



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

Public Meeting June 22, 2010 7:30 p.m.

**IN ATTENDANCE:**

Mayor	Bill Fagan
Deputy Mayor	Jane Tucker
Councillors:	Joe Duggan
	Doug Neary
	Moses Tucker
	Patsy Whitten
Town Manager	Chris Milley
Town Clerk	Judy Squires

**Also in Attendance:** Gallery of 26 in attendance.

### ADOPTION OF AGENDA

Motion: Neary/Whitten  
2010-182 Resolved that the June 22, 2010, agenda be adopted.  
Carried  
Unanimously

### ADOPTION OF MINUTES

Motion: Duggan/J.Tucker  
2010-183 Resolved that the Minutes of the **Regular Public Meeting held June 8, 2010**, be adopted.  
Carried  
Unanimously

**BUSINESS ARISING** Town Manager's report presented by Chris Milley.

### COMMITTEE REPORTS

#### Planning and Development Committee Report – June 15, 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. The following are recommendations from the Planning and Development Committee:

**1. Civic # 76-80 Farm Road  
Dwelling Application, Zoning: RI/RR**

2010-184 Neary/M.Tucker

Motion: Resolved that the application for Civic #76-80 Farm Road be conditionally approved, permitting the construction of a single dwelling with an approximate 7.5% variance on lot area, in accordance with Regulation 11 Variances. Notice of the Variance shall be given to all persons whose land is in the immediate vicinity. Conditional approval shall also be in accordance with Regulation 47 Lot Area and Exception (for pond frontage), as there is an existing survey showing the same frontage prior to the registration of the Plan. Conditional approval shall be in accordance with Schedule C: Residential Infill and Residential Rural zones. Also subject to approval from the Department of Natural Resources (610 confinement buffer).

Carried  
Unanimously

**2. Civic # 211-215 Tolt Road  
Dwelling Application, Zoning: Residential Infill (RI)**

2010-185 Neary/Duggan

Motion: Resolved that the application for Civic# 211-215 Tolt Road be conditionally approved, permitting the construction of a single dwelling with a 3.5% variance on lot frontage, in accordance with Regulation 11 Variances. Notice of the Variance shall be given to all persons whose land is in the immediate vicinity. Conditional approval shall also be in accordance with Schedule C: Residential Infill Zone.

Carried  
Unanimously

**3. Civic # 258 Bauline Line Extension  
Accessory Building, Zoning: Residential Infill (RI)**

2010-186 Neary/M.Tucker

Motion: Resolved that the application for Civic# 258 Bauline Line Extension be conditionally approved, permitting the construction of a 54 m<sup>2</sup> accessory building in the front yard. Conditional approval shall be in accordance with Regulation 38 2(b) Accessory Buildings and Schedule C: Residential Infill.

Carried  
Unanimously

**4. Civic # 389 Old Broad Cove Road  
General Repairs & Maintenance, Zoning: Residential Rural (RR\*)**

2010-187 Neary/Whitten

Motion: Resolved that the application for Civic# 389 Old Broad Cove Road be conditionally approved, permitting general repairs & maintenance to an existing boathouse and wharf. Conditional approval shall be in accordance with Schedule C: Residential Rural\* and shall be subject to approval from Department of Environment and Conservation.

Carried  
Unanimously

**5. Civic # 100-108 Kings Hill Road  
General Repairs & Maintenance, Zoning: Watershed (WAT)**

2010-188 Neary/Duggan

Motion: Resolved that the application for Civic# 100-108 Kings Hill Road be conditionally approved, permitting general repairs & maintenance to an existing boathouse and wharf. Conditional approval shall be subject to approval from Department of Environment and Conservation and the City of St. John's.

Carried  
Unanimously

**6. Civic # 31-43 Hughs Pond Road  
Accessory Structure (Dock & Wharf), Zoning: Residential Infill (RI)**

2010-189 Neary/M.Tucker

Motion: Resolved that the application for Civic# 31-43 Hughs Pond Road be conditionally approved, permitting the construction of a 24 m<sup>2</sup> on shore platform and a 23 m<sup>2</sup> floating dock. Conditional approval shall be in accordance with Schedule C: Residential Infill and shall be subject to approval from the Department of Environment and Conservation.

