



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

Public Meeting February 2, 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
	Town Planner	Geralyn Lynch

**Also in Attendance:** Gallery of 20 in attendance.

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

### ADOPTION OF AGENDA

Motion: Duggan/Neary  
2010-020 Resolved that the February 2, 2010, agenda be adopted.  
Carried  
Unanimously

### ADOPTION OF MINUTES

Motion: Whitten/Duggan  
2010-021 Resolved that the Minutes of the Public Meeting held January 19, 2010, be adopted with a correction to item 6, page 12, reference # for the refund should read 2007079169.  
Carried  
Unanimously

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

**COMMITTEE REPORTS**

**Planning and Development Committee Report - January 26,2010**

**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. Stop Work Order Policy & Procedures**

Motion: Neary/M. Tucker

2010-022 Resolved that Council adopt the Stop Work Order Policy and Procedure attached to and forming part of these minutes.

Carried  
Unanimously.

**2. Stop Work Order for Civic #1396-1402 Portugal Cove Road**

Motion: Neary/M. Tucker

2010-023 Resolved that Council accept and approve a Stop Work Order issued January 27, 2010, concerning development (excavation work) at Civic #1396-1402 Portugal Cove Road.

Carried  
Unanimously.

**3. Civic #790 St. Thomas Line - resident expressed concern regarding future development in the area of Jones Place.**

Staff will correspond with information on development policies and standards for the area.

**4. Civic# 95 Old Ridge Road – copy of letter to the Eastern Region Appeal Board requesting cancellation of hearing.**

Submitted for information.

**5. Dept. of Municipal Affairs – request for information related to a Stop Work Order issued to 166 Bennetts Road.**

Submitted for information.

**6. Eastern Regional Appeal Board – two hearings are scheduled for January 29, 2010.**

Submitted for information.

**PERMITS ISSUED:**

#	Permit	Issued Date	Civic	Street Name	Permit Type
1	10-003	1/8/2010	73	Maggies Place	Accessory Building
2	10-004	1/11/2010	8	Netherwood St	Occupancy
3	10-005	1/15/2010	1566	Thorburn Rd	Single Family Dwelling
4	10-006	1/19/2010	6	White Ash Drive	Single Family Dwelling
5	10-007	1/20/2010	1592-1594	Portugal Cove Road	Occupancy
6	10-008	1/21/2010	15-17	Spurrells Road	Accessory Building
7	10-009	1/25/2010	3	Stockton Place	Accessory Building

**Parks and Recreation Committee– January 28, 2010****1. Meeting with Biathlon Association**

This event is popular with youth in our Town and Beachy Cove Elementary is the most active school in the province in this sport.

Motion:  
2010-024

Duggan/Tucker

Resolved that the Town support the Biathlon Association's request to host a tournament for air rifles on Town property in the area of the depot.

Carried  
Unanimously.

**2. Tidy Towns**

The committee discussed if the town would want to be involved in the 2010 Tidy Towns program and reviewed the judging package and what would be involved in becoming a member. This item will be forwarded to the A&F committee for further review.

**3. Small Steps Big Results**

The committee discussed the recent session held by Recreation Newfoundland Labrador on the Small Steps Big Results program which is a provincial fitness program that has been successful in many communities. The committee discussed how involved we want to be with the program and committee members will make themselves more familiar with the website and discuss recommendations.

**4. Winter Fest**

The committee discussed the upcoming Winter Fest and the calendar of events. The schedule is 95% complete and will be mailed out and posted on the website by February 5<sup>th</sup>. The dates for this years Winter Fest are February 20<sup>th</sup> – 27<sup>th</sup>.

**5. Website Content for Recreation**

The committee discussed the content that is on the website and will make recommendations for the new website.

**Public Works Committee Report – January 28, 2010**

- 1. Correspondence from Regional Water Board re: Water levels in Bay Bulls Big Pond.**  
For information.
- 2. Provincial Department of Environment and Conservation Water Resources Division re: Clean and Safe Drinking Water Workshop.**

Motion: G. Tucker/Whitten  
2010-025 Resolved that the Town send 2 members from the Public Works Department and one Councillor to this Workshop. To be held March 23-25, 2010, at Hotel Gander.

Carried  
Unanimously.

- 3. Correspondence from the Provincial Department of Environment and Conservation Water Resources Management Division re:**  
Drinking Water quality report for Bay Bulls Big Pond 2009. Note on page (3 I) the DWQI ranking is excellent with a DWQI score of 97.

