



TOWN OF PORTUGAL COVE-ST. PHILIP'S

Public Meeting August 17, 2010 7:30 p.m.

IN ATTENDANCE:	Mayor	Bill Fagan
	Councillors:	Joe Duggan
		Doug Neary
		Jane Tucker
		Moses Tucker
		Patsy Whitten
	Town Manager	Chris Milley
	Town Clerk	Judy Squires
	Planning Technician	Les Spurrell

Also in Attendance: Gallery of 20 in attendance.

Mayor Fagan called the meeting to order noting that Councillor Gordon Tucker was absent.

ADOPTION OF AGENDA

Motion: Duggan/Neary
2010-264 Resolved that the **August 17, 2010** agenda be adopted.
Carried
Unanimously

ADOPTION OF MINUTES

Motion: Whitten/Neary
2010-265 Resolved that the Minutes of the **Regular Public Meeting held August 3, 2010**, be adopted.
Carried
Unanimously

BUSINESS ARISING Mr. Milley presented a verbal Town Manager's report.

COMMITTEE REPORTS

Planning and Development Committee Report – August 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. The following are recommendations from the Planning and Development Committee:

**1. Civic # 1848-1852 Portugal Cove Road
Accessory Building, Zoning: Heritage Community (HC)**

Motion: Neary/Duggan
2010-266 Resolved that due to the presence of limiting topographic features in the rear and side yards of property at Civic # 1848-1852 Portugal Cove Road, that the application to construct a 62.4 m² accessory building in front of the building line setback be conditionally approved, in accordance with Development Regulation 38, 2b and Schedule C: Heritage Community.

Carried
Unanimously

**2. Civic # 169 Nearys Pond Road
Dwelling Extension, Zoning: Residential Infill (RI)**

Motion: Neary/M.Tucker
2010-267 Resolved that the application for Civic # 169 Nearys Pond Road be conditionally approved, permitting the construction of a dwelling extension (sunroom). Conditional approval shall be in accordance with Development Regulation 49, Non-Conforming Use and shall be subject to approval from Department of Environment and Conservation.

Carried
Unanimously

3. Civic # 116 Bennetts Road - Written complaint regarding a quarry operation (screening of topsoil)

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

4. Eastern Newfoundland Regional Appeal Board – Registered Appeals

Board writes requesting information on the following registered appeal:

i) Civic # 37 Farm Road (subdivision)

Staff will forward information.

5. Civic # 8-14 Dans Road - Request to extend conditional approval for an 18 lot subdivision.

Policy on extending Conditional Approvals does not allow subdivision of land for more than three dwellings.

Motion: Neary/Duggan
2010-268 Resolved that Council approve an amendment to Section 3 of the 'Policy on the Extension of Existing Conditional Approvals' by deleting the last sentence of the current Policy which reads "Extensions involving more than three dwellings will not be considered." The purpose of the amendment is to allow a conditional approval for a subdivision of more than three lots to be extended for a further one year period.

Carried
Unanimously

The amended Policy will read:

3. Policy Statement

The purpose of this policy is to clarify the process of extending the expiry date of an existing conditional approval.

This policy shall apply to all requests for an extension to an existing conditional approval.

In recent times, it has been increasingly common that applicants are requesting an extension to their Conditional Approval.

Council wishes to accommodate the situation where a Conditional Approval is about to expire or has expired within the last ninety days and the applicant requests an extension. This Policy will only apply to a limited class of Conditional Approvals. It will cover only those for which no Municipal rules or regulations have changed and where no changes are involved.

6. Policy regarding Town Employees entering Private Property

Pursuant to the authority conferred by Section 158 of the Municipalities Act, 1999, and Regulation 33 – Right of Entry of the Town’s Development Regulations. Staff to advise property owners regarding site visits when possible.

7. Conditions for obtaining permits

Surveys will be required with all applications for development (other than General Repairs and Maintenance, if not available).

8. Civic # 1236 Thorburn Road - Unkempt property

Update – Due to a flooding problem in basement of dwelling at Civic # 1236 Thorburn Road the owner has requested a 30 day extension to the deadline to have the debris upon the property removed. Committee has agreed to the deadline extension. The property owner will be forwarded a letter advising them of the extended deadline date (September 24, 2010).

9. Civic # 123 Beachy Cove Road

Developer is requesting clarification on the minimum lot size and frontage required for the ten lot fully serviced subdivision at 123 Beachy Cove Road (conditionally approved on June 8, 2010). Committee confirms that Schedule C: Residential Medium Density Development Standards require a minimum lot size of 470 m² and a minimum frontage of 15 meters.

