax assessment information**

**23. Civic# 1933-1945 Portugal Cove Road – pending business application**

**24. Civic# 537 Old Broad Cove Road – referred to the Committee of the Whole**

**25. West Point Road Development- referred to Administration & Finance**

**26. Civic# 520-540 Bauline Line Extension – update on Crown land application**

**27. Voisey's Brook – purchase of recreational land**

**PERMITS ISSUED:**

#	Permit	Issued Date	Civic	Streetname	Permit Type
1	09-379	12/4/2009	846-848	Indian Meal Line	Occupancy Permit
2	09-380	12/9/2009	19-21	Winsorian Place	Occupancy Permit
3	09-381	12/9/2009	599-601	Indian Meal Line	Occupancy Permit
4	09-382	12/10/2009	8-12	Legion Road	General Repairs & Maintenance
5	09-383	12/11/2009	17-23	Knights Rest	General Repairs & Maintenance
6	09-384	12/11/2009	162-164	Bennetts Road	Accessory Building
7	09-385	12/15/2009	430	Dogberry Hill Road	Occupancy Permit
8	09-386	12/16/2009	92-94	Bugden Drive	Occupancy Permit
9	09-387	12/17/2009	850-852	Indian Meal Line	Occupancy Permit
10	09-388	12/22/2009	17-23	Knights Rest	Dwelling Extension
11	09-389	12/23/2009	15	Country Garden Road	Single Dwelling
12	09-390	12/23/2009	17	Country Garden Road	Single Dwelling
13	09-391	12/23/2009	12	Larkspur Lane	Occupancy Permit
14	09-392	12/23/2009	17	Country Garden Road	Occupancy Permit
15	09-393	12/23/2009	15	Country Garden Road	Occupancy Permit
16	10-001	1/4/2010	1-5	Hogans Pond Road	Accessory Building
17	10-002	1/5/2010	52	Hugs Pond Road	General Repairs & Maintenance

**Parks and Recreation Committee– January 14, 2010****1. Meeting with Soccer Association**

The committee met with the soccer association to discuss the future field expansion plan for Voisey's Brook. The committee shared with the soccer association the new equipment that was approved in the 2010 budget for public works. The expansion work will begin as soon as the ground is ready. The soccer association is wishing to have bleachers as a priority for this season. The committee agreed that this process would start before the end of January.

**2. Winter Fest**

The committee discussed the upcoming Winter Fest and looked at the calendar of events of what is in the draft. The committee welcomes anyone who wishes to be involved. Please contact the Recreation Director as soon as possible.

**3. Senior Grant Application**

The committee met with the 50+ club about the grant application. The recreation director will be submitting the grant application for programs for the 50+ club.

**4. Skateboard Park Meeting**

The committee will be having a skateboard park meeting with youth from the community for feedback on which pieces they would like to see at the new skateboard park at Voisey's Brook and to also provide feedback on an additional purchase for Rainbow Gully Park. This meeting will take place on Jan 28<sup>th</sup> at 6:00pm at the town hall.

**5. Meeting with Florence Beard**

The committee discussed the meeting with Florence Beard who wishes to start an art program from the Recreation center. Anyone who is interested in more information is asked to contact the recreation director for more details.

**6. Tidy Towns**

The committee discussed if the Town would want to be involved in the 2010 Tidy Towns program. The committee will look into the guidelines for this program and make a recommendation at a future committee meeting.

**7. Goals for 2010**

The committee discussed the goals for the recreation department for the 2010 year.

1. Completion of the playgrounds at Voisey's Brook and Rainbow Gully.
2. Bleachers for soccer field at Voisey's Brook and Ball field at Rainbow Gully.

**Public Works Committee Report – January 13, 2010**

**1. Notice of change of garbage collection route.**

Friday's collection route has increased to a point that the volume of garbage is greater than the capability of the compactor truck. Because Tuesday's garbage day has a less amount of garbage, a portion of Friday's garbage will be collected on Tuesdays. Nearys Pond Road and all roads off Nearys Pond Road will be affected by this change and a list of roads, day and dates for the garbage reschedule will be sent out to all residents affected.

**2. Condition of Bridge at intersection of St. Thomas Line at Thorburn Road.**

The Town has received numerous calls concerning the condition of the rails on the bridge on St. Thomas Line. Committee suggests that the staff write the Department of Transportation and Works and inform them of the condition of the bridge and request that repairs be made to the bridge as soon as possible. Deputy Mayor Tucker also spoke to this issue noting that it should be emphasized in our letter that this is a safety concern for our residents.