Carried  
Unanimously

**7. Civic # 1604-1610 Portugal Cove Road  
Commercial Extension, Zoning: Mixed Use (MIX)**

2010-189 Neary/Whitten

Motion: Resolved that the application for Civic# 1604-1610 Portugal Cove Road be conditionally approved, permitting the construction of a 31 m<sup>2</sup> extension to a commercial building. Conditional approval shall be in accordance with Schedule C: Mix Use and shall be subject to approval from the Department of Environment and Conservation.

Carried  
Unanimously

**Deputy Mayor Jane Tucker excused herself from the Council meeting for the following application #8:**

**8. Civic # 667-673 Old Broad Cove Road  
Accessory Building, Zoning: Residential Medium Density (RMD)**

2010-191 Neary/Duggan

Motion: Resolved that the application for Civic# 667-673 Old Broad Cove Road be conditionally approved, permitting the construction of a 84 m<sup>2</sup> accessory building with a 1% variance in the rear , in accordance with Regulation 11 Variances. Notice of the Variance shall be given to all persons whose land is in the immediate vicinity. Conditional approval shall also be in accordance with Schedule C: Residential Density.

Carried  
Unanimously

**Deputy Mayor Jane Tucker returned for the remainder of the Council meeting.**

**9. Civic # 301-303 Bennetts Road  
Accessory Building, Zoning: Residential Infill (RI)**

2010-192 Neary/Whitten

Motion: Resolved that the application for Civic# 301-303 Bennetts Road be conditionally approved, permitting the construction of a 13 m<sup>2</sup> accessory building. Conditional approval shall also be in accordance with Schedule C: Residential Infill. Conditional approval is subject to removal of two existing accessory buildings and the cleanup of debris located in the rear yard.

Carried  
Unanimously

**10. Eastern Newfoundland Regional Appeal Board – Registered Appeals**

Board writes requesting information on the following registered appeals:

- i) Civic # 160A Bennetts Road (single dwelling);
- ii) Civic # 1579-1589 Portugal Cove Road (single dwelling);
- iii) Civic # 1391-1393 Portugal Cove Road (accessory building);
- iv) Civic # 236 Tolt Road (7-lot subdivision);
- v) Civic # 37 Farm Road (7-lot subdivision).

Staff will forward information to the Board as requested.

**11. Martin, Whalen, Hennebury & Stamp - Civic # 20 Coadys Road**

Law firm writes regarding revised dates for Appeal Board Hearing

**12. Civic # 331D Tolt Road – Correspondence from public notice**

Residents write regarding variance notice on accessory building size. Committee feels the development will not create a significant impact on neighboring land. Staff will correspond with residents.

**13. Civic # 1236 Thorburn Road - Complaint regarding untidy property (petition from neighborhood)**

Planning Department will look into the matter and provide further information.

**14. Civic # 814 St. Thomas Line - Complaint regarding untidy property**

Planning Department will look into the matter and provide further information.

**15. Civic # 544 Bauline Line Extension**

Update provided regarding quarry operation complaint.

**16. Civic # 62-92 Kings Hill Road**

Discussion held regarding the collection of information related to development activity within the watershed zone.

**17. Civic # 117-119 Beachy Cove Road**

Update provided regarding decision with applicant (pending new plot plan to be submitted for Single Dwelling).

**18. Civic # 166 Bennetts Road**

Discussion regarding City involvement with proposed repairs to farm barns.

**19. Civic # 606-650 Bauline Line Extension Crown Land Application**

Application will be reviewed at next Committee meeting.

**20. Emberleys Road – Stop Work Order**

The Town Manager presented an issue that arose this past weekend and late today regarding the construction of a road in the vicinity of 27-31 Emberleys Road that was taking place without a permit.

2010-193 Neary/M.Tucker

Motion: Resolved that a Stop Work Order be issued to the owners of the property at 27-31 Emberleys Road for the construction of a road that is taking place without a permit.