**4. Tender for used Pick up Truck.**

Three tenders were received for the purchase of one used pick up truck. Out of the three tenders 2 did not meet the specifications and the other was well over the Town's budget for this item. Subject to this information a retender was advertized and closed today Tuesday February 02, 2010 at 2:00pm. This item is referred to the Admin Finance portion of this meeting.

**Public Relations & Communications Committee – January 27, 2010**

- 1. Newsletter Review:**  
Committee discussed the content and layout of the December and January newsletters and made recommendations for changes. As well, staff will draft a Newsletter policy incorporating the new purpose and guidelines developed by the committee to bring back to the next meeting for review and approval. Committee discussed suggestions for the upcoming February newsletter and requested that an email be sent to all committees for their input.
- 2. Committee Terms of Reference:**  
Committee discussed a draft terms of reference and made recommendations for changes. Staff will incorporate these changes and draft the terms of reference in the standard format to bring back to the next meeting for review and approval.

**3. Policies:**

Committee discussed the need to review the Town's current communication policies as well as the need to develop new policies. Some of the areas for consideration included:

- Complaint Policy
- Handling of Correspondence Policy
- Internet and Electronic Communications Policy
- Media Relations Policy
- Confidentiality Policy
- Access to information Policy

Committee reviewed the Town's current Complaint Policy as compared to other municipalities and agreed that the Town's current policy will need to be expanded to address the various forms of complaints.

Further research will be carried out on each of these policies and will be brought back to committee for discussion and approval over the next several months.

**4. Website Review:**

Triware Technologies is currently in the development stages of the new website and it should be ready for review in the next couple of weeks. Other Committees have been contacted to provide feedback as to the content and format of their respective WebPages. In the mean time, the current website will be updated and maintained until the new website is up and running.

**5. Staff Recognition:**

Committee discussed ways to recognize staff on such items as length of service and professional development. It was noted that staff recognition could be published in the monthly newsletter.

**6. Other Business:**

Media training for all Council is scheduled for March 6<sup>th</sup> to ensure that the new Town Manager/Engineer can participate.

**Policy Review Committee – January 27, 2010**

Committee discussed completion of the Policy review project by Ms. Andrea Barnes. It was noted that the Policy and Procedures will need to be divided into two parts, external - which would cover public policies, and internal - which would cover Council and Staff policies. Mrs. Barnes will be contacted and asked to provide a report on the work that she did including the status of some items she was working on, ie. use of legal services by the Town etc. After these issues are reviewed, the committee will consider the future status of the Policy Development Committee.

**Economic Development & Tourism Committee**

Councillor Mose Tucker, Chairperson, notes that while there was no meeting held, the Town hosted the Killick Coast meeting on Wednesday, January 27<sup>th</sup>, 7:30 p.m. There was considerable discussion on what would be addressed by this association. The main topic was the current Constitution which is in need of amendment and reduction .

Mayor Fagan added notice that the committee will be meeting with the Northeast Avalon Regional Economic Development Board (scheduled for February 10<sup>th</sup> at 3 p.m.).

**Administration and Finance Committee - January 27, 2010**

**1. Accounts for Payment**

Motion: J. Tucker/G. Tucker  
2010-026 Resolved that Council pay the accounts in the amount of \$79,994.48 and also and also pay \$612,845.91 to Farrell’s Excavating Ltd. for contract payment #9142 for road upgrading.

Carried  
Unanimously.

**2. Town Manager/Engineer – approval to hire**

The selection committee met with Mr. Chris Milley on January 21, 2010, to finalize the employment contract terms which were agreeable to Mr. Milley and the selection committee and, at that time, the contract was signed.

Motion: J. Tucker/M. Tucker  
2010-027 Resolved that Council hire Mr. Chris Milley for the position of Town Manager/Engineer with a start date of Tuesday, February 23, 2010.

Carried  
Unanimously.

**3. Town Manager/Engineer’s Orientation**

The Town Manager has been provided with some materials for his orientation and staff will ensure that the office of the new Town Manager is set up with the necessary documents and legislation. The committee also reviewed the format of the Town Manager’s report and agreed that the report should include more information on activities, issues being pursued, events, etc.

**4. ICSP Consultant**

Motion: J. Tucker/Duggan  
2010-028 Resolved that Council accept ADI Limited to prepare the Town’s Integrated Community Sustainability Plan (ICSP) in consultation with the Town Council.

Carried  
Unanimously.

Note: ADI Limited is affiliated with NLCE (the Town’s engineering consultant).

**5. Annual PMA Convention for 2010 (Professional Municipal Administrators)**

Motion: J. Tucker/G.Tucker  
2010-029 Resolved that the Town Manager, the Town Clerk and the Director of Admin and Financial Operations register for the annual PMA Convention being held in St. John’s at the Holiday Inn on April 21, 22 and 23, 2010.