**3. List of Poles and Street Lights required for the continuation of Street Lights on Portugal Cove Road around Windsor Lake.**

The Public Works Staff surveyed the area and determined that 12 lights complete with long arms and 8 new poles will be required. Committee suggests that the lights and poles be installed subject to approval from the Admin and Finance Committee.

**4. Complaint from resident regarding roaming dogs, Boulder Lane.**

Committee suggests that a letter along with a copy of the Town's Animal Regulations be sent to the Dog owner explaining that all dogs must be either tethered and or impounded at all times.

**5. Repairs to Pump for Sewage Lift Station.**

Committee suggests that the existing pump for the Sewage Lift Station be reconditioned and as the cost is in excess of \$10,000.00 that this approval be subject to approval of the Admin and Finance Committee.

**6. Sale of Slide in Salt and Sand Spreader.**

Motion:  
10-012

G. Tucker/Duggan

Resolved that, subject to the Town receiving the new Below Tailgate Sander for the 5500 series Plow Truck, the old Slide in Salt and Sand Spreader will be put up for sale via tender.

Carried  
Unanimously.

**7. Update on Snow clearing operations.**

Snow clearing operations are going well and due to the lack of snow and ice conditions, we have experienced less salt and sand usage, less fuel usage, less equipment maintenance and less man hours for the same time period in past years. If weather conditions persist then we will experience a cost reduction in the snow clearing operations budget for the years 2010 and 2011.

**7. Certification for Waste Water Collection Operator Class 1.**

Staff member Mr. Basel Hibbs has successfully completed the training and passed the exam for Waste Water Treatment Class 1 as per the Atlantic Canada's Water and Waste Water Voluntary Certificate Board. Mayor Fagan, on behalf of Council, will present Mr. Hibbs with a certificate and a letter of congratulations.

**8. Regional Water Board - Monthly Metering Report.**

For information.

**9. Correspondence from residents of Thorburn Road re damage to property due to snow clearing operations carried out by the Department of Transportation and Works.**

Committee suggests that Staff contact the Department of Works and Transportation requesting that they investigate the complaints and take the necessary steps to ensure that this practice is ceased immediately.

**10. Achievements 2009.**

- (1) The Town has received the delivery of the new Tandem Truck that boasts the first vehicle to be tendered in North America to have Side Guards included in the tender.
- (2) The completion of the 2010 Multiyear Capital Works resulted in all Town owned gravel roads being paved.

**Economic Development & Tourism Committee – January 15, 2010**

**1. Hospitality Newfoundland Conference**

Motion:  
10-013

M. Tucker/Neary  
Resolved that the Town of PCSP participate in the HNL Conference in Gander from February 18-21, 2010.

Carried  
Unanimously

Note: Attending will be Councillors Mose Tucker and Doug Neary and Town staff, Ms. Sheree Kent

**2. Copies of reports completed by Heritage Students**

Reports included for review.

**3. Murals Completed in 2005 by T.I. Murphy Centre Art Students**

In 2005 students from the T.I. Murphy Centre arts program received a grant from the Dept. of Tourism, Culture and Recreation for a project that included painting murals for various communities. The Town had two murals painted and currently they are stored at the town's storage site. Committee discussed potential sites in the community where we might erect the murals. Committee is also open for suggestions. These will be available for viewing at the January 19 Council meeting.

**4. Input in the Draft Municipal Plan**

Committee will provide input to the draft Town Plan on sections addressing Economic Development and Tourism. For this purpose, all parts of the Plan addressing these areas should be provided to the Committee for further discussion.

**5. Meeting with North East Avalon Regional Economic Development Board**

Committee is setting up a meeting with a tentative date of February 10<sup>th</sup>, 2010, to meet with the NEAREDB here at the Town Office during our next committee meeting, to discuss the Town's plans as they pertain to Economic Development & Tourism and to begin the process of developing a plan for the same.

**6. Committee Terms of Reference**

Committee reviewed the terms of reference drafted by the Mayor and has adopted the TOR as presented.

**7. Letter from Heritage Advisory Committee**

Item deferred.

**8. New Businesses in the Town**

The following new businesses have started in Portugal Cove-St. Phillip's since October 2009:

**(a) Small Businesses Operating from Home**

Computer business at 10 Pratt Place

Small item wholesale business at 1268 Thorburn Road

Engineering consultant at 1 Brentwood Avenue

Mobile Hot Dog Stand, several locations in Town, home base – 170 Old Broad Cove Road

**(b) General Industry Business**

Cabinet making and Woodworking at 103-109 Nearys Pond Road

**Public Relations & Communications Committee – January 13, 2010**

**1. Website Update:**

Committee discussed the website graphic mockup and ideas for the new site. Triware will begin design on the content component in the very near future.