10. Letters sent regarding Rescinding of Motions appealed under Regulation 10

Held discussion regarding the wording of correspondence sent.

11. Roses Lane – Reconstruction of garage

Resident will be asked to submit an application.

12. Country Gardens\Paradise – Boundary Issue

Mayor Fagan and Councilor Neary will consult with Municipal Affairs regarding the issues surrounding the building lots that are partially located within Paradise.

- 13. Civic # 1565 Portugal Cove Road (Subdivision) - Conditions for development**
Staff will correspond with the developer regarding the restoration of the buffer area of Murrays Pond brook.
- 14. Civic # 542-544A Bauline Line Extension – Quarry Operation**
Staff will set a meeting with the operators of the quarry.
- 15. City of St. John’s Watershed Issue**
Discussion held regarding the development at Civic # 99-101 Bennetts Road.

Separate Electrical Service approved by Planning Department:

- 16. Civic # 249-253 Bauline Line Extension – Accessory Building**
Submitted for Information

Permits Issued from July 23, 2010 to August 9, 2010

#	Permit	Issued Date	Civic	Street name	Permit Type
1	10-181	7/26/2010	350-360	Beachy Cove Road	General Repairs & Maintenance
2	10-182	7/26/2010	1418	Thorburn Road	Accessory Building
3	10-182	7/26/2010	1418	Thorburn Road	Single Dwelling
4	10-183	7/27/2010	25-31 B	Round Pond Road	Accessory Building
5	10-184	7/27/2010	1604-1610	Portugal Cove Road	Commercial Building Ext
6	10-185	7/28/2010	5	Honeysuckle Hill	Single Dwelling
7	10-186	7/29/2010	1382-1386	Portugal Cove Road	Other - Removal of Materials
8	10-187	7/29/2010	945-947	Indian Meal Line	General Repairs & Maintenance
9	10-188	7/29/2010	33	School Road	Accessory Building Ext
10	10-189	8/3/2010	11	Netherwood Street	Single Dwelling
11	10-190	8/6/2010	6-10	Dogberry Hill Road Ext.	Phase I Engineering
12	10-191	8/9/2010	214	Bauline Line Extension	General Repairs & Maintenance

Parks and Recreation Committee- August 10, 2010

- 1. Soccer Field Tender**
The Recreation Director will be preparing a tender for top dressing soil and seeding for the second smaller soccer pitch that has been constructed this past summer. Once the tender has been prepared, it will be reviewed by staff and recreation committee then forwarded to the Northeast Avalon Times and the Telegram for public tender. It will also be placed on the Town website.
- 2. Neary’s Pond Upgrade**
The Recreation Director received an email from a resident regarding a small area of Neary’s Pond Beach, where Neary’s Pond Road intersects with Western Gully Road. The resident is asking if the Town could place some sand in the beach area for easy access for swimmers, make the open space area larger, include picnic tables, and a playground. Although the committee agrees that this is a good idea, the money is not in the budget for this project this year. However it will be including in the 2011 budget for consideration. The committee feels that any funds from the 2010 budget not used for their allocated projects, would be used for the park projects.

3. Windsor Heights Playground

A letter was sent to residents living on Joyce Crescent, in the area where the Windsor Heights Playground was going to be constructed. When the residents received the letter and spoke with their neighbors, a number of complaints came into the Recreation Department. Listed below are the complaints:

- a. Location is on a dangerous blind turn.
- b. Lights would be a hinder.
- c. No place to park.
- d. Teenage hangout. Already mayor problems with this.
- e. No privacy for the neighbors living next to the playground.
- f. Property owner concerned with the disturbance of their well.
- g. Too small of an area to even leave a tree line for privacy.

Recreation committee would like to see a playground in Windsor Heights but has advised staff to look for an alternative location for the park.

4. Community Directory

The Recreation Director will look into completing a Community Directory for Parks, Recreation and Community Services over the next few months. This directory will include all businesses, non-profit organizations, community groups, and recreation groups and all their contacts.

5. Killick Coast Games

The Killick Coast Games were an overall success. The Town of Portugal Cove – St. Philip’s had approximately seventy youth participate in the games. PCSP captured gold medals in 11-13 years Soccer, 14-17 years Soccer, and 14-16 years softball. We also captured silver in 14-16 years Softball. Although we didn’t received medals in 11-13 years ball hockey or 14-17 years basketball, the teams did very well and represented our community with pride. Thanks to all coaches, parents, and participants of the games.

6. Minor Soccer Fund-raiser

The PCSP Minor Soccer Association will be sending an Under 12 team to England in 2011. A representative from the organization contacted the Recreation Director and requested the use of the softball field free of charge for a tournament fundraiser.