Carried  
Unanimously.

**6. Holy Rosary Parish exemption for Parish Hall property tax**

Motion: J. Tucker/M. Tucker  
2010-030 Resolved that the Holy Rosary Parish Hall property tax for 2010 be exempted in the amount of \$684.80 for 2010 (as per past practice).  
  
Carried  
Unanimously.

**7. Support for Haiti – MNL fundraising request to all Towns**

Motion: J. Tucker/M. Tucker  
2010-031 Resolved that the Town forward \$1,000.00 to the Canadian Red Cross to be used in support of the fundraising efforts for HAITI.  
  
Carried  
Unanimously.

**8. Provincial Pre-Budget Consultations**

Mayor Fagan has registered for the pre-budget consultation meetings and will make a presentation on behalf of the Town on Friday, February 5<sup>th</sup> at the Battery Hotel and Conference Centre . His presentation will include items that the Town will be seeking provincial funding for such as land for the Edu Rec Center, St. Thomas Line bridge repairs, Beachy Cove Road ditching, library, ferry terminal and roads.

**9. Gas Tax expenditures**

Council will be provided an opportunity for input when the application/final agreement is received.

**10. Current debt and monthly payments**

These projections are prepared annually as well as updated as needed by the Director of Financial Operations. It is noted that the Town's gross debt ratio for 2010 is 22% and in keeping with the provincial requirements which allows a maximum gross debt ratio of 30%. This reflects a decrease from the 2009 budget, which was at 23%.

**11. St. John's Watershed Strategy**

Further to a meeting that Mayor Fagan, Deputy Mayor Tucker and Councillor Neary attended with the City of St. John's, the Town will review the number of residences in the Watershed area (in particular Gull Pond and Healeys Pond). Staff will prepare a report of the residential structures which will include the age of the structures and other information regarding permits for renovations and extensions etc.

**12. Household Hazardous Waste drop off fees**

The Town's fees increased approximately \$35,000 for 2010 for this service. The Committee will revisit the budget regarding this item later in the fiscal year.

**13. Heritage Committee**

The Committee of the Whole will meet with the Heritage Committee on Tuesday, February 9<sup>th</sup> at 8 p.m.

**14. Employee Evaluation Forms**

A copy of the employee evaluation forms are in the Mayor's office and available for review by all Councillors.

**15. Committee Structure changes**

Motion: J. Tucker/Duggan  
2010-032 Resolved that the committee structures be amended to add an extra Councillor as noted to each of the following committees for a minimum of 3 councillors:  
Economic Development and Tourism – Mayor Fagan  
Planning and Development – Councillor Duggan  
Public Relations and Communications – Councillor Neary  
Public Works – Councillor Mose Tucker  
and Recreation – Deputy Mayor Tucker.

Carried  
Unanimously.

**16. Building renovations – Chambers and Rec Center**

Committee identified further work needed to complete the chambers renovations which will include staining the presentation table, staff desks and chairs, spotlights for mural, and 20 folding chairs with wheel storage unit. The money for this will come from the building maintenance budget. Council pictures will also be re-instated.

Committee also discussed in addition to the kitchen renovations at the Rec Center, other items that need to be considered are:  
change tables in both washrooms, an inside door for the porch area, the installation of ceiling fans for air circulation, and addressing the heating concerns.

**17. Proposal for meetings with MHA's**

The Mayor suggested and offered to write the Members of the House of Assembly for our area and request a meeting for June 2010. He will propose that the Town would like to meet with them January and June each year to discuss issues relative to the Town.

**18. Tender for sale of Slide-in Salt and Sand Spreader – January 29, 2010**

Motion: J. Tucker/Duggan  
2010-033 Resolved that the slide-in Salt and Sand Spreader be sold to the highest bidder, Mr. David Street for the sum of \$1,651.00.

Carried  
Unanimously.

**19. Tender for purchase of used Pick-up truck – January 29, 2010**

Motion: J. Tucker/Whitten  
2010-034 Resolved that the Town accept the lowest tender for a used pick-up truck and purchase one 2005 Chev Silverado pick-up for \$15,845.87 from Hickman's Used.

Carried  
Unanimously.

## CORRESPONDENCE

- a) **Northeast Minor Hockey Assoc.** – request for donation referred to Admin and Finance
- b) **Dept. of Transportation & Works** – response to Town’s November 25<sup>th</sup> letter regarding various maintenance related service requests: littering/Ferry Terminal area, signage and ditching.
- c) **Canadian Wildlife Service** – consultations/for info, Mayor suggested adding this item to Town’s website
- d) **Municipal Assessment Agency** – thank you from Urban Director Peggy Roche
- e) **Municipal Affairs** – promoting participation in PMA conference
- f) **RNC request for meeting** – Committee of Whole will meeting with Const. Puddiscombe and Superintendent Layden on Tuesday, Feb. 9<sup>th</sup> at 7 pm.

