



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

Public Meeting July 6, 2010 7:30 p.m.

**IN ATTENDANCE:**

Mayor	Bill Fagan
Deputy Mayor	Jane Tucker
Councillors:	Joe Duggan
	Gordon Tucker
	Doug Neary
	Moses Tucker
	Patsy Whitten
Town Manager	Chris Milley
Town Clerk	Judy Squires
Director of Financial Opr.	Tony Pollard
Town Planner	Geralyn Lynch

**Also in Attendance:** Gallery of 32 in attendance.

### ADOPTION OF AGENDA

Motion: Whitten/Neary  
2010-207 Resolved that the **July 6, 2010** agenda be adopted.  
Carried  
Unanimously

### ADOPTION OF MINUTES

Motion: Duggan/Neary  
2010-208 Resolved that the Minutes of the **Regular Public Meeting held June 22 2010**, be adopted.  
Carried  
Unanimously

**BUSINESS ARISING** Town Manager, Chris Milley, presented a detailed report of activities.

### COMMITTEE REPORTS

#### Planning and Development Committee Report – June 29, 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. 319-321 Bennetts Road**  
**Backlot development, Zoning: Residential Infill (RI)**

The application is deferred pending further information and review of surveys by the applicant.

(note: Councillor Moses Tucker was absent from the Planning and Development Committee meeting when the item was discussed.)

**2. 20-22 Dawn Allen Road**  
**Dwelling Application, Zoning: Residential Rural (RR)**

The application is referred to planning staff for renewal and transfer of conditional approval.

**3. 37-43 Emberleys Road**  
**Dwelling Application, Zoning: Residential Infill (RI)**

Motion:  
2010-209

Neary/M.Tucker

Resolved that Council **reject** the application to construct a single dwelling on property at Civic # 37-43 Emberleys Road, as the proposal is contrary to the Municipal Plan and Development Regulations. Specifically, the proposed development will reduce the existing right-of-way that was intended to provide access to undeveloped backland. The proposal does not comply with Municipal Plan, Section 3.3 (ii) Subdivision Policies.

Carried

For: Duggan/Neary/G.Tucker/J.Tucker/M.Tucker/Whitten  
Against: Fagan

**4. 901-903 Indian Meal Line**  
**Accessory Building, Zoning: Residential Infill (RI)**

Application held pending discussion with applicant.

**5. 48-54 Healys Pond Crescent**  
**Accessory Building, Zoning: Watershed (WAT)**

Deferred - all of Council agreed to send this item back to Committee.

**6. 26-32 Peggy Deane Street**  
**Accessory Structure & Crown Land Municipal Recommendation Form,**  
**Zoning: Residential Rural (RR)**

Motion:  
2010-210

Neary/Duggan

Resolved that the application and Municipal Recommendation Form for Civic# 26-32 Peggy Deane Street be conditionally approved, permitting the construction of a floating boathouse and wharf on Crown land situated within the 15 m waterway protection buffer of Oliver's Pond. Approval shall be in accordance with Policy Section 3.3 (vi) and, Schedule C: Residential Rural and subject to approval from the Department of Environment & Conservation and Crown Lands.

Carried  
Unanimously

**7. Decision of Eastern Regional Appeal Board (Civic# 95 Old Ridge Road) – Review of engineering drawings. The Board ordered that the decision of Council be reversed.**

Motion: Neary/Duggan  
2010-211 Resolved that since it is the order of the Eastern Regional Appeals Board that Council reverse its earlier decision approving further development at Civic # 95 Old Ridge Road, that this decision be reversed and that the relevant Motion # 10-003 be rescinded.