Carried

Unanimously

**Permits Issued:**

#	Permit	Issued Date	Civic	Street name	Permit Type
1	10-106	5/28/2010	42-44	Knapps Road	Accessory Building
2	10-107	5/28/2010	283	Tolt Road	Single Dwelling
3	10-108	5/31/2010	234-236	Old Broad Cove Road	Subdivide Land
4	10-109	5/31/2010	262-266	Dogberry Hill Road	Accessory Building
5	10-110	5/31/2010	1808	Portugal Cove Road	Business Permit
6	10-111	5/31/2010	660-662	Old Broad Cove Road	Business Permit
7	10-112	6/2/2010	1166-1170	Thorburn Road	General Repairs & Maintenance
8	10-113	6/2/2010	728	Indian Meal Line	Accessory Building
9	10-114	6/2/2010	137-139	Bauline Line Ext	Dwelling Extension
10	10-115	6/4/2010	1329-1333	Thorburn Road	Accessory Building
11	10-116	6/7/2010	1557-1559	Portugal Cove Road	Single Dwelling
12	10-117	6/7/2010	1561	Portugal Cove Road	Single Dwelling
13	10-118	6/8/2010	23-25	Jendarmie Place	Accessory Building
14	10-119	6/8/2010	99-101	Bennetts Road	General Repairs & Maintenance
15	10-120	6/8/2010	749-753	Old Broad Cove Road	Accessory Building

**Parks and Recreation Committee- no meeting, no report**

**Public Works Committee – no meeting, no report**

**Economic Development and Tourism – no meeting**

Verbal report given by Councillor Mose Tucker, Committee Chair, noting that no meeting had taken place and committee was continuing to work on drafting criteria for our own commercial business beautification awards and the final draft of the tourism brochure has been approved for ordering.

**Public Relations and Communications – June 16, 2010**

**1. Public Relations Materials Update**

- **Triware/ Website Update:** The PCSP website pcsp.ca is now live. Updates are being made as we go. Staff is working diligently to add and update current content. Please bear with us over this next little while, and [email](#) us to let us know if we missed anything.

Triware will be providing a quote for an addition to the website that will enable the user to subscribe to current newsletters, updates and Town events. This means that as news, events and newsletters are added to the site, they will automatically be emailed the user. The cost of approximately \$500 will be added to the website upgrade.

- **Press Kit Cover:** Committee reviewed the new design for the press kit and was happy with the new images and layout. Quikprint has been given the go ahead to print the press kits we should have them by the next public meeting.
- **Community Services Fridge Magnet:** The fridge magnet has arrived and has been distributed to each Council member for viewing. Committee decided to send out one per household attached by a staple in the July newsletter. They will then be distributed in our new welcome kits to new community members when they move in.

**2. July Newsletter:**

Items for the July newsletter are due on June 20<sup>th</sup>. The draft phase will begin at that time. If council or staff has something for the newsletter please submit it by June 20<sup>th</sup>.

One recommendation was to post a notice to residents stating: **With school closures for summer, more of our children are outside playing in our neighborhood, please watch your speed on our roads.** As well to remind people that, if you see someone speeding contact the RNC. With more complaints they will increase patrols in our area and hopefully this will keep our families safe.

**3. Heritage Canada Foundation Membership Update:**

Committee discussed the membership fee for the Heritage Canada Foundation. The cost for an organization membership is \$150 per year. This membership includes – two copies of the nationally acclaimed quarterly magazine; reduced fees for up to five people to HCF conferences; the authority to vote for the governor of the board and regular e-mail updates.

2010-194 Whitten/J.Tucker

Motion: Resolved that the Town pay the membership fees in the Heritage Canada Foundation at the cost of \$150 for 2010.

Carried  
Unanimously

**4. Heritage Canada Foundation Conference:**

This year's annual conference "Revitalize! Economic Renewal, Quality of Life, Heritage Buildings" is to be held in St. John's at the Sheraton Hotel Newfoundland from Sept. 30 – Oct. 2, 2010. Committee recommended that staff investigate the cost of having members of our Heritage Committee attend this event and then forward the information on to the Admin & Finance committee for consideration.