Motion: Duggan/Whitten
2010-269 Resolved that the Town waive the fee for the softball tournament on September 24th weekend.

Carried
Unanimously

The Recreation Director will contact the Northeast Avalon Times to try and get some coverage for this team. We will also highlight them in the Town Newsletter. The Recreation Committee invited a representative of the PCSP Under 12 Team to come forward a make a presentation to Council.

Karen McCarthy and Cathy Williams spoke to Council and gallery and gave an in depth presentation. They respectfully requested and thanked Council for any support financial or otherwise and offers to assist the team with their endeavor.

Public Works Committee – no meeting or report

Economic Development and Tourism – August 11, 2010

1. The West Point Cemetery

This Cemetery has been designated an Historic Site by the previous Town Council of PCSP. The committee had questions and concerns and it was suggested that staff and the Ad-Hoc Heritage Committee be tasked with finding answers to these questions.

2. Technical Park

Christine Snow, from the Economic Development Board will be invited to provide information about requirements for establishing a Technical Park for PCSP and to give an overview of the success of a similar project at Bishop's Falls.

Town owned land next to the Town Hall may be a suitable site for this Park along with the new Recreation Centre. Further investigation on this matter will be assigned to staff.

3. Business Beautification in the Town

Staff will be tasked with developing criteria to inform the Town's Businesses of this plan by Council and owners will be invited to beautify their Properties for which awards will be presented by the Town on an annual basis.

Public Relations and Communications – August 11, 2010

- 1) **Technology Green Project** – committee discussed the project and the upcoming deadline for the funding proposal in October. Staff was updated on past discussions and possibilities for the project with respect to eliminating the use of paper in council chambers, the towns records management and document control opportunities. Staff will proceed with the funding application after investigating funding options and initiating requests for technology specifications and quotes.
- 2) **Neighbourhood Watch Information Session**- an information session is to be held on Sept. 2nd in the town's council chambers. A member of the RNC and the Neighbourhood Watch Coordinator from the City of St. John's will be in attendance. All community members are invited to attend to learn about the program and how they can start a neighbourhood watch in their area. Staff will contact community members who have already voiced their interest in becoming a part of this program to ensure they have an opportunity to come to the session.
- 3) **Heritage Committee** – committee discussed the next meeting date for the committee. will be Wed. Sept. 8th at 7:00pm at the town hall. Staff will ensure all committee members are contacted about the meeting date and that every member has a copy of the minutes from previous meetings.

Committee requested that 3 members of the Heritage committee be approved by the Administration and Finance committee to attend the National conference in the fall.

The National Heritage Foundation of Canada released a press release on August 10, 2010 that the St. Philips Anglican Church of Portugal Cove – St. Philips was listed as one of the top ten endangered heritage sites in Canada.

- 4) **Website review** – committee discussed the current content of the town’s website. It was decided that this new website needs to be top priority in getting detailed, updated, and current information on our town as well as background information on its history. Errors need to be corrected and more photos added that reflect the scenic nature of our town. The committee also requests that any community members who have pictures that represent our town to please send them in.
- 5) **Newsletter** – committee discussed the current monthly issuing of our newsletter. It was decided that a review will be done on the quality and the content of the monthly release to determine its effectiveness as a communication tool.
- 6) **Welcome Kits** – committee discussed the welcome kits that will be distributed to new community members when they move in to our town. Many of the documents are now complete and ready to be used; however, we still need a brochure that has a list of amenities in our town. A listing of volunteer organizations, businesses, churches, schools and sports groups need to be put together in brochure format. Staff will start the process of creating this document.

Administration and Finance Committee – July 28, 2010

1. Accounts for Payment

Motion: J.Tucker/Neary
2010-270 Resolved that Council pay the attached listed accounts as follows:
Regular accounts - \$27,096.23
Multi-Year Capital Works - \$16,857.15
Building Canada Fund - \$51,632.06
For a total of \$95,585.44

Carried
Unanimously

2. Gas Tax Funding – Revised Capital Investment Plan

The Director of Financial Operations reviewed the revised Capital Investment Plan for the Gas Tax Funding with the committee.

Motion: J.Tucker/Duggan
2010-271 Resolved that council approve the submission of a Revised Capital Investment Plan relating to Gas Tax Funding for the years 2006 to 2009 in the amount of \$743,002.44 to cover the approved funding of \$722,483.07 which specifically related to work performed on Emberleys Road , Dogberry Hill intersection and Farm Road as well as Parrott Place, Somerton’s Lane, Carrigan Place, Copperhead Road and Mallborough Place.