## NEW BUSINESS

1. **Heritage Day Proclamation 2010**  
Mayor Fagan read and signed the proclamation for Heritage Day which is being held on Monday, February 15<sup>th</sup>, 2010.
2. **Artifacts**  
Councillor Mose Tucker requested Council’s and the public’s assistance in finding artifacts that were previously stored in the Town Hall years ago.
3. **Fire Department – elections/constitution**  
Councillor Duggan reported that elections were held at the Fire Dept. and also that changes are being made to the Volunteer Fire Department Constitution which will be brought forward to Council for ratification.
4. **Fire Department training**  
Mayor Fagan received a request from a resident regarding training for fire fighters with respect to autistic children and he has arranged a meeting with the parent, representatives from Autism NL and the Fire Chief, Les Spurrell to discuss training.
5. **St. Thomas Line Bridge update**  
Deputy Mayor Tucker inquired re status and was advised by Mr. Burry that a letter has been sent to Dept. of Works and Transportation with our concerns.

**6. Councillor/Admin Orientation session at Fluvarium held Feb. 6<sup>th</sup>.**

Mayor reported that he along with Deputy Mayor Tucker, Councillor Neary, Town Clerk Judy Squires and Mr. Chris Milley attended this session.

**ADJOURNMENT:**

Motion: Duggan/Neary  
2010-035 Resolved that this meeting be adjourned. Time 8:15 p.m  
Carried  
Unanimously.

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Mayor Bill Fagan

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Judy Squires, Town Clerk



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

**Stop Work Order Policy**

Pursuant to the authority conferred by the Municipalities Act, 1999, and the Urban and Rural Planning Act, 2000, the Town Council of Portugal Cove-St. Philip's has adopted the following policy.

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**1. Title**

This document shall be known and cited as the Stop Work Order Policy.

**2. Policy Statement**

In order to be compliant with the Municipalities Act, Section 404 and Sections 102 and 109 of the Urban and Rural Planning Act, the Town of Portugal Cove-St. Philip's must administer a Stop Work Policy.

Because the manner in which such a policy may be enacted is not clear from the Regulations, the Town of Portugal Cove-St. Philip's determines the following.

**3. Definition**

The word "issue" in the Acts will be defined in two parts, "initiate" and "serve".

**4. Policy Clauses**

(a) A Stop Work order will normally be initiated by Council in a public council meeting, based on sound evidence that a matter is occurring which necessitates the evoking of this order. This will be directed to the Town Manager or by him/her to his/her designate, to serve.

(b) If a matter, based on sound evidence, should arise between Council meetings but be timely for consideration at a Planning and Development Committee meeting, or a Committee of the Whole meeting, then that Committee may initiate the Stop Work order, again directed to the Town Manager or by him/her to his/her designate, to serve.

In either case, the order will be ratified at the next public meeting of Council.

(c) If a matter, based on sound evidence, should arise when it is not convenient to be addressed by a Committee or Council, and is considered an emergency, then the Town Manager or his/her designate may initiate and serve the order and notify Council. This will be ratified at the next Council public meeting.

(d) As per section 102 (3) of the Urban and Rural Planning Act, 2000 and section 404 (3) of the Municipalities Act, 1999, an order made under these sections continues in force until revoked by the council which made the order.

## **5. Penalties**

The approved tax structure for the Town of Portugal Cove-St. Philip's set a Stop Work Order fee at \$250.00, which is charged to the person upon whom a Stop Work Order has been served.

Failure to comply with a Stop Work Order may result the Council taking legal action generally in the form of a court injunction.

## **6. Date Effective**

February 2, 2010

Motion: 2010-022

## **7. Repeals**

This repeals all prior policies pertaining to this subject matter.

### **Stop Work Order Procedure**

The procedure for issuing stop works orders is straightforward, as follows:

Question is raised about the validity of a development activity – a question may come from a resident, a councillor, or town staff;

- I. Planning Department staff will check the file - property owner name, survey, permits, etc.;
- II. A site visit is carried out to confirm there is a development taking place - field notes are made including photos;
- III. Property owner is contacted and advised to stop development until approval is granted in the form of a permit;
- IV. Where a development continues without a permit, the property owner is contacted a second time and is advised to stop work and obtain approval; and,
- V. Staff will contact Town Manager or designate and a stop work order will be implemented according to policy.