



TOWN OF PORTUGAL COVE-ST. PHILIP'S

April 7, 2009

Public Council Meeting called to order at 7:30 pm.

IN ATTENDANCE: Mayor: Norm Collins
Deputy Mayor: Keith Mercer
Councillors: Steve Andrews
Bill Fagan
Darrell Butler
Town Manager: Rodney Cumby
Town Clerk/Treasurer: Loretta Tucker
Director of F & A: Terrilynn Smith
Director of EO: Roy Burry
Town Planner: Geralyn Lynch

Also in Attendance: Gallery of 18 persons

Mayor Collins introduced and welcomed our newest staff member Mrs. Terrilynn Smith, to her new position as Director of Finance and Administration.

ADOPTION OF AGENDA

Motion: Andrews/Mercer
#09-075 Resolved that the Agenda dated **April 7, 2009**, be adopted.
Carried
Unanimously

ADOPTION OF MINUTES

Motion: Andrews/Mercer
#09-076 Resolved that the Minutes of the Public Meeting of **March 24, 2009**, be adopted as circulated with the following correction: Page 4, under Motion #09-072 remove the word "*expectations*" and replace with the word "*exceptions*".
Carried
Unanimously

BUSINESS ARISING

Town Manager's Report was presented and read by the Town Manager and is as reported.

Town Manager verbally advised that:

(a) Mrs. Picco will be taking up another position outside of Council and will be leaving her present position with the Town effective Friday, April 17, 2009.

(b) That interviews have been conducted and a new person would be filling this position.

Councillor Fagan's question regarding Harding's Hill and the right of way off Bridgets Lane was responded to by the DEO.

Town Manager advised Councillor Fagan that he would provide him with the information regarding the new employee who is being hired as the Development Control Officer and the salary associated with this position.

COMMITTEE REPORTS

Public Works Committee – April 2, 2009

Mrs. Jeannette Holman-Price addressed the Council and sincerely thanked them for being the very first to purchase a truck with the specification of sideguards (under-guards). She also advised that the Provincial Government has since made an announcement that they will go with the under-guards, followed by the Federal Government making an announcement that they will follow with under-guards.

This has been a personal fight of Jeannette Holman-price since her daughter, Jessica, was tragically killed in Montreal on December 19, 2005 by a snow removal truck. Jessica and her 10 year old brother stood on a Montreal crosswalk. The truck driver cut the corner too tight and the boy slid under the vehicle. Jessica 21, pushed him to safety, but lost her footing and went under the truck's wheels. She died on the scene. Ms. Holman Price maintained that if the truck had been equipped with under-guards her daughter may have survived.

1. Tender for 2010 Tandem Axle Plow Truck

Complete with front plow, wing attachment and sideguards.

Tenders closed and were opened March 26, 2009

Likely bidders were: Harvey & Company Ltd; Western Star Trucks; Country Trailers.

#	Bidder	without tax Truck & Sideguards	Hst.	Sub Total	Less Gst Rebate	Net Cost to the Town
1.	Harvey & Co. Ltd.	\$230,659.00 2,700.00	29,985.67 325.00	260,644.67 2,825.00	11,532.95 125.00	249,111.72 2,700.00
	Total.....	\$233,359.00	30,310.67	263,469.67	(11,657.95)	251,811.72

Motion: Butler/Andrews
#09-077 Resolved that council accept the lowest bid from Harvey & Company Ltd. for the supply of a 2010 Tandem Axle Plow Truck as per tender specifications for a total cost of \$260,644.67. Furthermore that the Town have side guards supplied and installed at a cost of \$2825.00 for a grand total of \$263,469.67 with HST. Total *net cost* to the Town less the GST rebate of \$11,657.95 will be **\$251,811.72.**

Carried
Unanimously

2. Update on civic # 2 to 4 Dogberry Hill Road Extension.

Committee advised that a letter containing background information on the property in question and also a letter outlining the Town's proposal for the purchase of a parcel of property required for the upgrading of Dogberry Hill Road Extension will be sent to the property owner on or before Monday April 06, 2009.