**2. Telegram Horizons Edition**

Motion:

10-014

Whitten/J. Tucker

Resolved that the Town place an ad in the Horizons edition of the Telegram, as has been done annually by the Town, for a fee of \$865.

Carried

Unanimously.

Note: The Horizons edition of the Telegram is an economic development as well as tourism piece that the Telegram issues once annually and features ads from various other communities in the North East Avalon.

**3. Booth Rental/ Purchase**

Referred to the Economic Development & Tourism Committee for further discussion.

**4. Communications Policy**

Committee is currently constructing a draft Communications policy and will hopefully have a draft prepared by the spring for Council review and feedback.

**5. Welcome Packages**

Committee discussed having a portfolio or welcoming package designed to aid Public Relations, Economic Development, and new residents in the Town as well as people abroad seeking information. This package would consist of such items as brochures of the Town as it relates to Economic Development, living in the town, town amenities, etc. Committee will be seeking quotes for the design and production of such a tool and will report to Council when quotes are received.

**6. Committee Goals:**

Committee endeavors to increase communications through the use of the website, design of the town portfolio, as well as increased presence at tradeshows and conventions etc.

**7. Committee Achievements:**

- ✓ The addition of an audio system in the chamber as well as audio taping for the addition to the website.
- ✓ Enabling the gallery to ask questions after public meetings.
- ✓ Better reception at public meetings with coffee, tea etc
- ✓ Increased the newsletter frequency from a quarterly to a monthly mail out.

**Administration and Finance Committee - January 13, 2010**

**1. Accounts for Payment**

Motion:

J. Tucker/Whitten

10-015

Resolved that Council pay the accounts in the amount of \$90,591.38

Carried

Unanimously.

**2. Status of Hiring for Town Manager/Engineer**

Fourteen applications were received and were short listed to three interviews of which two candidates qualified. The full Council conducted second interviews for the two candidates and a selection has been made. A contract is being drawn up to be presented at a meeting on January 18<sup>th</sup> with the successful candidate.

**3. Correspondence from the Heritage Advisory Committee**

Item deferred.

**4. Mayor's office, cell phone and computer**

The Mayor's office (painting, desk and filing cabinet etc.) will be ready by Friday, the cell phone is in place with Bell Aliant and Triware have been contacted to set up the email on the phone and resolve issues with the laptop computer.

**5. Fire Department Constitution**

It has been determined that the Fire Department's Constitution needs to be updated in reference to the sections regarding appointment of the Fire Chief. Councillor Duggan, as the liaison, will contact them to offer our services to update their Constitution.

**6. Request for refund of two processing fees**

After a comprehensive review, committee agreed that one of the processing fees paid (receipt #2007079169) would be refunded. A letter will be sent with the refund explaining that while fees are non-refundable in accordance with our tax structure, this refund is being issued because of our obligation to honor a letter that was previously written to the applicant. The request for a second refund from the same applicant is denied.

**7. Recognition Certificates to residents**

Committee discussed and agreed that Council would present certificates to residents who have a 90<sup>th</sup> birthday and to residents who have a 50<sup>th</sup> wedding anniversary (and every 5<sup>th</sup> year thereafter). This will be advertised in our newsletter and on our website, asking residents to let the Town know of any such events.

**8. Achievements of the Admin and Finance Committee**

A sound system has been installed in the Council Chambers and the equipment was set up to record the audio portion of the council meetings. The recordings will be made available on the website when it is upgraded in the near future. In the coming year, the committee has set some goals which include: developing a records management system, setting up a room for archives, acquiring the funding for the land for the Edu Rec Center and having a management structure and organizational review completed.

**9. Canadian Red Cross Prepared Campaign**

Town will forward \$1400 which will be the first annual installment on our plan for 5 installments over 5 years as allocated in the 2010 budget.

**10. 2010-2014 Gas Tax Funding**

Correspondence received from Municipal Affairs confirming that the four year allocation is \$1,120,887 which will be paid out in eight equal installments starting October 2010. The agreements should be available for signing by February 1, 2010.

**11. Lift Station Repairs – sewage lift pump**

J. Tucker/Duggan

Resolved that Council approve approximately \$10,000 for the repairs of the sewage lift pump at the lift station on Beachy Cove Road.