Carried  
Unanimously

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

Since the following applications were conditionally approved pursuant to Regulation # 10 of the Towns Development Regulations and in light of recent decisions of the Eastern Regional Appeals Board, and as there have been third party appeals registered with the Board in all five cases, the Committee recommends the following:

**i) Civic # 160A Bennetts Road (single dwelling application)  
Motion # 2010-149**

Motion: Neary/Whitten  
2010-212 Resolved that in light of recent decisions of the Eastern Regional Appeals Board that Council reverse its earlier decision approving further development at Civic # 160A Bennetts Road (single dwelling application), that this decision is reversed and that the relevant Motion #2010-149 is rescinded.

Carried  
Unanimously (As amended August 31, 2010, Motion #2010-291)

**ii) Civic # 1579-1589 Portugal Cove Road (single dwelling application)  
Motion # 2010 163**

Motion: Neary/M.Tucker  
2010-213 Resolved that in light of recent decisions of the Eastern Regional Appeals Board that Council reverse its earlier decision approving further development at 1579-1589 Portugal Cove Road (single dwelling application), that this decision is reversed and that the relevant Motion #2010-163 is rescinded.

Carried  
Unanimously (As amended August 31, 2010, Motion #2010-291)

**iii) Civic # 1391-1393 Portugal Cove Road (accessory building application)  
Motion # 2010-165**

Motion: Neary/Duggan  
2010-214 Resolved that in light of recent decisions of the Eastern Regional Appeals Board that Council reverse its earlier decision approving further development at 1391-1393 Portugal Cove Road (accessory building application), that this decision is reversed and that the relevant Motion #2010-165 is rescinded.

Carried  
Unanimously (As amended August 31, 2010, Motion #2010-291)

**iv) Civic # 236 Tolt Road (7-lot subdivision application) Motion # 2010-166**

Motion: Neary/Duggan  
2010-215 Resolved that in light of recent decisions of the Eastern Regional Appeals Board that Council reverse its earlier decision approving further development at 236 Tolt Road (7 lot sub-division application), that this decision is reversed and that the relevant Motion #2010-166 is rescinded.

Carried  
Unanimously (As amended August 31, 2010, Motion#2010-291)

**v) Civic # 37 Farm Road (7-lot subdivision application) Motion # 2010-168.**

Motion: Neary/M.Tucker  
2010-216 Resolved that in light of recent decisions of the Eastern Regional Appeals Board that Council reverse its earlier decision approving further development at 37 Farm Road (7 lot sub-division application), that this decision is reversed and that the relevant Motion #2010-168 is rescinded.

Carried  
Unanimously (As amended August 31, 2010, Motion #2010-291)

**9. Street Names**

The following street names have been approved by the St. John's Regional Fire Department (Road Bank) and require Council's approval:

Motion: Neary/Duggan  
2010-217 Resolved that Council approve the following road names:  
Dock Road – located off West Point Road  
Aiden's Lane - located off Anglican Cemetery Road

Carried  
Unanimously

**10. Civic # 94 Dogberry Hill Road – Concerns regarding elevation of a roadway for a subdivision at Civic # 110 Dogberry Hill Road Extension.**

Matter will be forwarded to the Public Works Department to have the subdivision engineering drawings reviewed to assess the issue of road elevation.

**11. Civic # 1090 Indian Meal Line – Concerns regarding drainage run off on Private property from Murrays Pond subdivision development.**

Matter will be forwarded to the Public Works Department to have the subdivision engineering drawings reviewed to assess the issue of water runoff.

**12. Civic # 224 Bauline Line Extension – Subdivision Application**

Staff to meet with applicant regarding proposed residential Subdivision and the rezoning of rural designated land.

**13. Civic # 457 Dogberry Hill Road – Proposed Subdivision**

Submitted for information. Staff will review subdivision development application.

**14. Civic # 10 Rosemary Rise – Dwelling Application (Country Gardens)**

Mayor will hold meeting with the Mayor of Paradise regarding building lots with property located within both Towns.

Note: The Mayor advised that the Dept. of Municipal Affairs will take the lead in resolving this issue (as a result of our recent meeting with Minister Whalen).