**Administration and Finance Committee – June 16, 2010**

**1. Accounts for Payment**

Motion: J.Tucker/M.Tucker

2010-195 Resolved that Council pay the accounts as follows:  
Regular accounts in the amount of \$20,267.68

Carried  
Unanimously

**2. Review of Financial Statements**

The Town's auditor, Byron Smith, reviewed the statements in detail and responded to committee's inquiries.

2010-196 J.Tucker/Duggan

Motion: Resolved that the Town accept the 2009 Financial Statements as prepared by the Town's auditor, Byron Smith Chartered Accountant, for submission to the Department of Municipal Affairs prior to the deadline date of June 30, 2010.

Carried  
Unanimously

**3. Transfer of funds**

Upon the advice of the auditor, the following motion is required:

2010-197 J.Tucker/M.Tucker

Motion: Resolved that the Town set up a separate bank account to reserve the funds set aside for the Edu-Rec Center and the amount transferred will be \$200,000.

Carried  
Unanimously

Note: The Mayor requested staff to determine if the \$400 Recreational Fees being collected from development can go into this same reserve account.

**4. Appointment of auditor July 2010-June 2011**

2010-198

J.Tucker/Whitten

Motion:

Resolved that, in accordance with Section 87 of the Municipalities Act, the Town appoint Byron Smith Chartered Accountant as the auditor for the Town for the period of August 1, 2010 to July 31, 2011.

Carried

Unanimously

**5. Local Government Gas Tax Funding Agreement Amendment**

2010-199

J.Tucker/Duggan

Motion:

Resolved that Council sign and approve the Amendment to the Local Government Gas Tax Funding Agreement and submit this Agreement to the Dept. of Municipal Affairs by the deadline date of June 30, 2010.

Carried

Unanimously

**6. 2010 Annual MNL Convention – October 6<sup>th</sup> to 9<sup>th</sup>, 2010 – Delta, St. John's**

The Executive Assistant will make the necessary arrangements for Council, Town Manager and Town Clerk to attend the upcoming convention. Preliminary details are provided for Council's information.

**7. Children's Wish Foundation – donation request**

2010-200

J.Tucker/Neary

Motion:

Resolved that the Town donate \$50.00 to the Children's Wish Foundation towards their upcoming Wishmaker Walk for Wishes fundraiser.

Carried

Unanimously

**8. Emergency repairs to lift station pumps**

The Town Manager explained the urgency of the situation and the requirement for emergency repairs and/or maintenance to three pumps at the Portugal Cove lift stations which will cost approximately \$10,000 each.

2010-201

J.Tucker/M.Tucker

Motion:

Resolved that Council approve the expenditure of contingency funds for emergency repairs to pumps at the lift stations in Portugal Cove.

Carried

Unanimously

Committee also notes that Council may need to review the types of pumps in place and allocate funds in 2011 and future budgets to address replacing the pumps.

**9. Severance for former Director of External Operations**

2010-202

J.Tucker/Neary

Motion:

Resolved that the Town pay former employee, Mr. Roy Burry, severance pay at the rate of pay in accordance with the Town's Management Policy.

Carried

Unanimously

**10. Purchase of brochures**

Quotes were received and reviewed by the Public Relations Committee.

2010-203

J.Tucker/M.Tucker

Motion:

Resolved that, as per the request of the Public Relations Committee, the Town purchase 8000 brochures from Advocate Printing and Publishing at cost of \$2,166.00 plus tax.

Carried

Unanimously

**11. Tender Winter Sand**

Tender called and only one tender received.

2010-204

J.Tucker/Whitten

Motion:

Resolved that Council award the tender for 'winter sand' to City Sand and Gravel Limited for the tendered price of \$21.87 per tonne including tax for the supply and delivery of 6000 tonnes of winter sand over a three year period.

Carried

Unanimously

**12. Director of Financial Operations – position filled**

Deputy Mayor Tucker announced that Mr. Tony Pollard was offered and accepted the position of Director of Financial Operations and will commence work on Wednesday, June 23, 2010. Mr. Pollard is a Certified Management Accountant and brings valuable experience to the position. The Town and Staff look forward to working with Mr. Pollard.