Motion:  
10-016

**12. Copying correspondence for Councillors**

Further to the previous directive, it is only necessary to copy all correspondence for Councillors who wish to receive same. It is noted that Councillors who do not receive copies, still have the opportunity to review all correspondence which is placed in the Reading File. Staff will check with Councillors to verify same.

**13. Appointment of Auditor**

Motion:  
10-017

J. Tucker/M. Tucker  
Resolved that Council appoint Byron D. Smith, Chartered Accountant, as the auditor for the Town of Portugal Cove – St. Philip's until July 2010.

**14. Travel Policies**

Committee agrees that, since this is a new Council, that all travel for Council and Staff etc. in terms of its contribution to the Town, expenses, etc. be reviewed.

**15. Streetlights for Portugal Cove Road, near Windsor Lake**

Motion:  
10-018

J. Tucker/Duggan  
Resolved that as this service is necessary for the safety of our residents and because the City of St. John's will not provide the requested service, that Council approve the expenditure of approximately \$360 per month in total for 12 street lights and 8 poles in the area of Winsor Lake on Portugal Cove Road.

Carried  
Unanimously.

Councillor Duggan spoke to the importance of this issue as a safety concern for the residents of our Town.

**CORRESPONDENCE**

- (a) Copy of letter from City of Mount Pearl to Eastern Waste Management re User Fee (Tipping Fee) Structure for Regional Integrated Waste Management Facility** - requesting that a meeting be convened between Eastern Waste Management and representatives of municipalities affected to further consider this issue.
- (b) Hebron/Exxon Mobile – expression of interest for office space requirements**  
Letter received stating that the Town did not pre-qualify for this project.
- (c) Minister of National Defence – acknowledgement letter for the Town's letter sent to them regarding Search and Rescue helicopters for St. John's**
- (d) Municipalities Newfoundland & Labrador re 2009 Torngat Awards – for info only.**

- (e) **Canadian Home Builders Association – Winter 2009 newsletter** – for info only.

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- (f) **Municipal Assessment Agency – ballot for Avalon Director** – Town's ballot submitted from the Committee of the Whole selection.

- (g) **Copy of letter to Hon. T. Hedderson, Minister of Municipal Affairs, from Emir Andrews regarding signage issue during election campaign** – for info only. The Mayor noted that Mrs. Andrews has since received the response to her October 5, 2009 letter; a copy will be forwarded to the Minister.

## **NEW BUSINESS**

- (1) **City of Mount Pearl position paper on cosmetic pesticides**

The Mayor notes that the position paper was endorsed by the NEAJC at their last meeting with a motion to forward it to MNL with a request that MNL lobby the Dept. of Municipal Affairs for appropriate legislation changes.

- (2) **Killick Coast**

Councillor Whitten advised that the Town will host the next meeting of Killick Coast here at the Town Hall on Wednesday, January 27, 2010, at 7:30 p.m. The Executive Assistant will notify all councilors.

- (3) **Northeast Avalon Joint Councils**

Report of last meeting distributed by Councillor Duggan. The next meeting takes place on January 20, 2010, at the Justina Center (Logy Bay, Middle Cove – Outer Cove).

- (4) **From the NEAJC- support for Moose Accident Prevention Strategy**

The Mayor will write a letter on behalf of Council to Minister Dunderdale (copied to Mr. Nippard, Grand Falls-Winsor) in support of Mr. Nippard's campaign to implement a moose/vehicle accident prevention strategy for the province.

- (5) **Haiti – disaster relief**

Councillor Mose Tucker inquired as to whether there were any fundraising efforts planned by the municipalities to provide aid to Haiti. Councillor Duggan notes that MNL are in the process of sending information out to Towns requesting support.

- (6) **Heavy rain – flooding/washout problems in the Town**

Councillor Neary spoke about this issue. The Town Manager is directed to seek out whether there is funding available to resolve these problems.

**(7) Committee of the Whole**

Mayor Fagan provided an update on some of the Committee's activities and agenda items including:

- Council hopes to move the Draft Town Plan forward by taking a Saturday to review the Plan;
- the list of 100 plus items and residents issues are being dealt with and
- the Committee has met with several delegations to date.

The next Committee of the Whole meeting will be January 26<sup>th</sup>.

**(8) Youth representatives from Junior and Senior High Schools**

Mayor Fagan noted that after several attempts he was successful in getting representatives from grade 10, 11 & 12 of Prince of Wales but does not have any Junior High representatives to date.

**ADJOURNMENT:**

Motion: Duggan/Neary  
10-019 Resolved that this meeting be adjourned. Time 8:25 p.m  
Carried  
Unanimously.

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Mayor Bill Fagan

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Judy Squires, Town Clerk