**15. Civic # 546-604 Bauline Line Extension – Quarry Operations**

Staff will set a meeting with the operators of the quarry.

**16. Stop Work Order & Development Application - Emberleys Road/Round Pond Road**

Submitted for information - Staff to review subdivision development application.

**Permits Issued from June 10, 2010 to June 25, 2010:**

1	10-121	6/10/2010	46-50	Old Cart Road	General Repairs & Maintenance
2	10-122	6/11/2010	15	Farm Road	Dwelling Extension
3	10-123	6/11/2010	41-43	Beachy Cove Road	Single Dwelling
4	10-123	6/11/2010	41-43	Beachy Cove Road	Electrical
5	10-123	6/11/2010	41-43	Beachy Cove Road	Plumbing
6	10-124	6/11/2010	34-36	Woodland Drive	Occupancy
7	10-125	6/11/2010	109	Farm Road	Plumbing
8	10-125	6/11/2010	109	Farm Road	Single Dwelling
9	10-125	6/11/2010	109	Farm Road	Electrical
10	10-126	6/11/2010	36-40	Bugden Drive	General Repairs & Maintenance
11	10-127	6/14/2010	4	Pendergast Road	Accessory Building
12	10-128	6/15/2010	166-170	Bennetts Road	General Repairs & Maintenance
13	10-129	6/16/2010	1388-1394	Portugal Cove Road	General Repairs & Maintenance
14	10-130	6/16/2010	871-873	Indian Meal Line	Accessory Building
15	10-131	6/16/2010	121-123	Tolt Road	Demolition
16	10-131	6/16/2010	121-123	Tolt Road	Single Dwelling
17	10-131	6/16/2010	121-123	Tolt Road	Electrical
18	10-131	6/16/2010	121-123	Tolt Road	Plumbing
19	10-132	6/17/2010	15	White Ash Drive	Accessory Building
20	10-133	6/18/2010	37	Knights Rest	General Repairs & Maintenance
21	10-134	6/18/2010	901-909	Thorburn Road	General Repairs & Maintenance
22	10-135	6/23/2010	314-316	Bauline Line Ext	Accessory Building
23	10-136	6/23/2010	11-13	Emberleys Road	Accessory Building
					.....CONTINUED

					Page 6 of 11, Council Minutes July 6, 2010
24	10-137	6/23/2010	13-15	Woodland Drive	Single Dwelling
25	10-137	6/23/2010	13-15	Woodland Drive	Electrical
26	10-137	6/23/2010	13-15	Woodland Drive	Plumbing
27	10-138	6/23/2010	33-35	Woodland Drive	Single Dwelling
28	10-138	6/23/2010	33-35	Woodland Drive	Electrical
29	10-138	6/23/2010	33-35	Woodland Drive	Plumbing
30	10-139	6/24/2010	54-66	Tuckers Hill Road	Occupancy
31	10-140	6/24/2010	331D	Tolt Road	Accessory Building
32	10-141	6/25/2010	55-59	Meadow Heights	General Repairs & Maintenance
33	10-142	6/25/2010	23-25	Windsorian Place	Accessory Building
34	10-143	6/25/2010	57-61	Churchills Road	General Repairs & Maintenance
35	10-144	6/25/2010	100-108	Kings Hill Road	General Repairs & Maintenance
36	10-145	6/25/2010	113-115	Beachy Cove Road	Dwelling Extension
37	10-146	6/25/2010	46	Ursula Crescent	Occupancy

### **Parks and Recreation Committee- July 2, 2010**

#### **1. Regatta Sponsorship and Agenda**

A brochure has been mailed out to all residents of the community with a detailed schedule of events for the Regatta. Listed in this brochure are all the sponsors for the races as well as businesses that donated items to the events. Two dories have been placed in Mitchell's Pond to allow residents to practice and will be there until Friday morning. Councillor Moses Tucker and Deputy Mayor Jane Tucker have agreed to make arrangements to provide a safety boat and Mose and Walter Tucker will provide instruction to anyone who would like to participate. With this additional practice time available, it is hopeful that it will attract more participants on race day. Another added feature to this years' Regatta will be platforms for the presentation of the race trophies and medals. The Recreation Director will be contacting all sponsors and inviting them to attend and present the trophies and medals to their corresponding race participants. Please find attached the brochure and the race list with sponsors.