Carried
Unanimously

3. Killick Coast

Motion: J.Tucker/Duggan
2010-272 Resolved that the Town host a recognition party for youth and coaches from Portugal Cove-St. Philip's who participated in the Killick Coast games subject to funding from the budget.

Carried
Unanimously

4. CUPW Resolutions

Motion: J.Tucker/Duggan
2010-273 Resolved that Motion 2010-262 be amended to read "Resolved that Council support both resolutions (attached to and forming part of these minutes) put forward by CUPW relating to the Canadian Postal Services Charter and the Peoples Postal Declaration and that these be forwarded to appropriate parties as requested." ; and furthermore, that the reference to present these at the upcoming Municipalities Newfoundland and Labrador Convention be deleted from Motion 2010-262.

Carried
Unanimously

5. Operational Review

The Town Clerk provided committee with names of consulting companies that specialize in this area. Councillor Moses Tucker will review the list and move forward with this project.

6. Fire Chief – Job Ad

Richard Murphy, the consultant hired to assist the Town in this process, has prepared the job description and the job ad which has been sent to the Telegram for advertisement on August 14th and August 21st. The competition closes on Friday, August 27th after which time Mr. Murphy will review the applications and select participants to be interviewed. Mr. Murphy also met with the Town Manager and the current Volunteer Fire Chief. They will also meet with the fire department membership.

7. Resolution for MNL re Third Party Appeals

Whereas Section 40-46 of the Urban and Rural Planning Act sets out the right for individuals to appeal decisions of Council, including which decisions of a Council may be appealed, and

Whereas Councils are not infallible and may err in decisions, and

Whereas this right of appeal provides these individuals, who feel their matter may not have been fairly dealt with, (offers) another opportunity to review a Council's decision, and

Whereas this process becomes confusing when a third party, who is not affected directly and personally by the decision of Council and who did not submit an application, appeals a decision that was made in favour of a resident, and

Whereas this third party appeal causes inconvenience, loss of time and funds to the party on whose behalf the Council made a decision, and (continued)

Whereas this third party appeal often appears to be made for no other reason than to be disruptive and vexatious towards a Council decision,

Motion: J.Tucker/Whitten
2010-274 BE IT RESOLVED THAT MNL ask the Provincial Government of Newfoundland and Labrador to clarify Section 42 of the Urban and Rural Planning Act so that the statement: "A person or an association of persons aggrieved of a decision" be clarified to mean a person or an association of persons DIRECTLY and PERSONALLY aggrieved by a decision of Council whose application was denied or approved by Council, and not allow a third party through an appeal to inflict hardship on a resident in respect of whom Council has made a decision.

Carried
Unanimously

8. Heritage Canada 2010 Convention

Motion: J.Tucker/Duggan
2010-275 Resolved that Council approve the registration costs of \$350 per person for three members of the ad hoc Heritage Committee to attend the national Heritage Canada convention being held in St. John's for this year.

Carried
Unanimously

ADDENDUM:

9. Road Gravel – 2010 Three Year Contract

Motion: J.Tucker/Duggan
2010-276 Resolved that Council award the tender for the supply and delivery of Class 'A' Road Gravel for three years to Farrells Excavating Limited for the lowest tendered price of \$9.85 per tonne including HST.

Carried
Unanimously

CORRESPONDENCE

- (a) Citizenship and Immigration Canada – for info re changes to Multiculturalism Program – for information**
- (b) Museum Association of NL – re membership renewal – referred to Admin Finance**
- (c) MNL Brochure re Resolutions and Convention Updates – deadline extended to Aug. 23rd for resolutions. Convention details included.**

NEW BUSINESS

1. Mayors report of activities

Mayor Fagan highlighted some of the activities he participated in since the last meeting which included attending: opening of 2010 Triathlon, opening and closing ceremonies for Killick Coast Games as well as a couple of events during the week, and the 5th Annual End of Season Regatta in Portugal Cove.

2. Deputy Mayor Tucker brought forward two items as follows:

(a) End of Season Regatta

The Regatta organizing committee is to be commended for a successful and well attended event.

(b) Old St. Philip’s Church

Deputy Mayor Tucker advised that there were no appeals filed pursuant to the two decisions of the Eastern Regional Appeal Board .
Councillor Moses Tucker noted that the Town received a letter received from our lawyer indicating that the time limit did not apply.
The letter will be reviewed.

ADJOURNMENT:

Motion: Duggan/Neary
2010-277 Resolved that this meeting be adjourned. Time 8:25 pm.
Carried
Unanimously

Mayor Bill Fagan

Judy Squires, Town Clerk