3. Request for extra street lights in Country Gardens.

Committee advised that the Town received a request from a resident of Country Gardens to increase the number of street lights in the subdivision. Further advised that the Street Lighting layout that exists in Country Gardens is within the same guidelines as the remaining areas of the Town and therefore no change is recommended.

4. Update on snow clearing operations.

Committee reports on the status of the snow clearing operations for 2009. The Town has used approximately 40% less salt and sand than estimated for the season, as well as savings in fuel consumption, labor cost (overtime) and equipment maintenance.

5. Update on Recreation Center upgrades.

Committee advised that the upgrades for the Recreation Center are moving at a reasonable pace. During the removal of existing walls and partitions it was found that there were several deficiencies in the existing structure which had not been anticipated. These improvements and adjustments have been made.

6. Bulk Garbage Collection and Household Hazardous Waste Day Collection.

Motion: Butler/Fagan
#09-078 Resolved that the Town have the 2009 ***Bulk Garbage Collection*** during the weeks of May 26 to June 12, 2009. This will allow the residents to place all materials by the street side no sooner than May 18, 2009 and no later than May 25, 2009.

Further resolved that the Annual ***Household Hazardous Waste Day*** be held on Sunday May 31, 2009.

Carried
Unanimously

7. Pothole Patching.

Committee advised that approximately 3.5 tonnes of cold patch asphalt have been spread during this past week. Committee asks that any Councillor receiving calls about potholes to please contact the Public Works Department with the location in order that the necessary repairs are carried out.

Planning and Development Committee March 30, 2009

1. 537 Old Broad Cove Road

Construct a cul-de sac with three building lots – Zoning RI/RR

Motion:
#09-079

Andrews/Mercer

Resolved that following a comprehensive and lengthy review and evaluation, involving several site visits, numerous meetings and discussions with the proponent of an application to develop a residential subdivision at Civic 537 Old Broad Cove Road, that Council **reject** the application to subdivide the land and construct a 288 metre long cul-de-sac, as the proposal is contrary to the Portugal Cove- St. Philip’s Municipal Plan and Development Regulations, 2001. Based on the Municipal Plan, Section 3.3 (ii) Subdivision Policies and Part IV of the Development Regulations - Subdivision of Land, the proposal does not demonstrate sound design principles and would not result in an orderly growth pattern. Of particular concern is the subdivision design would prejudice the development of adjoining land with a buffer along the west side of the proposed road, as well the new proposed access road was to be located less than 3 metres from an existing dwelling, which is insufficient for a flanking street side yard.

Carried

For: Collins, Mercer, Andrews

Against: Fagan, and Butler.

2. 253 Oliver’s Pond Road

Request to meet with Committee concerning Crown land.

Staff will correspond with the residents to advise that once the Town has completed its review of a proposed a road network for the adjacent lands, the Committee will consider the residents request to acquire the nearby Crown land.

3. Department of Municipal Affairs

St. John’s Urban Region Regional Plan Amendment

City of St. John’s proposes an amendment to the St. John’s Urban Region Regional Plan.

The proposal has been forwarded to the Town’s consulting engineers for review and comment on the potential implications of the amendment for the growth and development of the Town, particularly with respect to the servicing of new development.

4. 1059 Indian Meal Line

Murray’s Pond Subdivision Proposed Access Road

A meeting has been arranged with the residents and the developer to discuss the concerns related to the proposed access road.

5. 26 Harding Hill Road

Residents Petition Concerning a Vacant Dwelling

The Town has requested a site inspection by the Department of Government Services, Health Inspector. The property owner has been contacted to discuss the concerns raised in the petition and a letter will be sent out to area residents reminding them that their property must be kept clean.