#### **2. Playgrounds**

Provincial Fencing will be installing the playground equipment in Voisey's Brook Park Monday, July 5th and Tuesday, July 6th. The other equipment that was tendered for both Rainbow Gully and Voisey's Brook Parks are starting to arrive and they will be installed over the next few weeks.

#### **3. Tract Consulting Presentation**

Tract Consulting will be presenting the Master Plan Concept Plans to all Council members on July 15th at 4:45 p.m during the regular Parks, Recreation, and Community Services Committee meeting. Please inform the Recreation Director if you are unavailable to attend.

#### **4. Summer Programs**

The 2010 Summer Programs starts on Monday, July 5th. Registration numbers are high for both the Kinderskills Program and the Day Camp. The Kinderskills program have the maximum numbers of 30-35 youth with some participants on ½ day bases and others on a wait list.

Since receiving the list from the Summer Program Coordinator, there is an addition of approximately 12 more youth on average per week. The numbers seem to be increasing still to date.

#### **5. Facebook Page**

The Town of Portugal Cove – St. Philip’s Recreation Department now has a facebook page. This page will allow us to advertise events easily to all members as well as send out any notifications. This information was placed in the July Newsletter to allow anyone who would like to be a member to sign up. The process to become a member is to go to the group page on your own facebook page, then search PCSP Recreation. Click the “Become a Member Link”.

### **Public Works Committee – July 2, 2010**

#### **1. Letter from Memorial United Church Re: Gravel Road to old Cemetery.**

A letter requesting Town assistance with the maintenance of the gravel roadway was presented to committee. The Town Manager/Engineer has been instructed to respond to the Church letter to explain the position of the Town. At this time the Town cannot assist in the maintenance of this road.

#### **2. Tank Repairs for Fire Department Pumper #1**

The committee was informed that the tank has been repaired a number of times in the past. It is now beyond repair and must be replaced. Staff will forward quotes for a new tank to the Administration and Finance Committee for their consideration.

#### **3. Acquisition of Land Process for Road Construction**

The committee discussed the process that is followed when acquiring land for roads as a result of inquiries by a number of residents. The committee was informed by staff that a number of road projects from last year are finishing up now. The last step in the road process is the settling of the acquisition agreements.

#### **4. Ditching at Windsor Heights**

Residents of Windsor Heights had contacted the Town requesting ditching. Committee was informed that ditching at Windsor Heights has been finished.

#### **5. Salt and Sand Storage**

The committee was informed of problems arising at the Town’s winter salt and sand storage facility as a result of the Ferry Terminal improvements. Staff is to contact the Department of Transportation and Works to get more information.

#### **6. Inspection Camera**

The committee was informed that the Town is preparing to tender for a budgeted inspection camera for Public Works. The tender specifications need to be developed. A strategy for developing a suitable specification was discussed. As soon as the specification is available staff will place an ad to tender for the equipment.

#### **7. Vehicle Use Policy**

The Town Manager is to develop a new vehicle use policy for the Town. A draft of the document will be prepared for the next public works committee meeting.

**8. Ferry Terminal area clean-up**

The committee is forwarding the issue of ferry terminal clean-up to the Parks and Recreation Department to see if this area of Town can be targeted by the volunteer group, Garbage Guzzlers.

**9. Newly Named Roads**

The committee was informed of two newly named roads in the community. No action is required at this time.