**CORRESPONDENCE**

**NEW BUSINESS**

**(1) Avalon Director for MNL**

Councillor Duggan requested support of Council when he offers himself for the position of Avalon Director at the MNL Conference in October 2010 in St. John's.

**(2) Item for tabling – letter from resident regarding old St. Philip's Anglican Church**

Deputy Mayor Jane Tucker tabled and read a letter from Mr. Wm. Lamswood and the letter will be referred to the Admin Finance Committee for consideration.

**(3) Congratulations to residents**

Deputy Mayor Tucker extended congratulations on behalf of Council to residents Matthew Jones and Blair Pollett on winning the Regional NL Pool Tournament and wish them luck in the next level of international competition being held in Las Vegas in August.

**(4) Copy of NEAJC Agenda for April 21<sup>st</sup> circulated by Councillor Duggan - for info**

**(5) The Jessica Campaign brochure circulated by Councillor Duggan - for info**

**(6) Minutes of MNL Membership Development Meeting of May 18, 2010**

Councillor Duggan attended meeting and circulated minutes from same - for info

**(7) Street name sign required for Woodland Drive**

Request from Councillor Duggan on behalf of residents.

**(8) Mayor's Walk for Heart and Stroke**

Mayor Fagan reported on walk which was held on June 17<sup>th</sup> and thanked those who took part and raised pledges of \$455 to date. Lunch was provided at the Recreation Center for participants and Mayor Fagan expressed sincere thanks to Sharpe's Store who donated sandwiches, fruit trays and energy food for the event.

**(9) Construction of access road at the Ferry Terminal**

Mayor Fagan provided an update. The tender call closed on Friday, June 11<sup>th</sup> and the contract awarded to Pyramid Construction with a completion date set for July 30<sup>th</sup>. Some issues addressed are as follows:

- (a) A breakwater section will be paved for approx. 25 vehicles (estimated)
- (b) Advance holding area will hold approx. 15-20 vehicles (estimated)
- (c) The issue of ticket offices will be handled by Marine Services, best location to be decided.
- (d) Pedestrian traffic safety issue will be addressed by enforced reduced speeds (20kms/hr) and cross walks along the ferry terminal road.

**(10) St. John's Triathlon Committee**

Triathlon starts at Sunshine Camp on August 11<sup>th</sup>. Mayor Fagan received an invitation from Committee Chair, Michael Anderson Jones, to attend an awards banquet and bring greetings from our Town.

**(11) Canada Day Celebrations - Being held at the Town Hall**

**(12) War Memorial Services – Portugal Cove War Memorial  
Sunday June 27 at 3 p.m.**

**(13) Operational Review**

Councillor Moses Tucker presented the following items as notified by Notice of Motion at the May 25<sup>th</sup> and June 8<sup>th</sup> Council meetings and provided detailed background information regarding this issue.

2010-205  
Motion:

M.Tucker/Neary

Resolved that the Town of Portugal Cove-St. Philip's conduct an OPERATIONAL REVIEW, for the purpose of making recommendations for the development of a more effective, efficient and accountable operational structure which will improve service delivery to the citizens for the Town of PCSP, in respect to 1. Working relationships, 2. Application and flexibility of Regulations and Policies, 3. Authority for making decisions and spending, 4. Method of creating staffing positions, 5. Computer software programs for financial and records management, 6. Methods information dispensing, and 7. Fair Play Policy for everyone.

Carried  
Unanimously

2010-206 M.Tucker/Whitten  
Motion: Resolved that Council approve engaging the services of experienced and knowledgeable persons, as soon as possible, as per Councils procedures, to conduct this "Operational Review".  
Carried For: Fagan, Neary, J.Tucker, M.Tucker,Whitten  
Against: Duggan

**ADJOURNMENT:**

Motion: Duggan/Neary  
2010-206 Resolved that this meeting be adjourned. Time 8:30 p.m.  
Carried  
Unanimously

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Mayor Bill Fagan

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Judy Squires, Town Clerk