6. Development Regulation Amendment No. 37, 2009

Text Amendment to Heritage and Mixed Use Zones

Motion:
#09-080

Andrews/Mercer

Resolved that that Council proceed with the preparation of a text amendment to the Development Regulations for the Heritage and Mixed Use Zones to allow new business to operate from a building on a lot that does not form part of a residential dwelling.

Carried
Unanimously

7. Permits Issued

#	Issued Date	Civic	Street name	
1	3/12/2009	12	Parrott Place	Dwelling Extension
2	3/13/2009	395	Dogberry Hill Road	Occupancy Permit
3	3/13/2009	108	Beachy Cove Road	Occupancy Permit
4	3/18/2009	19	Hardings Hill	General Repairs & Maintenance
5	3/19/2009	842-844	Indian Meal Line	Occupancy Permit
6	3/19/2009	125-127	Tolt Road	Occupancy Permit
7	3/20/2009	20-22	School Road	Occupancy Permit
8	3/23/2009	451	Old Broad Cove Road	General Repairs & Maintenance

Parks, Recreation, & Community Services – April 2, 2009**1. Volunteer Week Social –April 20th**

Councillor Fagan will present the opening remarks. Deputy Mayor Mercer will speak on the recognition of volunteers and Councillor Butler will introduce the award categories.

2. Recreation Centre Funding:

Committee advises that the Rainbow 50+ Club was not successful in their application for funding from the New Horizons for Seniors Program. Committee discussed alternate grants and sources of funding. Further research will be carried out

3. Easter Breakfast – Saturday April 11, 2009

Committee members attended and assisted with the Easter Breakfast
Committee advises that a group of youth volunteers also helped with the breakfast.

4. Recreation Newfoundland and Labrador Conference:

RNL Conference will be held in May in Corner Brook.

Motion: Fagan/Mercer
#09-081 Resolved that a staff member and a councilor be granted permission to attend the RNL Conference on May 21st - May 23rd in Corner Brook.
Carried
Unanimously
Conference information was circulated

Public Relations, Economic Development & Tourism: April 2, 2009

1. Street names

Motion: Andrews/Mercer
#09-082 Resolved that Council adopt the following Street Naming Policy:

Definitions: Street is any roadway publicly maintained by the Town.
(Town is *Town of Portugal Cove-St. Philips*)

Preamble: The Town would like to retain some of its heritage and history through the naming of its streets. To facilitate this process the Town has established a community based Heritage Advisory Committee (HAC) whose members have indicated a willingness, amongst other tasks, to assume the responsibility for generating names for new streets within the community. Council views this as a positive way to involve its citizens in the evolution of the Town and helping to maintain its rural character.

Policy:

- 1) In order to reflect the Town's heritage and history, the Town will be responsible for the naming of all Town roads and streets.
- 2) The HAC will have the responsibility for reviewing or generating street and road names and then recommending them to Council.
- 3) Where there are a number of roads in a group, the names are to follow a specific theme.

Related Forms and Sections:

Policy on civic Address assignment
Policy on subdivision development

Procedures:

- 1) A developer of any particular street may submit names to, or request names from, the Town by submitting a letter to the Town Planner.
- 2) Where there are a number of streets in a group, as in a medium to large subdivision, developer should submit or request a theme name.
- 3) The naming process should be initiated by the developer once the Town has approved the street layout.

- 4) Where the names and/or themes are submitted, the office of the Town Planner will pass the information on the HAC who will review them.
- 5) Where the names and/or themes are requested, the office of the Town Planner will pass the information on to the HAC who will develop an appropriate theme and/or names.
- 6) All street names submitted or developed in this process are to be checked through the regional street names registry by the HAC.
- 7) The final recommendations are to be submitted in writing by the HAC to the Town's Public Relations, Economic Development and Tourism Committee or its equivalent within 60 days of the process initiation. Failure to comply will result in the Town completing the process.
- 8) The Committee will bring the final recommendation to Council for consideration and approval or rejection.
- 9) Should Council reject the proposed names or themes, then at its discretion it may cause the process to be repeated or ask the office of the Town Planner to develop a new recommendation.