**Economic Development and Tourism – July 2, 2010**

**1. Town Tourism Brochure**

The brochure has been ordered and is gone to print. Committee is trying to expedite the process that the brochure might be available for distribution at the St. Philip's Regatta on July 10th, 2010.

**2. Business Beautification Awards**

Committee has acquired information on the same and is currently drafting a set of guidelines for such an award. Committee discussed the incentive for businesses to take part in such a project. An award will be given (TBA), as well as that business will also be included and highlighted in the Town's annual full page submission to the Telegram's Horizons edition. The Executive Assistant will be contacting the Town of Surrey, BC for a copy of the guidelines that they use for their own Commercial Property Awards. Please see attached for info.

**3. Technical Park**

A meeting is being scheduled with the Northeast Avalon Regional Economic Development Board with a vision of a technical park within the Town. Some of the REDB staff are on annual leave and will contact staff in the near future with an appropriate meeting time. In the meantime, The Development Control Officer will be providing an update for Council on Town owned land and which surrounds the Town's Municipal Complex, inclusive of zoning etc., to ensure that a technical park would fall within the zoning requirements and regulations. Committee will provide updates as that are brought to light.

**Edu – Rec Center – July 2, 2010**

Councillor Moses Tucker presented a verbal report and tabled a brief report which states that the Ad hoc committee met and Mr. Tom Tulk was present and advised he will be doing a follow-up with the School Board regarding a reply to Council's letter concerning the Edu-Rec Center. The Director of Financial Operations will determine funding resources for the Edu-Rec Center and provide an update for next committee meeting.

**Public Relations and Communications – June 30 2010**

**1. Newsletter Update**

Committee discussed newsletter content as well as departmental content. In the future every department will be responsible for submitting an article or update for the newsletter to let residents know what is going on with regards to the different functions of the Town. Therefore, each month, department heads will meet to discuss the same. July's newsletter will be in mailboxes on Tuesday, July 6th.

**2. Press Kits**

Press kits have been ordered and are currently being printed. They should be received during the week of July 5-9th.

**3. North East Avalon Times Distribution**

Staff will be contacting the editor and owner of the North East Avalon Times to have copies of the publication dropped off at the Town office after printing each edition. Committee feels this could be another way to distribute important Town news.

**4. Public Relations & Community Event**

Committee will be distributing town promotional material at the upcoming St. Philip’s Regatta to promote other town events as well as town awareness.

**5. Heritage Canada Conference (October 2010)**

Committee will be looking at the cost to send a representative of the Town’s Heritage Ad hoc Committee to the up-coming Heritage Canada Conference taking place this year in St. John’s, in October. Committee will include an agenda and fee schedule when they are available on the Heritage Canada website.

**Administration and Finance Committee – June 30, 2010**

**1. Accounts for Payment and review of bi-weekly financial reports**

Motion: J.Tucker/M.Tucker  
2010-218 Resolved that Council pay the accounts as follows:  
Regular accounts - \$13,443.09  
2010 Road Upgrading & Paving - \$57,052.23  
For a total of \$70,495.32

Carried  
Unanimously

**2. MNL Bursary Program**

Motion: J.Tucker/Duggan  
2010-219 Resolved that the Town pay \$500 to MNL toward their bursary program for the upcoming MNL Convention and that the money is specifically used toward the delegate fees for smaller municipality members to attend the convention.

Carried  
Unanimously

**3. Municipal Assessment Agency – scholarship**

Correspondence was received from the Agency regarding the Clar Simmons Scholarship Award which is in memory of Mr. Simmons who passed away in 2004 and was their Business Manager from 1998 to 2004. The scholarship is available to children/grandchildren or wards of a municipal council member or employee and details for qualification are outlined in the brochure as circulated to Council and Staff.

**4. Quotes for Flower Beds**

Motion: J.Tucker/Whitten  
2010-220 Resolved that the Town hire the services of Bickerstaffe Nurseries to provide materials and labor to plant annuals in the Town Hall planter and perennials in two Town signage boxes.

Carried  
Unanimously

**5. Letter from Wm. Lamswood re old St. Philip's Church**

Committee reviewed the correspondence which addressed safety concerns. The letter will be acknowledged pending the outcome of information the Town Manager receives from the Town lawyer.

**6. Complaints concerning the Fire Department Operations**

The Town Manager will respond to the four complaint letters addressing the concerns and issues accordingly.

**7. Land for Edu Rec Center**

Committee discussed this issue at length and requested staff to provide information regarding how much land the town already has and the location of same. Staff will also retrieve previously drawn up concept plans for the proposed facility so that committee can review this information before proceeding.

**8. Server upgrades**

The Town Manger explained the need for upgrades to the network server and the additional requirement for a dedicated server to enhance the cell phone email service. As this is a budgeted item, committee agreed that staff proceed with the purchase of these items.

Note: Councillors Moses Tucker added that it is very important that we look at having file/server room upgraded to allow for adequate air circulation/ventilation for the servers to avoid possible computer malfunctions.

Addendum to the Admin Finance Committee Report of June 30, 2010:

**9. Consultation Services for the position of Fire Chief**

Motion:  
2010-221

J.Tucker/M.Tucker  
Resolved that Council hire retired Fire Chief Richard Murphy to provide consultation services for the position of Fire Chief and pay him a flat rate of \$2,000 for the six detailed services as listed in his offer letter. Furthermore, after the Fire Chief position has been filled, that Council also enlist Mr. Murphy's services at the rate of \$50.00 per hour on an as needed basis to assist the Fire Chief in the transition process.

Carried  
Unanimously

**CORRESPONDENCE**

**1. Dept. of Municipal Affairs – Engineering & Land Use Planning Division**

Re Occupancy & Maintenance Regulations – for info  
(Dept. will amend , at the Town's cost, and add Portugal Cove-St. Philip's to the communities listed in the Schedule of Regulations.)

**2. Dept. of Environment & Conservation – Water Resources Management Division**

Re Study on Identification of Sewer Overflows in NL – for info  
Consultant Hatch Mott MacDonald Ltd. will be contacting towns for possible site visits.

- 3. Daffodil Place** – Mayor received a thank you letter for the Town’s contribution with an update on their progress at Daffodil Place

**NEW BUSINESS**

- 1. Congratulations to Councillor Moses Tucker**

Councillor Duggan expressed congratulations to Councillor Tucker on his retirement from the RCMP.

- 2. Spill at Bay Bulls Big Pond**

Councillor Duggan suggested that the Town write the City of St. John’s to express our appreciation for their clean up efforts for the recent spill into Bay Bulls Big Pond.

- 3. Minutes of NEAJC – meeting held June 16**

Circulated by Councillor Duggan

- 4. Mayor’s report:**

Mayor Fagan gave an update of some of his activities since the last the last council meeting as follows:

- June 26<sup>th</sup> St. Lawrence Church consecration events
- Memorial Day wreath laying ceremony
- Canada Day events and parade
- Mayor and Council met with Minister Whalen and Dept. members covering a wide range of topics and it was a successful meeting

- 5. Regulation Amendments**

Councillor Neary advised that as a result of recent development issues, Council has drafted some amendments to the development regulations to allow for some flexibility. These will hopefully be finalized in the near future.

- 6. Regatta week events**

Councillors Neary and Whitten attended the Regatta Dinner Theatre and expressed thanks to Recreation Director and staff for a great job in organizing this event. Mayor Fagan and Deputy Mayor Tucker attended the successful card game at the recreation center which was hosted by the Women’s Institute.

**ADJOURNMENT:**

Motion: Duggan/Neary  
2010-222 Resolved that this meeting be adjourned. Time 8:30 pm.  
Carried  
Unanimously

---

Mayor Bill Fagan

---

Judy Squires, Town Clerk