Carried
Unanimously

2. Wind Power Proposal

Committee advises that they are in receipt of a couple of proposals with reference to the wind power generation project. As well the committee is waiting for a response from the Minister of Natural Resources.

3. Doors Open Program

Motion:
#09-083

Andrews/Butler
Resolved that Council adopt the Doors Open Program which was attached to The PREDRT Committee Report and circulated to Council.

Carried
Unanimously

4. Environmental Awards Program

Committee advises it will be submitting a nomination to nominate Mr. Bob O'Brien, for his work with Ocean Net, for the Lifetime Achievement Award, as well as the Business or Industry Leader Award.

Dispute Resolution Committee Meeting – April 2, 2009

1. Outstanding Mediations

Motion:
#09-084

Mercer/Andrews
Resolved that Council proceed with the following listed *Outstanding Mediations*, in accordance with the process outlined under the Dispute Resolution Policy.

- Mediation concerning issues: #010 2008, #014 2008, #036 2008 and #041 2008
- Mediation concerning issue #017 2008
- Mediation concerning issues: #001 2005, #007 2006, #009 2006, #016 2008 & #042 2008

Carried

For: Collins, Mercer, Andrews, and Butler
Against: Fagan.

2. Disciplinary section of the Dispute Resolution Policy

The Committee advises that a second letter has been sent to the Minister requesting a meeting concerning this section of the Dispute Resolution Policy. The Committee is waiting for a response.

Policy Development Committee meetings of March 18th and 21st.

Councillor Fagan gave a verbal report on meetings.

Finance & Administration Committee – April 2, 2009

1. Accounts for Payment

Motion:
#09-085
Carried
Unanimously

Mercer/Andrews
Resolved that Council pay the accounts in the amount of \$41,069.70.

2. Sound System Quote – Tender closed March 29, 2009

Bidder		Total
Surveillance Systems	Installation included	\$8,950.00
Tucker Electronics	Installation included	7,501.04
ESG Electronic Systems Group	Installation included	9,495.00

Motion:
#09-086
Carried
Unanimously.

Mercer/Andrews
Resolved that Council offer the project of supplying and installing the sound system to the lowest bidder, Tucker Electronics for the amount of \$7,501.04.

3. City of St. John’s

Town Manager will seek further information from managers of neighboring Towns on their feelings on Development above the 170–190 contour lines.

In a related issue the Town Manager will consult the Town’s Legal Council to discuss the City of St. John’s objections to development in Portugal Cove-St. Philip’s that is beyond areas that are currently serviced.

4. Multi Year #3 – Overrun of \$800,000 – 100% complete

Project 2007 Municipal Capital Works Program #7095
Project Funding 50/50 cost shared Provincials/Municipal ratio.
\$800,000 less GST of \$35,398 = \$764,602 or \$382,301.00 each.

The Town Clerk-Treasurer advised that the Town had received a cheque from the Province for its share of the funding which was in the amount of \$382,301.00.

Approval to Borrow from BMO (final for the M-Yr 3 Project)

Motion:
#09-087
Carried
Unanimously

Mercer/Andrews
Resolved that Council draw down its 50% share of the funds from the Bank of Montreal in the amount of \$382,301.00.

CORRESPONDENCE - None presented

GENERAL/NEW/UNFINISHED BUSINESS

Councillor Fagan wished to read and table a letter from a resident into the minutes and was denied. Mayor Collins advised that Councillors must have prior knowledge of the content of letters before they can be tabled, more specifically in light of ATTIPA.

ADJOURNMENT

Motion: Andrews/Mercer
#09-088 Resolved to adjourn this meeting.
Approximate time: 9:15 p.m.

Carried
Unanimously

Mayor Norm Collins

Town Clerk Loretta Tucker